

No. 72
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, November 29, 2000.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—excused
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Reverend Thomas Nenneau of Queen of the Miraculous Catholic Church of Jackson offered the following invocation: All powerful and eternal God, You have revealed Your Glory to all nations. God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed.

We pray for those who serve our great state of Michigan, for the Governor, for the members of our Legislature, especially this Senate, for judges, elected civil officials, and all others who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their duties with honesty and ability.

We likewise commend to Your unbounded mercy all the citizens of our state and of all the United States that we may be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in union and that peace which the world cannot give, and after enjoying the blessings of this life, be admitted to those which are eternal.

We pray to You who are our Lord and God forever and ever. Amen.

Motions and Communications

Senators Gast and A. Smith entered the Senate Chamber.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the following concurrent resolution:

House Concurrent Resolution No. 122

The motion prevailed, a majority of the members serving voting therefor.

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senators Van Regenmorter and Hoffman admittance to the Senate floor.

The motion prevailed, a majority of the members serving voting therefor.

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:05 a.m.

10:14 a.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators Jaye, McManus and Dunaskiss entered the Senate Chamber.

During the recess, Senator Van Regenmorter introduced Alberta Visser and other family members of the victims and survivors of the World War II British Troopship, the *HMT Rohna*, and presented them with Senate Resolution No. 76.

Ms. Visser responded briefly.

Senator Emerson moved that Senator Byrum be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senators V. Smith and Vaughn be excused from today's session.

The motion prevailed.

Senator Rogers moved that rule 2.106 be suspended to allow the Committee on Health Policy to meet during Senate session.

The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:15 a.m.

11:24 a.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators Hammerstrom, Shugars, Murphy, Byrum and Schwarz entered the Senate Chamber.

Senator Rogers moved that rule 2.106 be suspended to allow the Committee on Economic Development, International Trade and Regulatory Affairs to meet during Senate session.

The motion prevailed, a majority of the members serving voting therefor.

Senator Rogers moved that Senators Schuette, McCotter and Steil be temporarily excused from balance of today's session.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Messages from the House**Senate Bill No. 404, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

The House of Representatives has rejected the report of the Committee of Conference and has appointed Reps. Law, DeWeese and Schauer as second conferees.

The message was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

November 29, 2000

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the second conference committee on Senate Bill 404.

Senator Shugars
Senator Schwarz
Senator Murphy

Sincerely,
Dan L. DeGrow
Senator Majority Leader

The communication was referred to the Secretary for record.
The bill was referred to the second conference committee.

Senator Emerson moved that Senators Peters and Leland be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Rogers moved that the Committee on Judiciary be discharged from further consideration of the following bill:
Senate Bill No. 1116, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 448, 449, 450, 451, and 462 (MCL 750.448, 750.449, 750.450, 750.451, and 750.462).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

Senate Bill No. 1116

The motion prevailed, a majority of the members serving voting therefor.

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on their immediate passage:

Senate Bill No. 1278

Senate Bill No. 977

The motion prevailed, a majority of the members serving voting therefor.

The President pro tempore, Senator Schwarz, assumed the Chair.

Senators Schuette, McCotter, Steil, Peters and Leland entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, November 28:

House Bill No. 6091

The Secretary announced the printing and placement in the members' files on Wednesday, November 29, of:

**House Bill Nos. 6148 6149 6150 6151 6152 6153 6154 6155 6156 6157 6158 6159 6160 6161
6162 6163 6164 6165 6166 6167 6168 6169**

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 1241, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102 and 902 (MCL 450.4102 and 450.4902), as amended by 1997 PA 52.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Rogers moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 5548

Senate Bill No. 1400

Senate Bill No. 1432

Senate Bill No. 1433

The motion prevailed.

The following bill was read a third time:

House Bill No. 5548, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as added by 1993 PA 133.

The question being on the passage of the bill,

Senator Cherry offered the following amendments:

1. Amend page 7, line 15, after "FOR" by striking out "A" and inserting "AN ABORTION RELATED MEDICAL".

2. Amend page 11, line 20, after "PAYMENTS" by inserting "FOR AN ABORTION OR ANY ABORTION RELATED MEDICAL SERVICE".

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 698**Yeas—27**

Bennett
Bullard
Cherry
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye

Koivisto
McCotter
McManus
Miller
North
Rogers
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—9

Byrum
DeBeausaert
Emerson

Johnson
Leland

Murphy
Peters

Smith, A.
Young

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Protest

Senator A. Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5548.

Senator A. Smith’s statement is as follows:

I opposed the passage of House Bill No. 5548, obviously, but I would like to thank the chairperson of the Health Policy Committee for removing language from the bill that was definitely inappropriate, and that was the language that linked abortion to breast cancer. I would like to thank the chair for her honesty and the integrity with which she dealt with that issue.

However, the language in this bill does restrict the information and the mechanisms that allow information to be disseminated for woman under the 24-hour waiting period. I know that the Senate added facts to the language, and I think that is an improvement to the House. And, again, my concern here is that there was a negotiated settlement—that took six years to reach—on the language and the mechanisms that would be allowed for individuals to receive information during the 24-hour waiting period. The House bill eliminates many, many parts of that agreement. So I voted “no” on the bill. I think it’s going to put us right back where we were six years ago while we work our way through the courts. And it really is a disservice, although a definite improvement from the bill that came over from the House.

The following bill was read a third time:

Senate Bill No. 1400, entitled

A bill to amend 1917 PA 273, entitled “An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000,” by amending the title and sections 1, 2, 3, 5, 6, 8, and 19 (MCL 446.201, 446.202, 446.203, 446.205, 446.206, 446.208, and 446.219), section 5 as amended by 1998 PA 233.

The question being on the passage of the bill,

Senator Schuette offered the following amendments:

1. Amend page 2, line 7, after “business.” by inserting “A PERSON, CORPORATION, OR FIRM CARRYING ON THE BUSINESS OF PAWNBROKER THAT WAS NOT REQUIRED TO OBTAIN A LICENSE BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE SHALL OBTAIN A LICENSE WITHIN 180 DAYS OF THAT EFFECTIVE DATE.”.

2. Amend page 3, following line 14, by inserting:

“(6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE AUTHORITY OF A GOVERNMENTAL UNIT TO ISSUE A LICENSE UNDER THIS ACT IS LIMITED AS FOLLOWS:

(A) A COUNTY MAY NOT ISSUE A LICENSE FOR A LOCATION WITHIN A CITY OR VILLAGE WITH A POPULATION GREATER THAN 3,000.

(B) A COUNTY MAY NOT ISSUE A LICENSE FOR A LOCATION WITHIN A CITY OR VILLAGE WITH A POPULATION OF 3,000 OR LESS OR WITHIN A TOWNSHIP IF THAT CITY, VILLAGE, OR TOWNSHIP HAS ESTABLISHED THE LICENSE FEE PURSUANT TO SUBSECTION (5).

(C) A TOWNSHIP MAY NOT ISSUE A LICENSE FOR A LOCATION WITHIN A VILLAGE WITH A POPULATION OVER 3,000 OR A VILLAGE WITH A POPULATION OF 3,000 OR LESS THAT HAS ESTABLISHED A FEE UNDER SUBSECTION 5.”.

3. Amend page 3, following line 15, by inserting:

“(A) “CHIEF EXECUTIVE OFFICER” MEANS ANY OF THE FOLLOWING:

(i) FOR A CITY, THE MAYOR.

(ii) FOR A VILLAGE, THE VILLAGE PRESIDENT.

(iii) FOR A TOWNSHIP, THE TOWNSHIP SUPERVISOR.

(iv) FOR A COUNTY, THE COUNTY EXECUTIVE OR, IF THERE IS NO COUNTY EXECUTIVE, THE PERSON DESIGNATED BY A RESOLUTION OF THE COUNTY BOARD OF COMMISSIONERS.” and relettering the remaining subdivisions.

4. Amend page 3, line 16, after “TOWNSHIP,” by striking out “CHARTER TOWNSHIP,”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 699

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0**Excused—2**

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Schwarz asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Schwarz's statement is as follows:

The Schuette amendment is adopted. We're going to do that with a bang of the gavel. Senator Smith has provided the student council at Southwestern High School in the city of Detroit with a new gavel, and she promised them it would be used in the Senate. So without breaking the gavel, I'm going to bang the gavel. It will have been used in the Senate and then presented by Senator Smith to Southwestern High School. So the Schuette amendment is adopted.

The following bill was read a third time:

Senate Bill No. 1432, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 700**Yeas—23**

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McCotter
McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—13

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto

Leland
Miller
Murphy

Peters
Smith, A.
Young

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1433, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 834 (MCL 500.834), as amended by 1995 PA 274.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 701**Yeas—36**

Bennett	Emmons	Koivisto	Schuetz
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0**Excused—2**

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 795, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 1996 PA 499.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Rogers moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1418, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109g.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 702**Yeas—32**

Bennett	Emerson	Koivisto	Rogers
Bullard	Emmons	Leland	Schuetten
Byrum	Gast	McCotter	Schwarz
Cherry	Goschka	McManus	Shugars
DeBeaussiaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Smith, A.
Dingell	Hart	North	Steil
Dunaskiss	Johnson	Peters	Young

Nays—3

Hoffman	Jaye	Van Regenmorter
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Excused—2

Smith, V.	Vaughn
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Not Voting—1

Stille

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1419, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109f.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 703**Yeas—33**

Bennett	Emmons	Leland	Schuetten
Bullard	Gast	McCotter	Schwarz
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussiaert	Hammerstrom	Murphy	Smith, A.
DeGrow	Hart	North	Steil
Dingell	Johnson	Peters	Stille
Dunaskiss	Koivisto	Rogers	Young
Emerson			

Nays—3

Hoffman	Jaye	Van Regenmorter
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Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Stille asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Stille's statement is as follows:

It seems I was having a senior moment when Senate Bill No. 1418 was taken up and missed the pushing of a button. Had I been alert, I would have voted "yes."

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 1395, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2 and 3 of chapter X (MCL 770.2 and 770.3), as amended by 1998 PA 407, and by adding section 16 to chapter X.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 4, line 21, after "PETITION" by striking out "SHALL BE FILED NOT LATER THAN JANUARY 1, 2006." and inserting "MAY BE FILED AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS AMENDATORY ACT THAT ADDED THIS SECTION."

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Peters requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 704**Yeas—18**

Byrum
Cherry
DeBeaussiaert
Dingell
Emerson

Hammerstrom
Hart
Jaye
Johnson
Koivisto

Leland
Miller
Murphy
Peters

Schwarz
Smith, A.
Stille
Young

Nays—18

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hoffman
McCotter

McManus
North
Rogers
Schuette

Shugars
Sikkema
Steil
Van Regenmorter

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 705**Yeas—36**

Bennett	Emmons	Koivisto	Schuetten
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0**Excused—2**

Smith, V. Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Schuette and Peters asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schuette's first statement is as follows:

I urge rejection of the Peters amendment, and I also wish to talk about the full thrust of the bill.

Well, we're here today, and we had discussions on General Orders yesterday and in the Judiciary Committee earlier this month on this bill—the Michigan justice and innocence act. The reason we're taking this bill up is to make sure that in certain instances in post-conviction settings when a defendant goes through a series of steps in order to have new testing done of DNA, it has relevancy and is material to this whole issue, it has not been tested before, and not been tested with the current modern technology methods. We're making sure there's a consistent uniform approach throughout the state.

This whole issue of innocence is fundamental to our Constitution in Michigan and across the land. The presumption of innocence is as old as the republic itself. Whether you're a prosecutor or family members of the victim, member of the defense bar, or no matter what, we all have an obligation to make sure that any judgment we have in Michigan is based on fact, not fiction. We need verdicts based on truth, not doubt. That's the purpose of this bill.

DNA is the stuff of life. If you pick up a paper on your desk today and have a cup of coffee, if handled properly, your imprint is etched in stone. With the technology we have today, we need to make sure that our laws have kept up the pace with that. What we are doing today, frankly, is of time and stridency that we see too often. We have an effort

here where Republican and Democratic prosecutors, women and men who stand on the front lines of making sure that those who are innocent stay out of jail and lawbreakers are behind bars, have come together to work in common purpose and with goals. They are merged with the Innocence Project in Michigan and across the land to make sure that the focus is on the presumption of innocence and that no one who is innocent remains behind bars one day, which is wrong. We need to make sure we move on this bill because the Innocence Project here in Michigan and prosecutors across our state want to make sure there's a process in place so that there's equal justice and fair justice in any county in which you're incarcerated.

We passed out from the Cardozo School of Law, which houses Barry Scheck's Innocence Project, where it says that full processing of cases in this post-conviction DNA setting can take four or five years. That's why we've come up with this five-year time frame in this bill. Frankly, we're acting to the Cardozo School of Law where the Innocence Project on a national basis is housed where they say a four- to five-year time period is appropriate.

I also want to make note of the letters from Democratic prosecutors, Brian Mackey in Washtenaw and Stuart Dunning here in Lansing in Ingham County. Democratic prosecutors are saying this five-year time period is appropriate, joined by Republican prosecutors, Dave Gorsyka in Oakland and Bill Forsythe in Kent County and also John O'Hair in Wayne County who support this bill. The point here is we're putting in a framework that is fair, reasoned, and gives members of the bar the opportunity to work together to make sure that someone innocent has the opportunity to test and new standards.

But there needs to be finality, and there needs to be certainty and accuracy. Frankly, I think this is motivation to make sure that we get these petitions filed. It can be examined by a court to make sure we are working in a hasty fashion so that no one lingers behind bars. No prosecutor wants to have those defendants who may be innocent languish behind bars in jail. This is a process where we can get an opportunity to determine for a final time the innocence or the guilt of someone with material, relevant evidence and someone who has maintained innocence throughout.

What I would do is reject the Peters amendment. I'd ask that we pass this bill. It's a major portion of the criminal justice package moving through this chamber today.

Senator Schuette's second statement is as follows:

A couple of points: I think it is very important that people read the statute because there are certain provisions in here that says DNA testing would be available for a retest if it had not been subject to new methods of modern technology. So it contemplates other methods coming on line as well, so that there would be rights for a criminal defendant to have up-to-date modern technology testing in the future as well.

I've got to say we're doing here in this bill just what the Innocence Project advocates wanted. Barry Scheck's Cardozo Law School project says full processing of cases averages between four and five years. So we're merging the goals of the Innocence Project advocates, which I highly regard, and also the prosecutors, women and men on the front line making sure that our streets are safe and our communities are secure.

What has not been talked about here adequately is there is need for finality on this. You have to think about the victims and their families. The woman who's brutally raped can't be in limbo for years and years as to whether or not the person who is put behind bars is going to have a test and a retest, whether there'll ever be an end to it. We had to harness all of our resources to make sure that the presumption of innocence is there, but also make sure we acknowledge the rights of victims and their families. We ought to have compassion for them too.

I would reject the Peters amendment and pass this bill.

Senator Peters' first statement is as follows:

This amendment is a very similar one that was offered yesterday on General Orders, which deals with the effective date; where a person is able to come up with DNA evidence which would exonerate them and eliminate the time line.

Currently under the bill before us, a person who has a new DNA technology that becomes available may prove under no uncertain terms they're innocent as a result of this DNA evidence. Currently under law they need to do that within five years. This amendment would remove that five-year limitation and say that whenever that evidence becomes available, it would exonerate an innocent person who has been imprisoned and has DNA evidence as a result of new technology—which would prove under no uncertain terms their innocence. There would not be a technical limitation of five years, and they can prove their innocence at any time.

It's very straightforward; if you are an innocent person in jail and can prove that six years from now, seven years from now, or eight years from now, if you're innocent, you're innocent. You should not remain in prison. You should not be kept in prison as a result of a technical and arbitrary time limit of five years.

It is interesting that in the Judiciary Committee today we are going to take up a bill that would remove the six-year statute of limitations for filing charges in criminal sexual conduct cases if evidence of the violation is obtained and that evidence contains DNA samples that match the individual. In other words, there is no statute of limitations for DNA evidence to prove someone's guilt, but we are putting a limitation on evidence that may prove a person's innocence. I believe it is wrong to have a double standard, and it is wrong to have a person who can prove their innocence regardless of that time line. This amendment should be adopted.

Senator Peters' second statement is as follows:

I would like to respond briefly to the previous speaker and his concerns that evidence will degrade over time. I would like to reiterate what we are going to be taking this up in the Judiciary Committee in probably about a half an hour or a little bit later right after session. We are going to deal with a situation where we are going to remove the current six-year statute of limitations for filing charges if there is DNA evidence. I don't know if the chairperson will argue that this is an unwarranted bill because evidence will degrade, and therefore, he is not going to support this bill. I would be inclined to think because the good chairman put this on the committee agenda, he is going to support this bill that would remove the six-year—one year longer—statute of limitations for filing charges if someone is guilty of the charge.

We all know that DNA evidence is incredibly powerful evidence and can prove guilt in cases. If someone is guilty of a crime, they should definitely, without question, be brought to justice. And if DNA evidence does that, that should indeed be brought to bear to bring that person to justice. However, I strongly believe the flip side also should occur. If someone is innocent and DNA evidence proves that person innocent, that evidence should come forward to exonerate that person and release that person from jail. We've heard the gentleman from the 25th District as well as the previous speaker talk about people shouldn't stay in prison one day longer than they should if they have been unjustly imprisoned. I argue, why does it matter if we determine in five years and one month that that person should no longer be in jail? We say, "hey, tough luck. You're out of luck. You passed the five-year window. We know this evidence proves you are innocent beyond a reasonable doubt because of the scientific reliability of this DNA test. Too bad; you have to stay in jail." If we are willing to convict people longer than six years, in fact, have an unlimited amount of time to go after someone who is guilty of a crime, it makes good common sense that if someone is innocent, we should also allow that evidence. Please, I urge folks to support the amendment.

Senator Peters' third statement is as follows:

Perhaps the gentleman from the 35th District should read the bill as well. In fact, it says if the new technology comes on board, it still has to be within that five-year limit. In other words, if new technology comes on board after that five-year time period, tough luck. An innocent person may have to stay in jail; the five-year is still in effect. I believe if you can prove innocence, particularly with evidence as compelling and as powerful as scientific DNA testing, that innocent person has the right to have that evidence brought forward to exonerate him at any time with no arbitrary time limit.

The following bill was read a third time:

Senate Bill No. 1397, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 1998 PA 351.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 706

Yeas—36

Bennett	Emmons	Koivisto	Schuetz
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1398, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 451 (MCL 750.451).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 707**Yeas—36**

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0**Excused—2**

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1399, entitled

A bill to amend 1846 RS 14, entitled “Of county officers,” by amending section 60 (MCL 49.160).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 708**Yeas—36**

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz

Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1401, entitled

A bill to amend 1981 PA 7, entitled “An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 3, and 5 (MCL 801.261, 801.263, and 801.265), section 1 as amended by 1985 PA 46 and section 5 as amended by 1999 PA 28.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 709

Yeas—20

Bennett	Emmons	Johnson	Schuette
Bullard	Goschka	McCotter	Shugars
DeBeaussaert	Hammerstrom	McManus	Sikkema
DeGrow	Hoffman	Peters	Steil
Dunaskiss	Jaye	Rogers	Van Regenmorter

Nays—14

Cherry	Gougeon	Murphy	Smith, A.
Dingell	Hart	North	Stille
Emerson	Koivisto	Schwarz	Young
Gast	Leland		

Excused—2

Smith, V.

Vaughn

Not Voting—2

Byrum

Miller

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Miller stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

Senate Bill No. 1401

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 1116, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 448, 449, 450, 451, and 462 (MCL 750.448, 750.449, 750.450, 750.451, and 750.462).

The above bill was read a third time.

The question being on the passage of the bill,

Senator Schuette offered the following substitute:

Substitute (S-1).

The question being on the adoption of the substitute,

Senator Murphy offered the following amendments to the substitute:

1. Amend page 5, following line 18, by inserting:

“(7) THIS SECTION DOES NOT APPLY TO AN ESTABLISHMENT REGULATED UNDER SECTION 465B.” and renumbering the remaining subsection.

2. Amend page 6, line 1, after “NIGHTCLUB” by striking out the balance of the line and inserting “OR A RESTAURANT OR ANY”.

3. Amend page 10, following line 18, by inserting:

“SEC. 465B. (1) AN ON-PREMISE LICENSEE SHALL NOT ALLOW IN OR UPON THE LICENSED PREMISES A PERSON WHO EXPOSES TO PUBLIC VIEW THE PUBIC REGION, ANUS, OR GENITALS OR WHO DISPLAYS OTHER TYPES OF NUDITY PROHIBITED BY STATUTE OR LOCAL ORDINANCE.

(2) AN ON-PREMISE LICENSEE SHALL NOT ALLOW IN OR UPON THE LICENSED PREMISES THE SHOWING OF FILMS, TELEVISION, SLIDES, OR OTHER ELECTRONIC REPRODUCTIONS THAT DEPICT SCENES IN WHICH ANY PERSON EXPOSES TO PUBLIC VIEW THE PUBIC REGION, ANUS, OR GENITALS OR DISPLAYS OTHER TYPES OF NUDITY PROHIBITED BY STATUTE OR LOCAL ORDINANCE. THIS PROHIBITION DOES NOT APPLY TO ANY PUBLICLY BROADCAST TELEVISION TRANSMISSION FROM A FEDERALLY LICENSED STATION.

(3) AN ON-PREMISE LICENSEE SHALL NOT ALLOW IN OR UPON THE LICENSED PREMISES A PERSON WHO PERFORMS, OR SIMULATES PERFORMANCE OF, SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, FELLATIO, OR CUNNILINGUS.

(4) AN ON-PREMISE LICENSEE SHALL NOT ALLOW IN OR UPON THE LICENSED PREMISES THE SHOWING OF FILMS, TELEVISION, SLIDES, OR OTHER ELECTRONIC REPRODUCTIONS THAT DEPICT SCENES IN WHICH A PERSON PERFORMS, OR SIMULATES PERFORMANCE OF, SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, FELLATIO, OR CUNNILINGUS. THIS PROHIBITION DOES NOT APPLY TO ANY PUBLICLY BROADCAST TELEVISION TRANSMISSION FROM A FEDERALLY LICENSED STATION.

(5) IF AN ON-PREMISE LICENSEE OFFERS ENTERTAINMENT IN WHICH PERFORMERS ARE REQUIRED TO CHANGE COSTUMES OR ATTIRE, THE LICENSEE SHALL PROVIDE AND MAKE USE OF DRESSING FACILITIES SET ASIDE FOR USE BY MALE AND FEMALE PERFORMERS.

(6) AN ON-PREMISE LICENSEE SHALL NOT ALLOW THE USE OF RESTROOMS, PUBLIC ROOMS, KITCHENS, OR OTHER SIMILAR AREAS FOR THE CHANGING OF CLOTHING BY ENTERTAINERS.

(7) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A LICENSEE SHALL NOT ALLOW TOPLESS ACTIVITY ON THE LICENSED PREMISES UNLESS 1 OF THE FOLLOWING CONDITIONS IS MET:

(A) A TOPLESS ACTIVITY PERMIT HAS BEEN ISSUED TO THE ON-PREMISE LICENSEE BY THE COMMISSION.

(B) THE ON-PREMISE LICENSEE HOLDS AN ENTERTAINMENT PERMIT ISSUED UNDER R 436.1407 OF THE MICHIGAN ADMINISTRATIVE CODE THAT WAS USED TO PERMIT TOPLESS ACTIVITY ON THE LICENSED PREMISES BEFORE JANUARY 1, 1998.

(8) ON FEBRUARY 1, 1999, THE COMMISSION SHALL CONVERT AN ENTERTAINMENT PERMIT ISSUED UNDER R 436.1407 OF THE MICHIGAN ADMINISTRATIVE CODE TO A TOPLESS ACTIVITY PERMIT UNLESS:

(A) THE LICENSEE NOTIFIES THE COMMISSION THAT ITS ENTERTAINMENT PERMIT SHOULD NOT BE CONVERTED TO A TOPLESS ACTIVITY PERMIT, IN WHICH CASE THE ENTERTAINMENT PERMIT SHALL BE TERMINATED BY THE COMMISSION.

(B) THE LOCAL GOVERNING BODY IN WHICH THE LICENSED BUSINESS IS LOCATED SUBMITS A WRITTEN OBJECTION TO THE COMMISSION INDICATING THAT THE LICENSEE IS PROHIBITED FROM CONDUCTING TOPLESS ACTIVITY BECAUSE OF A LOCAL ORDINANCE OR AGREEMENT, OR IF THE LICENSEE WAS NOT CONDUCTING TOPLESS ACTIVITY PRIOR TO JANUARY 1, 1998.

(9) BEFORE THE ISSUANCE OF A NEW TOPLESS ACTIVITY PERMIT UNDER THIS SECTION, THE ON-PREMISE LICENSEE SHALL OBTAIN THE APPROVAL OF ALL OF THE FOLLOWING:

(A) THE COMMISSION.

(B) EXCEPT IN CITIES WITH A POPULATION OF 1,000,000 OR MORE, THE LOCAL LEGISLATIVE BODY OF THE JURISDICTION WITHIN WHICH THE PREMISES ARE LOCATED.

(C) THE CHIEF LAW ENFORCEMENT OFFICER OF THE JURISDICTION WITHIN WHICH THE PREMISES ARE LOCATED OR THE ENTITY CONTRACTUALLY DESIGNATED TO ENFORCE THE LAW IN THAT JURISDICTION.

(10) AN ON-PREMISE LICENSEE WHO IS ISSUED A TOPLESS ACTIVITY PERMIT SHALL NOT ALLOW THE ACTIVITIES PERMITTED BY THE PERMIT AT TIMES OTHER THAN THE LEGAL HOURS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR.

(11) AS USED IN THIS SECTION:

(A) "COMMISSION" MEANS THE MICHIGAN LIQUOR CONTROL COMMISSION.

(B) "ON-PREMISE LICENSEE" MEANS A PERSON LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, FOR CONSUMPTION OF ALCOHOLIC LIQUOR ON THE LICENSED PREMISES.

(C) "TOPLESS ACTIVITY" MEANS ACTIVITY THAT INCLUDES, BUT IS NOT LIMITED TO, ENTERTAINMENT OR WORK-RELATED ACTIVITY PERFORMED BY ANY OF THE FOLLOWING PERSONS ON THE LICENSED PREMISES IN WHICH THE FEMALE BREAST AREA, INCLUDING THE NIPPLE, OR MORE THAN 1/2 OF THE AREA OF THE BREAST, IS DIRECTLY EXPOSED OR EXPOSED BY MEANS OF SEE-THROUGH CLOTHING OR A BODY STOCKING:

(i) A LICENSEE.

(ii) AN EMPLOYEE, AGENT, OR CONTRACTOR OF THE LICENSEE.

(iii) A PERSON ACTING UNDER THE CONTROL OF OR WITH PERMISSION OF THE LICENSEE.".

The question being on the adoption of the amendments,

Senator Rogers moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senator Schuette moved that he be named co-sponsor of the following bill:

Senate Bill No. 1116

The motion prevailed.

Senator Hammerstrom moved that her name be removed as sponsor of the following bill:

Senate Bill No. 1116

The motion prevailed.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 1293, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending sections 3 and 5h (MCL 117.3 and 117.5h), section 3 as amended by 1999 PA 260 and section 5h as amended by 1994 PA 313, and by adding section 5j.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 10, line 11, by striking out all of enacting section 3 and inserting:

“Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 1116.
- (b) Senate Bill No. 1295.
- (c) Senate Bill No. 1296.
- (d) Senate Bill No. 1297.
- (e) House Bill No. 4327.
- (f) House Bill No. 5133.
- (g) House Bill No. 5134.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 710

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V. Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1295, entitled

A bill to amend 1945 PA 246, entitled “An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication

of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,” by amending section 1 (MCL 41.181), as amended by 1999 PA 257, and by adding section 1a.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 6, line 5, by striking out all of enacting section 3 and inserting:

“Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 1116.
- (b) Senate Bill No. 1293.
- (c) Senate Bill No. 1296.
- (d) Senate Bill No. 1297.
- (e) House Bill No. 4327.
- (f) House Bill No. 5133.
- (g) House Bill No. 5134.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 711

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1296, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 23 (MCL 78.23), as amended by 1999 PA 258, and by adding sections 24d and 24e.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 7, line 10, by striking out all of enacting section 3 and inserting:

“Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 1116.
- (b) Senate Bill No. 1293.
- (c) Senate Bill No. 1295.
- (d) Senate Bill No. 1297.
- (e) House Bill No. 4327.
- (f) House Bill No. 5133.
- (g) House Bill No. 5134.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 712

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V. Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1297, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending section 4 of chapter VI and section 1 of chapter VII (MCL 66.4 and 67.1), section 4 of chapter VI as amended by 1999 PA 259 and section 1 of chapter VII as amended by 1994 PA 314, and by adding section 1b to chapter VII.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 9, line 7, by striking out all of enacting section 3 and inserting:

“Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 1116.
- (b) Senate Bill No. 1293.
- (c) Senate Bill No. 1295.
- (d) Senate Bill No. 1296.
- (e) House Bill No. 4327.

(f) House Bill No. 5133.

(g) House Bill No. 5134.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 713

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The Assistant President pro tempore, Senator Hoffman, resumed the Chair.

The following bill was read a third time:

House Bill No. 4327, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending sections 1, 1a, 3, 5, 6, and 7 (MCL 722.671, 722.671a, 722.673, 722.675, 722.676, and 722.677), section 1a as added and sections 3, 5, 6, and 7 as amended by 1999 PA 33.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 10, line 3, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

(a) Senate Bill No. 1116.

(b) Senate Bill No. 1293.

(c) Senate Bill No. 1295.

(d) Senate Bill No. 1296.

- (e) Senate Bill No. 1297.
 (f) House Bill No. 5133.
 (g) House Bill No. 5134.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 714

Yeas—28

Bennett	Emmons	Jaye	Rogers
Bullard	Gast	Johnson	Schuette
Byrum	Goschka	McCotter	Shugars
DeBeaussaert	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	Miller	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Peters	Van Regenmorter

Nays—8

Cherry	Koivisto	Murphy	Smith, A.
Emerson	Leland	Schwarz	Young

Excused—2

Smith, V.	Vaughn
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4327 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s first statement is as follows:

I have in my possession, I’m sure others do as well, a letter from Borders Group, which is a Michigan-based company. I suspect most are familiar with them because they own and operate a number of bookstores. Of course, to call them bookstores is probably a narrow categorization because they do carry music, a number of publications, and often have some sort of coffee shop in their facilities. They have raised concerns in this letter about the impact of this bill on their operation. They note for example that they carry an excess of over 200,000 titles in their store and that the general language of House Bill No. 4327 would require Borders to go through some very significant changes in their operations, and that I think most people would consider to be inappropriate. I, for one, don’t question how they operate. I don’t think they come anywhere close to operating in a fashion that the bill sponsors and supporters intend or believe is offensive. But it’s clear the language of the bill raises questions that they must deal with if they wish to avoid any kind of future problems.

I empathize with the proponents of the bill and what they're attempting to accomplish, but I can't believe that they intend to require Borders to go through these kind of hoops so that they can simply do business in a way that any responsible bookstore owner would expect to do business. I am afraid that the bill is cast a bit broadly. Borders won't be alone in the concerns that they are raising in this letter. The letter itself has given me a great deal of concern and given me pause to think about to what extent this bill overreaches in its purpose.

Clearly, I don't question the intent of the bill sponsor, the committee chair, or anybody else who's worked on this bill. But it appears that a very major Michigan business is very concerned about the onerous impact that it will have on their operations. I know that oftentimes these chains are simply operations that come in and invest and plop down in a community and do business. I know from the Borders store in my county that they take a very progressive outlook on community relations. They involve schools and organizations in their operation for fund-raising purposes; they reach out to the community; they provide a good product; they provide an important service; they're a respectable business; their employees are respectable. I think they're a fine addition to at least the commerce in my area. I would not want to see this bill have the kind of impact on them that they suggest it has. So, personally, Mr. President, their communication to me gives me grave concerns about the overreach of this bill.

Senator Cherry's second statement is as follows:

I assumed that others had received this, and apparently, I'm wrong. I'm happy to share it—have it copied and distributed to members. My understanding is we just received it by fax, so I'm assuming that a business as reputable as Borders would not just casually make this assessment of this bill's impact on them. If the good sponsor wants to lay this bill aside temporarily, I'm happy to have this letter copied and shared with others. But as it stands now, to me, they raise some concerns that at least give me cause here. I don't want to overreach and put a fine business like that in jeopardy of continued operation in this state.

The following bill was read a third time:

House Bill No. 5133, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5208. The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 8, line 14, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 1116.
- (b) Senate Bill No. 1293.
- (c) Senate Bill No. 1295.
- (d) Senate Bill No. 1296.
- (e) Senate Bill No. 1297.
- (f) House Bill No. 4327.
- (g) House Bill No. 5134."

The amendment was adopted, a majority of the members serving voting therefor.

Senator Schwarz offered the following amendments:

1. Amend page 1, line 1, after "SEC. 5208." by striking out all of subsection (1) and inserting:

"(1) A LOCAL UNIT OF GOVERNMENT MAY ADOPT A BUILDING CODE OR OTHER ORDINANCE THAT REGULATES THE CONSTRUCTION, USE, DESIGN, OR OPERATION OF A FACILITY AS DESCRIBED IN THIS SECTION, AND THAT PROVIDES PENALTIES FOR VIOLATION."

2. Amend page 2, following line 25, subparagraph (v), after "EMPLOYEES" by striking out "AND PATRONS" and inserting "OF A FACILITY AND PATRONS OF THE FACILITY".

3. Amend page 2, following line 25, subparagraph (v), after "CONTRACTORS" by striking out "AND PATRONS" and inserting "OF A FACILITY AND PATRONS OF THE FACILITY".

4. Amend page 2, following line 25, subparagraph (v), after "BETWEEN PATRONS" by inserting "OF A FACILITY,".

5. Amend page 3, following line 1, subdivision (E), after the first "TOWNSHIP" by striking out "AS DEFINED BY" and inserting "SUBJECT TO".

6. Amend page 5, line 7, subsection (4), after "OCCURRING IN" by striking out "AN ADULT ENTERTAINMENT ESTABLISHMENT" and inserting "A FACILITY".

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 715**Yeas—36**

Bennett	Emmons	Koivisto	Schuetten
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0**Excused—2**

Smith, V.

Vaughn

Not Voting—0

In The Chair: Hoffman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,”.

The Senate agreed to the full title.

The President pro tempore, Senator Schwarz, resumed the Chair.

Senator Rogers moved that the following bill be referred to the Committee of the Whole:

Senate Bill No. 1116, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 448, 449, 450, 451, and 462 (MCL 750.448, 750.449, 750.450, 750.451, and 750.462).

The motion prevailed.

The following bill was read a third time:

House Bill No. 5134, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” by amending sections 3805 and 4701 (MCL 600.3805 and 600.4701), section 4701 as amended by 2000 PA 184.

The question being on the passage of the bill,
Senator Van Regenmorter offered the following amendment:

1. Amend page 5, line 12, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) Senate Bill No. 1116.
- (b) Senate Bill No. 1293.
- (c) Senate Bill No. 1295.
- (d) Senate Bill No. 1296.
- (e) Senate Bill No. 1297.
- (f) House Bill No. 4327.
- (g) House Bill No. 5133.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 716

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5569, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15 of chapter XVII (MCL 777.15), as amended by 2000 PA 279.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 717**Yeas—36**

Bennett	Emmons	Koivisto	Schuetz
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0**Excused—2**

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 795, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 11 (MCL 409.111), as amended by 1996 PA 499.

(This bill was read a third time earlier today and consideration postponed. See p. 1882.)

The question being on the passage of the bill,

Senator McManus offered the following amendments:

1. Amend page 1, line 9, after “school,” by striking out “24 HOURS PER WEEK” and inserting “a combined school and work week of 48 hours”.
2. Amend page 2, line 2, after “between” by striking out “11:30” and inserting “10:30”.
3. Amend page 2, line 7, by striking out “12:30 A.M. THE FOLLOWING MORNING” and inserting “11:30 P.M.”.

The amendments were adopted, a majority of the members serving voting therefor.
The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 718**Yeas—21**

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hammerstrom	Rogers	Steil
Dunaskiss	Jaye	Schuette	Stille
Emmons	Johnson	Schwarz	Van Regenmorter
Gast			

Nays—14

Byrum	Emerson	Leland	Peters
Cherry	Hart	Miller	Smith, A.
DeBeaussaert	Hoffman	Murphy	Young
Dingell	Koivisto		

Excused—2

Smith, V.	Vaughn
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Not Voting—1

McCotter

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 795 and moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

Clearly, the bill that is before us now is better than when we first started working on the bill here on Third Reading. However, it still makes substantial changes in youth employment.

Although we have now protected that time in which students are in school, that time of the year when you get outside of the school year, the bill does make substantial changes. It allows a student to work up to 62 hours in a week. It just strikes me that is too long. It potentially opens up employment opportunities for youth in perhaps a way that does not serve their interest very well.

If you look at what 62 hours a week means; if you have a five-day work week, you are talking about 12 hours a day. That’s a lot of hours not only for a child, but for an adult. It seems to me that the purpose of a youth employment

standards act is to assure that young people are not put in an abusive situation in which they are required to work more hours than is healthy; that they're not exploited; that, in fact, their employment opportunity is a positive one that helps them build the experience that they will need to go out and search out a job later in their adult life.

I don't think this bill advances that cause. Obviously, there are certain types of employment situations, like in agriculture or perhaps seasonal type work, in which it is appropriate to make certain exemptions to provide certain windows in which we expand the workforce to allow a particular industry to meet the demand that they face. But in normal, everyday, what is normally considered eight-to-five or eight-hour work situations, there is no need to take a student up to 62 hours.

I would urge a "no" vote on the bill.

Senator McManus asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McManus' first statement is as follows:

Naturally I rise in support of the bill. I would like to respond to the previous comments. We handed out to you yesterday the difference between the present law and the new proposal. It is true that this proposal expands the bill that we had earlier to include more than agriculture.

I come from an area where we have lots of tourist and resort industry. We have hotels, motels, golf courses, and the whole food industry. This is a bill presently that is supported by the motel, hotel, and resort people; restaurant people; retailers; as well as the Farm Bureau; and the grocers who are in the food business. This is a bill for 16- and 17-year-old young people. I call it the youth employment opportunity bill. This specifically provides that they cannot work more than 24 hours a week when school is in session. So we should not be confused between when school is in session and when school is not in session. The 62 hours a week is the period of the year when school is not in session. So we can't add up the amount of work using 62 plus school. Twenty-four is the figure during that period of time.

The main difference between this bill is the fact that presently we are held to a ceiling of six weeks that the student can work, which generally is in the summertime, 62 hours a week. Whether it's in the hotel, motel, golf course, processing, or whatever, this expands it to say that as long as he's out of school, or she's out of school, they're allowed to work 62 hours a week; but during school it's only 24 hours a week.

I believe this bill is good for youth in this state. Young people who want a job, they want to earn some money to go to college, do that type of thing. Why should we restrict them from being able to work in the summertime when we've got jobs available? In fact, in our area, we have to import labor to get enough people to do the work. We got our young people there who would like to have that job and earn their money for college.

I would urge you to support this bill and give our young people a chance.

Senator McManus' second statement is as follows:

We have drafted an amendment, which you have on the chamber automation system and on your desks. It's the one that's kind of the hen scratching one, and what we've done here is take out any change that's involved during the school period. So we are back to the law the way it is now, the combined 48 hours of school work and work, the same hours and so on, which leaves us with the major change, which is that fact that the 62-hour provision in nonschool time will be permitted and not limited to six weeks a year. I would remind the body that we are under the same rules as regards machinery, now under the new bill that we are under the old bill. I would also remind the body that it takes parental permission for a 16-17-year-old to be able to work those kind of hours.

In our state, presently and particularly in the summertime, in the tourism and resort industry and in the ag industry, etc., these young people, 16 and 17 years old, want to be able to work and earn money, and there are jobs out there for them. So this bill will make that possible.

The following bill was read a third time:

Senate Bill No. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

Senator A. Smith offered the following amendment to the substitute:

1. Amend page 8, line 6, after "act." by inserting "In addition, the MEPPS shall continue until the EPIC program is fully operational."

The amendment to the substitute was adopted.

Senator Schwarz offered the following amendment to the substitute:

1. Amend page 5, line 21, after “legislature.” by striking out the balance of the line through “substitution.” on line 22, and inserting “Nothing in this section shall be construed as allowing therapeutic substitution.”.

The amendment to the substitute was adopted.

Senator Gast offered the following amendment to the substitute:

1. Amend page 8, following line 7, by inserting:
“Enacting section 3. Section 1695 of 2000 PA 296 is repealed.”.

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 719

Yeas—36

Bennett	Emmons	Koivisto	Schuette
Bullard	Gast	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, A.
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young

Nays—0

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 977, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

Senators Emerson, Gast, Gougeon and A. Smith offered the following amendments to the substitute:

1. Amend page 1, line 4, after “agriculture,” by inserting “the department of community health,”.
2. Amend page 15, following line 24, by inserting:

“SEC. 104. DEPARTMENT OF COMMUNITY HEALTH

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	0
Total federal revenues		0

Special revenue funds:

Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 0

(2) OFFICE OF SERVICES TO THE AGING

Michigan pharmaceutical program	\$ 4,500,000
GROSS APPROPRIATION	\$ 4,500,000
Total other state restricted revenues	4,500,000
State general fund/general purpose	\$ 0

(3) MEDICAL SERVICES

Elder prescription insurance coverage	\$ (4,500,000)
GROSS APPROPRIATION	\$ (4,500,000)
Total other state restricted revenues	(4,500,000)
State general fund/general purpose	\$ 0"

and renumbering the remaining sections and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

Senator A. Smith offered the following amendment to the substitute:

1. Amend page 24, line 3, after "(4)" by striking out "Unexpended" and inserting "To the extent authorized under 1998 PA 288, unexpended".

The amendment to the substitute was adopted.

Senator Byrum offered the following amendment to the substitute:

1. Amend page 23, following line 7, by inserting:

"CONSUMER AND INDUSTRY SERVICES"

Sec. 501. If a temporary administrative advisor, clinical advisor, or manager is appointed by the department of consumer and industry services and the nursing home does not pay 1 or more of the appointees, the department shall pay each appointee, and the nursing home shall reimburse the department for that expense."

The amendment to the substitute was adopted.

Senators Cherry, DeGrow, and Emerson offered the following amendment:

1. Amend page 20, following line 4, by inserting:

"Sec. 107. DEPARTMENT OF TRANSPORTATION**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION	\$ 1,300,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 1,300,000

Federal revenues:

Total federal revenues	0
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Special revenue funds:

Total local revenues	0
Total private revenues	0
Total other state restricted revenues	1,300,000
State general fund/general purpose	\$ 0

(2) INTERCITY PASSENGER AND FREIGHT

I-69 intermodal transportation study	\$ 1,300,000
GROSS APPROPRIATION	\$ 1,300,000

Appropriated from:

Comprehensive transportation fund	1,300,000
State general fund/general purpose	\$ 0"

and adjusting the subtotals, totals, and section 201 accordingly.

The amendment to the substitute was adopted.

Senator Gast offered the following amendment:

1. Amend page 23, following line 7, by inserting:

"COMMUNITY HEALTH"

Sec. 401. (1) Effective January 1, 2001, it is the intent of the legislature that an elder prescription insurance coverage program will be established, referred to in this section as the EPIC program. The guiding principles of this program are all of the following:

- (a) To enhance access to prescription medications for low income elderly residents of this state.
 - (b) To make that access meaningful by reducing the cost to senior citizens to obtain prescription medications.
 - (c) To assist the elderly in understanding how prescription medications can be beneficial in treating diseases, illnesses, and conditions that are more prevalent in the aged.
 - (d) To provide the means by which those persons who prescribe and dispense prescription medications for the elderly are better able to recognize those prescription situations in which combinations of new and/or existing drugs, or other factors, could result in an adverse drug interaction in an elderly person.
 - (e) The program developed pursuant to this section is not an entitlement and benefits are limited to the level supported by the funding explicitly appropriated in this or subsequent acts.
 - (f) Emergency prescription assistance shall continue to be available through the program.
 - (2) In furthering these guiding principles, the operation parameters of the EPIC program shall include at least all of the following:
 - (a) Limiting eligibility to Michigan residents who are over the age of 64, who have household incomes at or below 200% of poverty, and who are not eligible for Medicaid.
 - (b) Establishing variable premium rates based on a percentage of household income, which rate shall be not more than 5% of household income if household income is 200% of poverty and shall be zero if household income is 100% or less of poverty.
 - (c) A mechanism, such as limiting the number of policies sold, to ensure that expenditures do not exceed available revenue.
 - (3) The EPIC program shall not be implemented until after an automated pharmacy claims adjudication and prospective drug utilization review system is operational.
 - (4) The Michigan emergency pharmaceutical program for seniors shall be continued until the EPIC program is fully implemented.
 - (5) If Senate Bill No. 1278 of the 90th Legislature is enacted into law, this section does not apply.
- Sec. 402. (1) Section 1695 of 2000 PA 296 is repealed.
- (2) If Senate Bill No. 1278 of the 90th Legislature is enacted into law, this section does not apply.”
- The amendment to the substitute was adopted.

Senators Young, Gast, Murphy and Hart offered the following amendments to the substitute:

- 1. Amend page 4, line 12, by striking out “13,279,990” and inserting “21,779,990”.
- 2. Amend page 4, line 13, by striking out “13,279,990” and inserting “21,779,990”.
- 3. Amend page 4, line 16, by striking out “13,279,990” and inserting “21,779,990”.
- 4. Amend page 13, following line 10, by inserting “Detroit riverfront acquisition, Wayne County (#00-253)” and adjusting all totals, subtotals, and section 201 accordingly.
- 5. Amend page 23, following line 7, by inserting:

“Sec. 303. Of the funds appropriated in section 102, use of more than \$4,500,000.00 in natural resources trust fund revenue for the acquisition of land for the Detroit riverfront acquisition project (#00-253) is contingent upon at least \$4,000,000.00 in revenue deposited in the natural resources trust fund from the conveyance of land as provided for in section 2 of 1999 PA 232.”.

The amendments to the substitute were adopted.

Senator Peters offered the following amendment to the substitute:

- 1. Amend page 22, following line 8, by inserting:

“Sec. 203. No funds shall be expended for any media production that will be broadcast by electronic media to the general public that features the voice or voice and image of a state officer who will stand for election to a statewide public office within 2 years of the broadcast.”.
- The amendment to the substitute was not adopted.
- Senator Peters requested the yeas and nays.
- The yeas and nays were ordered, 1/5 of the members present voting therefor.
- The amendment to the substitute was not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 720

Yeas—17

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Emmons
Hart
Jaye
Koivisto

Leland
McCotter
Miller
Murphy

Peters
Schwarz
Smith, A.
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson

McManus
North
Rogers
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Shugars asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Shugars' statement is as follows:

I voted “no” on the previous amendment. It would be very difficult to know if someone’s going to run two years from now, so they wouldn’t be able to promote some public service announcements statewide maybe promoting healthy lifestyles or informing the public about certain situations in the state. To deny someone that is wrong because they don’t know if they’re going to run for a statewide office within the next two years.

I think it's a very problematic type of amendment. Though I understand the maker's intent of trying to prevent someone utilizing taxpayer dollars to run for office, I think it could have maybe been written better. I voted "no" because I don't think it's the right way to do it.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 721

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmortel
Young

Nays—1

Koivisto

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Emerson offered to amend the title to read as follows:

A bill to make, supplement, and adjust appropriations for capital outlay, the department of agriculture, the department of environmental quality, the department of natural resources, the department of treasury, the department of community health, the department of transportation, and the department of consumer and industry services for the fiscal year ending September 30, 2001; to implement the appropriations within the budgetary process; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 1379, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled “Urban cooperation act of 1967,” by amending sections 2, 3, 4, 10, and 12 (MCL 124.502, 124.503, 124.504, 124.510, and 124.512), section 2 as amended by 1995 PA 108 and section 10 as amended by 1985 PA 10.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Schuette moved that the amendments be considered en bloc.

The motion prevailed.

Senator Schuette offered the following amendment:

1. Amend page 2, line 8, after “authority;” by inserting “AN ENTITY CREATED UNDER THIS ACT;”.

Senator Schuette offered the following amendment:

1. Amend page 2, line 12, after “Canada.” by inserting “FOR PURPOSES OF THIS ACT, A FEDERALLY RECOGNIZED INDIAN TRIBE AND A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, 92 STAT. 1325, SHALL BE CONSIDERED A POLITICAL SUBDIVISION OF THE UNITED STATES.”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 722**Yeas—34**

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmorter
Young

Nays—1

Jaye

Excused—2

Smith, V.

Vaughn

Not Voting—1

Gast

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1381, entitled

A bill to create the office of protocol in the executive branch; to provide for the appointment and term of certain state officers; to create certain commissions; and to prescribe certain duties and responsibilities for certain state officers and commissions.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 723**Yeas—34**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmorter
Young

Nays—1

Jaye

Excused—2

Smith, V.

Vaughn

Not Voting—1

Gast

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1380, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35b.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 724

Yeas—30

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
Byrum	Hammerstrom	Murphy	Sikkema
Cherry	Hart	North	Smith, A.
DeGrow	Hoffman	Peters	Steil
Dunaskiss	Jaye	Rogers	Stille
Emerson	Johnson	Schuette	Van Regenmorter
Emmons	Leland		

Nays—5

DeBeaussaert	Koivisto	Miller	Young
Dingell			

Excused—2

Smith, V.	Vaughn
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Not Voting—1

Gast

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Miller, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1380.

Senator Miller’s statement is as follows:

Even though I did not speak on the bill before its passage, I wanted to explain my “no” vote. I’m still concerned about some of the, I think, inequities between American truckers and Canadian truckers. Also I’m concerned now about the ever-rising, increasing problem that we have where Canadian trucks are bringing in all the refuse and garbage into Michigan landfills. I wish we could take a stronger, active role against that. I don’t know if this bill has anything to do with it, but I wanted to send a message to at least my constituents that I oppose this action. I also still feel that it does not go far enough to give Michigan truck drivers the same rights that Canadian truck drivers have here.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1046

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Bennett as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hoffman, resumed the Chair.

Resolutions

By unanimous consent the Senate proceeded to consideration of the following concurrent resolution:

House Concurrent Resolution No. 114.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Charles Stewart Mott Community College relative to the Charles Stewart Mott Community College Regional Technology Center.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 725

Yeas—29

Bennett	Hammerstrom	McManus	Shugars
Byrum	Hart	Miller	Sikkema
Cherry	Hoffman	Murphy	Smith, A.
DeBeaussiaert	Johnson	North	Steil
DeGrow	Koivisto	Peters	Stille
Dunaskiss	Leland	Rogers	Van Regenmorter
Emerson	McCotter	Schwarz	Young
Emmons			

Nays—2

Dingell	Jaye
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Excused—2

Smith, V.	Vaughn
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Not Voting—5Bullard
Gast

Goschka

Gougeon

Schuette

In The Chair: Hoffman

Senator Young was named co-sponsor of the concurrent resolution.

Senator Rogers moved that Senators Bullard, Gast, Gougeon and Schuette be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Goschka stated that had he been present when the vote was taken on the adoption of the following concurrent resolution, he would have voted "yea":

House Concurrent Resolution No. 114

Senators Gast, Gougeon and Schuette entered the Senate Chamber.

House Concurrent Resolution No. 115.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Northern Michigan University relative to the Northern Michigan University West Science Building Remodeling (Phase II).

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 726**Yeas—33**Bennett
Byrum
Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons
GastGoschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
LelandMcCotter
McManus
Miller
Murphy
North
Peters
Rogers
SchuetteSchwarz
Shugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmorter
Young**Nays—2**

Dingell

Jaye

Excused—3

Bullard

Smith, V.

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Young was named co-sponsor of the concurrent resolution.

Senator Bullard entered the Senate Chamber.

House Concurrent Resolution No. 117.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Camp Pugsley Additional Housing Units.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 727**Yeas—35**

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Hoffman	North	Stille
Dunaskiss	Jaye	Peters	Van Regenmorter
Emerson	Johnson	Rogers	Young
Emmons	Koivisto	Schuette	

Nays—1

Dingell

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Young was named co-sponsor of the concurrent resolution.

House Concurrent Resolution No. 118.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Multilevel Correctional Facility at Ionia.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 728**Yeas—34**

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
Byrum	Hammerstrom	Miller	Sikkema
Cherry	Hart	Murphy	Smith, A.
DeBeaussaert	Hoffman	North	Steil
DeGrow	Jaye	Peters	Stille
Dunaskiss	Johnson	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons	Leland		

Nays—1

Dingell

Excused—2

Smith, V.

Vaughn

Not Voting—1

Gast

In The Chair: Hoffman

Senator Young was named co-sponsor of the concurrent resolution.

House Concurrent Resolution No. 121.

A concurrent resolution to change the scope of the Pharmacy Building project at Wayne State University.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senator Young was named co-sponsor of the concurrent resolution.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 221

Senate Resolution No. 222

The resolution consent calendar was adopted.

Senator Johnson offered the following resolution:

Senate Resolution No. 221.

A resolution to celebrate the poetic works of Reynolds Smith.

Whereas, Reynolds Smith, who is a former resident of the city of Clawson, is an upstanding member of our society and a veteran of World War II; and

Whereas, Debra Boyd is a resident of the city of Rochester Hills and the granddaughter of Reynolds Smith. She, too, is an upstanding member of our society; and

Whereas, Ms. Boyd participated in the Clawson Veterans Day Memorial Event on November 11, 2000. In tribute to the many veterans who served their country with dignity and honor, Debra Boyd shared with all in attendance the following poem composed by her grandfather Reynolds Smith:

One Thousand a Day

A generation is fading away.
They are passing on, one thousand a day
Those men and women who answered the call,
When it seemed that our freedoms would surely fall.
It was WORLD WAR II and with mad men in charge,
The future looked bleak and disaster loomed large.

From every city, hamlet and farm
The people responded as if by a charm.
They said, "Here I am, what can I do?"
And they followed the colors of Red, White and Blue.
Sons and daughters signed up on the spot
And joined in a group that will not soon be forgot.

They were fathers and mothers that answered the call
To protect our freedoms, so precious to all.
All normal life was put on hold
As they put on the uniforms that looked bright and bold.
With the future uncertain and no one knew when
They would ever come home to family and friends.

The training was rugged but each did their best
And the results showed that U.S.A would pass every test.
The battles were many and thousands would die
Deep in steamy jungles and high in deadly skies.
Upon the hostile beaches and across the desert sand
Our forces gave their best to protect this precious land.

The Navy manned a mighty fleet, the subs were down below;
The foot soldiers slugged it out with a most formidable foe.
War is not a glamorous game with parades and a ringing bell
And when the truth is spoken, "War is truly Hell."
We owe so much to these special folk, with their patriotism and pride.
Some tell their story of how it was but with others it is locked inside.

Future generations will come and then go.
Will they learn of the facts, the ones we know?
They are building a monument, so long overdue
To honor all veterans of World War II.
So, God of us all, we beseech You and pray
That You give Eternal Peace to the 1000 souls that left us today

— Reynolds Smith
September 2000

Whereas, Debra, through the words of her grandfather, has shown appreciation for all of Michigan's veterans and all American veterans; now, therefore, be it

Resolved by the Senate, That we hereby honor Debra Boyd and Reynolds Smith for their fine display of patriotism and pride and memory for Michigan's veterans. We also celebrate the poetic works of Reynolds Smith; and be further

Resolved, That a copy of this resolution be transmitted to Debra Boyd, Reynolds Smith, and their family for their contributions to Michigan society.

Senator Young was named co-sponsor of the resolution.

Senator Schuette offered the following resolution:

Senate Resolution No. 222.

A resolution to commemorate December 1, 2000, as Romania Day in the state of Michigan.

Whereas, December 1, 1918, signified the opening of diplomatic relations between Romania and the United States; and

Whereas, Romania and the United States share a strategic partnership built upon trust, common values of democracy and rule of law, prosperity, peace, and respect for human rights; and

Whereas, Michigan is home to approximately 100,000 Romanians and individuals of Romanian descent; and

Whereas, The state of Michigan benefits from the contributions of Romanian-Americans in public and private endeavors; and

Whereas, On December 1, 2000, thousands of Michigan citizens from Romania and of Romanian descent will celebrate National Romania Day to signify 82 years of diplomatic relations with the United States; now, therefore, be it

Resolved by the Senate, That December 1, 2000, be proclaimed Romania Day in honor of the country of Romania and Michigan's Romanian-American community; and be it further

Resolved, That a copy of this resolution be transmitted to John Rakolta, Jr., Honorary Consul of Romania, as a reflection of our support for this celebration.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

House Bill No. 6091, entitled

A bill to amend 1988 PA 234, entitled "Michigan Vietnam veterans memorial act," by amending the title and sections 2 and 5 (MCL 35.1052 and 35.1055), section 5 as amended by 1992 PA 122, and by adding section 5a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

Statements

Senator Young asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

Today I am happy, and as you can tell—they are coming in—we have a very fine young lady by the name of Ms. Brenda Crane from Tyrone Elementary School in Harper Woods, who is one of the five Michigan teachers to receive the Milken Family Foundation National Educator Award. As you can see, she has come today with her entourage. In that accompany are not only her husband Mark and her son Zac, but also Dan Danosky, superintendent—Dan, you want to give them a wave—as well as Cheryl VanDer Linden, the principal of Tyrone. It is very important, I think, and we wanted to make sure this becomes a part of the record as part of the statement. We will be able to send that to you so that your family can enjoy it today and into the future as part of the Michigan archive system. We appreciate you being here, and letting everybody know there are only five, and one came from Senate District 1.

By unanimous consent the Senate returned to the order of

General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Bennett as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1046, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending the title and sections 3, 6, 7, and 8 (MCL 207.803, 207.806, 207.807, and 207.808) and by adding section 7a.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 5, line 18, after "JOB" by inserting "AT A FACILITY".
2. Amend page 5, line 19, after "BUSINESS" by striking out "AT A FACILITY".

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

Committee Reports

The Committee on Finance reported

House Bill No. 4474, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 5 (MCL 397.555).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5821, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1424, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38c (MCL 208.38c), as amended by 1997 PA 190.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, November 28, 2000, at 1:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 271, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 1994 PA 317.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5509, entitled

A bill to amend 1966 PA 225, entitled "Carnival-amusement safety act of 1966," by amending section 2 (MCL 408.652), as amended by 1998 PA 507, and by adding sections 18, 19, and 20.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 6027, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 6 (MCL 29.6).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 1046, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending the title and sections 3, 6, 7, and 8 (MCL 207.803, 207.806, 207.807, and 207.808) and by adding section 7a.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Tuesday, November 28, 2000, at 1:07 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Steil, Leland and Peters

The Committee on Appropriations reported

Senate Bill No. 977, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast

Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, DeBeaussaert and Emerson

Nays: Senators Koivisto, Young and Murphy

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1278, entitled

A bill to create certain prescription programs relating to the elderly; to enhance access to prescription drugs to certain elderly residents of the state; to prescribe the powers and duties of certain state departments and agencies; to make appropriations; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast

Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Goschka, A. Smith, Koivisto, Young, Murphy, DeBeaussaert and Emerson

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held, Tuesday, November 28, 2000, at 3:45 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Murphy, DeBeaussaert and Emerson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:

Meeting held on Thursday, November 9, 2000, at 8:45 a.m., House Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Gougeon, Johnson, Koivisto, Emerson and Young

Scheduled Meetings**Appropriations -****Subcommittee -**

Capital Outlay - Thursday, November 30, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Banking and Financial Institutions - Thursday, November 30, 2:00 p.m., Room 110, Farnum Building (373-1801)

Conference Committee -

SB 404 - Thursday, November 30, 9:30 a.m., Room 405, Capitol Building (373-0793)

Economic Development, International Trade and Regulatory Affairs - Thursday, November 30, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-7946)

Human Resources, Labor, Senior Citizens and Veterans Affairs - Thursday, November 30, 9:45 a.m., Rooms 402 and 403, Capitol Building (373-2417)

Hunting, Fishing and Forestry - Thursday, November 30, 2:00 p.m., Room 100, Farnum Building (373-2426)

Legislative Retirement Board of Trustees - Wednesday, December 6, 3:00 p.m., Room H65, Capitol Building (373-0575)

Natural Resources and Environmental Affairs - Monday, December 4, 10:00 a.m., 8th Floor Conference Room, Farnum Building (373-0797)

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 2:52 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Thursday, November 30, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

