

No. 78
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, December 13, 2000.

10:00 a.m.

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

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

Senator Bill Schuette of the 35th District offered the following invocation:

Lord, we ask in this time of the holiday year of Hanukkah, Christmas, Kwanzaa, and other holy days that You would be with us in all we do, and You would ask us to remember that soft words turn away wrath, that we would treat people the way we would want to be treated, and to add a measure of patience in these last days of the Legislature. We ask this in Your name. Amen.

Senators Emmons, Cherry and Rogers entered the Senate Chamber.

Motions and Communications

The following communications were received:
Department of State

Administrative Rules Notices of Filing

November 14, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:50 p.m. this date, administrative rule (00-11-02) for the Department of Environmental Quality, Drinking Water and Radiological Protection Division, entitled "*Medical Waste*," effective 15 days hereafter.

November 22, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:05 p.m. this date, administrative rule (00-11-04) for the Department of Environmental Quality, Drinking Water and Radiological Protection Division, entitled "*Campgrounds*," effective 15 days hereafter.

November 22, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:08 p.m. this date, administrative rule (00-11-05) for the Department of Environmental Quality, Drinking Water and Radiological Protection Division, entitled "*Supplying Water to the Public*," effective 15 days hereafter.

November 22, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:10 p.m. this date, administrative rule (00-11-06) for the Department of Environmental Quality, Drinking Water and Radiological Protection Division, entitled "*Essential Elements for Operator*," effective 15 days hereafter.

November 22, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:12 p.m. this date, administrative rule (00-11-07) for the Department of Consumer and Industry Services, Director's Office, entitled "*Use of Respirators in Dangerous Atmospheres*," effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Department of Consumer and Industry Services

December 4, 2000

Pursuant to Section 315 of P.A. 122 of 1999, we are enclosing copies of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Pine Lodge	#OC0117005	CS330201364
Special Investigation	Summit Center	#OC0201023	CS470201446
Special Investigation	Green Oak Center	#OC0207004	CA470201159
Special Investigation	Green Oak Center	#OC0208011	CA470201159
Special Investigation	Green Oak Center	#OC0208014	CA47022
Special Investigation	Green Oak Center	#OC0208023	CA47022
Special Investigation	Green Oak Center	#OC0208026	CS470201159
Special Investigation	Green Oak Center	#OC0208027	CS470201159
Approval Study	Academy Hall	N/A	CA39105
Special Investigation	Adrian Training School	#OC0207003	CS460200931
Approval Study	Green Oak Center	N/A	CA470201159

These reports were performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our Web site at the following address: http://www.cis.state.mi.us/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.

Director, Finance and Administrative Services

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 12, for his approval the following bills:

Enrolled Senate Bill No. 1124 at 1:10 p.m.

Enrolled Senate Bill No. 1057 at 1:12 p.m.

Enrolled Senate Bill No. 1241 at 1:40 p.m.

Senator Rogers moved that Senators Dunaskiss, Jaye, Johnson, McCotter, McManus, North and Steil be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senators DeBeaussaert, Murphy and V. Smith be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Messages from the Governor

The following message from the Governor was received and read:

December 8, 2000

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Michigan Employment Security Board of Review

Ms. M. Kathleen Markman, 387 Ives Road, Mason, Michigan 48854, county of Ingham, as Chair representing the general public, succeeding herself, for a term expiring on December 31, 2004.

Sincerely,

John Engler

Governor

The appointment was referred to the Committee on Government Operations.

Senators North, McCotter, Steil, Jaye, Dunaskiss, DeBeaussaert, McManus and Murphy entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Conference Reports

Senator DeGrow submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 260, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416b.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 416B. (1) A HEALTH CARE CORPORATION SHALL ESTABLISH AND PROVIDE TO MEMBERS AND PARTICIPATING PROVIDERS A PROGRAM TO PREVENT THE ONSET OF CLINICAL DIABETES. THIS PROGRAM FOR PARTICIPATING PROVIDERS SHALL EMPHASIZE BEST PRACTICE GUIDELINES TO PREVENT THE ONSET OF CLINICAL DIABETES AND TO TREAT DIABETES, INCLUDING, BUT NOT LIMITED TO, DIET, LIFESTYLE, PHYSICAL EXERCISE AND FITNESS, AND EARLY DIAGNOSIS AND TREATMENT.

(2) A HEALTH CARE CORPORATION SHALL REGULARLY MEASURE THE EFFECTIVENESS OF A PROGRAM PROVIDED PURSUANT TO SUBSECTION (1) BY REGULARLY SURVEYING GROUP AND NONGROUP MEMBERS COVERED BY THE CERTIFICATE. NOT LATER THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, EACH HEALTH CARE CORPORATION SHALL PREPARE A REPORT CONTAINING THE RESULTS OF THE SURVEY AND SHALL PROVIDE A COPY OF THE REPORT TO THE DEPARTMENT OF COMMUNITY HEALTH.

(3) A HEALTH CARE CORPORATION CERTIFICATE SHALL PROVIDE BENEFITS IN EACH GROUP AND NONGROUP CERTIFICATE FOR THE FOLLOWING EQUIPMENT, SUPPLIES, AND EDUCATIONAL TRAINING FOR THE TREATMENT OF DIABETES, IF DETERMINED TO BE MEDICALLY NECESSARY AND PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN:

(A) BLOOD GLUCOSE MONITORS AND BLOOD GLUCOSE MONITORS FOR THE LEGALLY BLIND.

(B) TEST STRIPS FOR GLUCOSE MONITORS, VISUAL READING AND URINE TESTING STRIPS, LANCETS, AND SPRING-POWERED LANCET DEVICES.

(C) INSULIN.

(D) SYRINGES.

(E) INSULIN PUMPS AND MEDICAL SUPPLIES REQUIRED FOR THE USE OF AN INSULIN PUMP.

(F) NONEXPERIMENTAL MEDICATION FOR CONTROLLING BLOOD SUGAR.

(G) DIABETES SELF-MANAGEMENT TRAINING TO ENSURE THAT PERSONS WITH DIABETES ARE TRAINED AS TO THE PROPER SELF-MANAGEMENT AND TREATMENT OF THEIR DIABETIC CONDITION.

(4) A HEALTH CARE CORPORATION CERTIFICATE SHALL PROVIDE BENEFITS IN EACH GROUP AND NONGROUP CERTIFICATE FOR MEDICALLY NECESSARY MEDICATIONS PRESCRIBED BY AN ALLOPATHIC, OSTEOPATHIC, OR PODIATRIC PHYSICIAN AND USED IN THE TREATMENT OF FOOT AILMENTS, INFECTIONS, AND OTHER MEDICAL CONDITIONS OF THE FOOT, ANKLE, OR NAILS ASSOCIATED WITH DIABETES.

(5) COVERAGE UNDER SUBSECTION (3) FOR DIABETES SELF-MANAGEMENT TRAINING IS SUBJECT TO ALL OF THE FOLLOWING:

(A) IS LIMITED TO COMPLETION OF A CERTIFIED DIABETES EDUCATION PROGRAM UPON OCCURRENCE OF EITHER OF THE FOLLOWING:

(i) IF CONSIDERED MEDICALLY NECESSARY UPON THE DIAGNOSIS OF DIABETES BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN WHO IS MANAGING THE PATIENT'S DIABETIC CONDITION AND IF THE SERVICES ARE NEEDED UNDER A COMPREHENSIVE PLAN OF CARE TO ENSURE THERAPY COMPLIANCE OR TO PROVIDE NECESSARY SKILLS AND KNOWLEDGE.

(ii) IF AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN DIAGNOSES A SIGNIFICANT CHANGE WITH LONG-TERM IMPLICATIONS IN THE PATIENT'S SYMPTOMS OR CONDITIONS THAT NECESSITATES CHANGES IN A PATIENT'S SELF-MANAGEMENT OR A SIGNIFICANT CHANGE IN MEDICAL PROTOCOL OR TREATMENT MODALITIES.

(B) SHALL BE PROVIDED BY A DIABETES OUTPATIENT TRAINING PROGRAM CERTIFIED TO RECEIVE MEDICARE OR MEDICAID REIMBURSEMENT OR CERTIFIED BY THE DEPARTMENT OF COMMUNITY HEALTH. TRAINING PROVIDED UNDER THIS SUBDIVISION SHALL BE CONDUCTED IN GROUP SETTINGS WHENEVER PRACTICABLE.

(6) BENEFITS UNDER THIS SECTION ARE NOT SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, OR COPAYMENT PROVISIONS THAT ARE GREATER THAN THOSE FOR PHYSICAL ILLNESS GENERALLY.

(7) AS USED IN THIS SECTION, "DIABETES" INCLUDES ALL OF THE FOLLOWING:

(A) GESTATIONAL DIABETES.

(B) INSULIN-DEPENDENT DIABETES.

(C) NON-INSULIN-DEPENDENT DIABETES.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," (MCL 550.1101 to 550.1704) by adding section 416b.

Dan L. DeGrow
John J.H. Schwarz
Dianne Byrum
Conferees for the Senate

Richard Johnson
Kwame Kilpatrick
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 801

Yeas—35

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

Nays—0

Excused—3

Johnson

Smith, V.

Vaughn

Not Voting—0

In The Chair: President

Senator Rogers moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Senator DeGrow submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning
Senate Bill No. 261, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406n.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406p.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 3406P. (1) AN INSURER PROVIDING AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION SHALL ESTABLISH AND PROVIDE TO INSUREDS, ENROLLEES, AND PARTICIPATING PROVIDERS A PROGRAM TO PREVENT THE ONSET OF CLINICAL DIABETES. THIS PROGRAM FOR PARTICIPATING PROVIDERS SHALL EMPHASIZE BEST PRACTICE GUIDELINES TO PREVENT THE ONSET OF CLINICAL DIABETES AND TO TREAT DIABETES, INCLUDING, BUT NOT LIMITED TO, DIET, LIFESTYLE, PHYSICAL EXERCISE AND FITNESS, AND EARLY DIAGNOSIS AND TREATMENT.

(2) AN INSURER AND A HEALTH MAINTENANCE ORGANIZATION PROVIDING A PROGRAM PURSUANT TO SUBSECTION (1) SHALL REGULARLY MEASURE THE EFFECTIVENESS OF THE PROGRAM BY REGULARLY SURVEYING INDIVIDUALS COVERED BY THE POLICY, CERTIFICATE, OR CONTRACT. NOT LATER THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, EACH INSURER AND HEALTH MAINTENANCE ORGANIZATION PROVIDING A PROGRAM PURSUANT TO SUBSECTION (1) SHALL PREPARE A REPORT CONTAINING THE RESULTS OF THE SURVEY AND SHALL PROVIDE A COPY OF THE REPORT TO THE DEPARTMENT OF COMMUNITY HEALTH.

(3) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION CONTRACT SHALL INCLUDE COVERAGE FOR THE FOLLOWING EQUIPMENT, SUPPLIES, AND EDUCATIONAL TRAINING FOR THE TREATMENT OF DIABETES, IF DETERMINED TO BE MEDICALLY NECESSARY AND PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN:

(A) BLOOD GLUCOSE MONITORS AND BLOOD GLUCOSE MONITORS FOR THE LEGALLY BLIND.

(B) TEST STRIPS FOR GLUCOSE MONITORS, VISUAL READING AND URINE TESTING STRIPS, LANCETS, AND SPRING-POWERED LANCET DEVICES.

(C) SYRINGES.

(D) INSULIN PUMPS AND MEDICAL SUPPLIES REQUIRED FOR THE USE OF AN INSULIN PUMP.

(E) DIABETES SELF-MANAGEMENT TRAINING TO ENSURE THAT PERSONS WITH DIABETES ARE TRAINED AS TO THE PROPER SELF-MANAGEMENT AND TREATMENT OF THEIR DIABETIC CONDITION.

(4) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION CONTRACT THAT PROVIDES OUTPATIENT PHARMACEUTICAL COVERAGE DIRECTLY OR BY RIDER SHALL INCLUDE THE FOLLOWING COVERAGE FOR THE TREATMENT OF DIABETES, IF DETERMINED TO BE MEDICALLY NECESSARY:

(A) INSULIN, IF PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN.

(B) NONEXPERIMENTAL MEDICATION FOR CONTROLLING BLOOD SUGAR, IF PRESCRIBED BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN.

(C) MEDICATIONS USED IN THE TREATMENT OF FOOT AILMENTS, INFECTIONS, AND OTHER MEDICAL CONDITIONS OF THE FOOT, ANKLE, OR NAILS ASSOCIATED WITH DIABETES, IF PRESCRIBED BY AN ALLOPATHIC, OSTEOPATHIC, OR PODIATRIC PHYSICIAN.

(5) COVERAGE UNDER SUBSECTION (3) FOR DIABETES SELF-MANAGEMENT TRAINING IS SUBJECT TO ALL OF THE FOLLOWING:

(A) IS LIMITED TO COMPLETION OF A CERTIFIED DIABETES EDUCATION PROGRAM UPON OCCURRENCE OF EITHER OF THE FOLLOWING:

(i) IF CONSIDERED MEDICALLY NECESSARY UPON THE DIAGNOSIS OF DIABETES BY AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN WHO IS MANAGING THE PATIENT'S DIABETIC CONDITION AND IF THE SERVICES ARE NEEDED UNDER A COMPREHENSIVE PLAN OF CARE TO ENSURE THERAPY COMPLIANCE OR TO PROVIDE NECESSARY SKILLS AND KNOWLEDGE.

(ii) IF AN ALLOPATHIC OR OSTEOPATHIC PHYSICIAN DIAGNOSES A SIGNIFICANT CHANGE WITH LONG-TERM IMPLICATIONS IN THE PATIENT'S SYMPTOMS OR CONDITIONS THAT NECESSITATES CHANGES IN A PATIENT'S SELF-MANAGEMENT OR A SIGNIFICANT CHANGE IN MEDICAL PROTOCOL OR TREATMENT MODALITIES.

(B) SHALL BE PROVIDED BY A DIABETES OUTPATIENT TRAINING PROGRAM CERTIFIED TO RECEIVE MEDICAID OR MEDICARE REIMBURSEMENT OR CERTIFIED BY THE DEPARTMENT OF COMMUNITY HEALTH. TRAINING PROVIDED UNDER THIS SUBDIVISION SHALL BE CONDUCTED IN GROUP SETTINGS WHENEVER PRACTICABLE.

(6) COVERAGE UNDER THIS SECTION IS NOT SUBJECT TO DOLLAR LIMITS, DEDUCTIBLES, OR COPAYMENT PROVISIONS THAT ARE GREATER THAN THOSE FOR PHYSICAL ILLNESS GENERALLY.

(7) AS USED IN THIS SECTION, "DIABETES" INCLUDES ALL OF THE FOLLOWING:

(A) GESTATIONAL DIABETES.

(B) INSULIN-DEPENDENT DIABETES.

(C) NON-INSULIN-DEPENDENT DIABETES.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 3406p.

Dan L. DeGrow
Dale Shugars
Dianne Byrum
Conferees for the Senate

Richard Johnson
Kwame Kilpatrick
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 802

Yeas—35

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

Nays—0

Excused—3

Johnson	Smith, V.	Vaughn
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Not Voting—0

In The Chair: President

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

Messages from the House

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 House of Representatives has appointed Reps. Geiger, Caul and Martinez as conferees to join with Senators Gast, Schwarz and Emerson.

The bill was referred to the Conference Committee on December 7, 2000.

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Gast submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

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.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

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; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. (1) This act shall be known and may be cited as the "elder prescription insurance coverage act".

(2) It is the intent of the legislature that the EPIC program defray the cost of obtaining medically necessary prescription drugs by elderly Michigan residents under the conditions specified in this act.

(3) The elder prescription insurance coverage program is established within the department of community health.

Sec. 2. As used in this act:

(a) "Department" means the department of community health.

(b) "EPIC program" means the elder prescription insurance coverage program created in section 3 or any other state program, federal program, or combination of state programs and federal programs, providing services to the population specified in section 3.

(c) "Federal poverty guidelines" means the poverty guidelines updated annually in the federal register by the United States department of health and human services under authority of 42 U.S.C. 9902(2).

(d) "Household income" means all income received by all persons of a household in a tax year while members of a household.

(e) "Medicaid" means the program for medical assistance established under title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6, and 1396r-8 to 1396v, and administered by the department under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

(f) "MEPPS" means the Michigan emergency pharmaceutical program for seniors.

(g) "Michigan resident" means an individual who establishes residence for a period of 3 months in a settled or permanent home or domicile within the state with the intention of remaining in this state. An individual is a resident until the individual establishes a permanent residence outside this state.

(h) "Prescription" and "prescription drug" mean those terms as defined in section 17708 of the public health code, 1978 PA 368, MCL 333.17708.

Sec. 3. (1) The EPIC program shall provide prescription drug coverage, including related supplies as determined by the department in consultation with the advisory committee established in section 7, to each person to whom all of the following apply:

(a) The person is a noninstitutionalized Michigan resident 65 years of age or older.

(b) The person has a household income at or below 200% of the federal poverty guidelines.

(c) The person is not currently a medicaid recipient.

(d) Excluding medicare supplemental insurance or a federal program described in section 9(2), the person is not covered by other insurance that provides prescription drug coverage.

(2) The department shall give initial enrollment priority to applicants who in the 12 months preceding the effective date of this act participated in the MEPPS. A second enrollment priority will be afforded to applicants with annual household incomes up to 150% of the federal poverty guidelines who received a senior prescription tax credit in former section 273 of the income tax act of 1967, 1967 PA 281. Enrollment in the EPIC program for eligible applicants who formerly participated in the MEPPS program shall take effect not later than October 1, 2001. Enrollment in the EPIC program for eligible applicants who formerly received a senior prescription tax credit shall take effect not later than December 1, 2001. Other applicants with incomes up to 200% of the federal poverty guidelines will be enrolled contingent upon available money.

(3) An individual or married couple meeting the basic eligibility criteria established in subsection (1) may apply for enrollment in the EPIC program as follows:

(a) Submit an annual application to the department, or the department's designee, that, at a minimum, attests to the age, residence, and household income of the individual applicant or couple, if married. A nonrefundable administrative fee must be included with the application. The administrative fee is \$25.00.

(b) Upon notification of eligibility, the enrollee may access the EPIC program by meeting the cost-sharing obligation through a copayment on each prescription that does not exceed 20% of the cost of the prescription being purchased, with a maximum monthly copayment amount calculated based on 1 of the following:

(i) If the applicant's household income is at or below 100% of the federal poverty guidelines, the monthly copayment is 1/12 of 1% of household income as established during the annual application process.

(ii) If the applicant's household income is at or below 125% but greater than 100% of the federal poverty guidelines, the monthly copayment is 1/12 of 2% of household income as established during the annual application process.

(iii) If the applicant's household income is at or below 150% but greater than 125% of the federal poverty guidelines, the monthly copayment is 1/12 of 3% of household income as established during the annual application process.

(iv) If the applicant's household income is at or below 175% but greater than 150% of the federal poverty guidelines, the monthly copayment is 1/12 of 4% of household income as established during the annual application process.

(v) If the applicant's household income is at or below 200% but greater than 175% of the federal poverty guidelines, the monthly copayment is 1/12 of 5% of household income as established during the annual application process.

(4) Subsequent to enrollment in the EPIC program, an applicant who has a household income at or below 100% of the federal poverty guidelines shall be referred to the local family independence agency for assessment of eligibility for medicaid. Nothing in this subsection shall be construed as mandating that an applicant found eligible for medicaid must enroll in that program in lieu of enrollment in the EPIC program.

Sec. 4. (1) The department shall establish an expedited enrollment process or provide an emergency voucher if an otherwise eligible EPIC applicant immediately needs to obtain a medically necessary prescription.

(2) The department shall give an applicant enrolled under subsection (1) a temporary EPIC program eligibility card or an emergency voucher that is valid for up to 90 days from the issue date.

(3) Eligibility requirements for emergency vouchers shall not be more restrictive than the requirements established for the Michigan emergency pharmaceutical program for seniors previously funded in the annual appropriation for the department.

Sec. 5. Except as otherwise specified in this section, if an enrollee chooses to have a prescription filled with a brand name drug when a recognized generic drug is available, a copayment is required. For the initial year of operation, the copayment amount is \$15.00. For subsequent years, the amount of a copayment applied under this section may be established by the legislature. Nothing in this section shall be construed as allowing therapeutic substitution. The department shall develop a mechanism, with the advice of the advisory committee established in section 7, that will specify when drugs should be dispensed as written and not subject to the \$15.00 copayment. These recommendations shall be presented to the senate and house of representatives appropriations committees not later than September 1, 2001.

Sec. 6. In providing program benefits, the department may do all of the following:

(a) Enter into a contract with a private individual, corporation, or agency to manage the EPIC program. A contract entered into under this subdivision shall be awarded through a competitive bidding process.

(b) Use procedures and rebate amounts specified under section 1927 of title XIX of the social security act, 42 U.S.C. 1396r-8, to secure quarterly rebates from pharmaceutical manufacturers for outpatient drugs dispensed to participants in EPIC.

(c) For products distributed by the pharmaceutical manufacturers not providing quarterly rebates as listed in subdivision (b), require preauthorization.

Sec. 7. (1) To assist in implementing this act, the department may utilize the office of services to the aging, area agencies on aging, senior citizens centers, or other senior focused entities, to provide outreach, enrollment assistance, and education services to potentially eligible seniors for both the EPIC and medicaid programs.

(2) To assist in determining the coverage appropriate under the provisions of this act, the department shall establish an advisory committee. The committee shall consist of consumer representatives, members with knowledge in the areas of pharmacology, geriatrics, development and review of budgetary issues and practice, and policy development, and 1 member of each appropriations committee, or his or her designee, as appointed by the respective chairpersons of the senate and house of representatives appropriations committees. The advisory committee shall meet at least once each year.

Sec. 8. The department shall provide quarterly reports to the senate and house appropriations committees, and the senate and house fiscal agencies, that include quantified data as to the number of program applicants and enrollees, the amount of expenditures, and the number of enrollees subsequently found eligible for medicaid. Each report shall also contain an estimate of whether or not the current rate of expenditures will exceed the existing amount of money appropriated for the EPIC program in the current fiscal year. If the estimate indicates that the program would end the year in deficit, the department and the department of management and budget shall take 1 or more of the following actions:

(a) Request a supplemental appropriation for the EPIC program.

(b) Request a transfer of spending authority from any surplus appropriation within the department.

(c) Suspend further enrollment in the EPIC program.

(d) Increase copayments for new applicants. In no case shall an adjustment in program cost sharing result in a cost to an eligible senior in excess of 5% of the eligible senior's household income.

Sec. 9. (1) The program created by this act is not an entitlement. Benefits are limited to the level supported by the money explicitly appropriated in this or other acts for the EPIC program.

(2) Except as allowed in section 3(4), the EPIC program is a payer of last resort. If the federal government establishes a pharmaceutical assistance program that covers EPIC eligible seniors under medicare or another program, the EPIC program shall cover only eligible costs not covered by the federal program. This subsection does not require payment by a local prescription drug discount program or a local emergency prescription drug assistance program for a prescription drug covered under the EPIC program.

(3) The EPIC program shall utilize an automated pharmacy claims adjudication and prospective drug utilization review system. This automated system shall contain those edits necessary to reduce the risk of adverse drug reactions in the enrolled population.

(4) The pharmacy dispensing fee payable under the EPIC program shall be equal to the current medicaid dispensing fee.

Enacting section 1. Section 273 of the income tax act of 1967, 1967 PA 281, MCL 206.273, is repealed effective December 31 of the year in which the EPIC program is implemented. It is the intent of the legislature that an individual who has expenses for prescription drugs that qualify for a credit under section 273 of the income tax act of 1967, 1967 PA 281, MCL 206.273, on or after January 1 and before December 31 of the year in which the EPIC program is implemented, shall be allowed to claim the credit based on those expenses for that period. In addition, the MEPPS program shall continue until the EPIC program is fully operational.

Enacting section 2. This act takes effect October 1, 2001.

Enacting section 3. Section 1695 of 2000 PA 296 is repealed.

Third: That the Senate and House agree to the title of the bill to read as follows:

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; and to repeal acts and parts of acts.

Harry Gast
John J.H. Schwarz
Conferees for the Senate

Terry Geiger
Sandra Caul
Lynne Martinez
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day, Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 803

Yeas—35

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

Nays—0

Excused—3

Johnson	Smith, V.	Vaughn
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Not Voting—0

In The Chair: President

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.

Senators Van Regenmorter, Emerson, Rogers, Sikkema, Bennett, Goschka, Jaye, McCotter, A. Smith, Peters, DeBeaussaert, Miller, Murphy, Hart, Young, Schuette, Leland, Dunaskiss and Byrum moved that they be named co-sponsors of the following bill:

Senate Bill No. 1278

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 651, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, 9121, and 9123 (MCL 324.9101, 324.9104, 324.9105, 324.9106, 324.9107, 324.9108, 324.9109, 324.9110, 324.9112, 324.9113, 324.9115, 324.9117, 324.9118, 324.9119, 324.9120, 324.9121, and 324.9123), sections 9101, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9112, 9113, 9115, 9117, 9118, 9119, 9120, and 9123 as added by 1995 PA 60 and section 9121 as amended by 1996 PA 173, and by adding section 9123a; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 804

Yeas—32

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

Nays—3

Dunaskiss	Jaye	Shugars
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Excused—3

Johnson	Smith, V.	Vaughn
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Not Voting—0

In The Chair: President

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 consideration of the following bill:

Senate Bill No. 1337, entitled

A bill to authorize the state administrative board to convey certain state owned property in Jackson county in exchange for certain other parcels in Jackson county; to prescribe certain conditions for that exchange; and to provide for certain powers and duties of the department of management and budget, the department of corrections, and the attorney general in regard to that exchange.

Substitute (H-1)

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 805

Yeas—35

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

Nays—0

Excused—3

Johnson	Smith, V.	Vaughn
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Not Voting—0

In The Chair: President

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 title as amended.

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

Senator Johnson entered the Senate Chamber.

Senator Jaye moved that consideration of the following bill be postponed temporarily:

Senate Bill No. 1046

The motion prevailed.

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.

(For the text of amendments, see Senate Journal No. 76, p. 2068.)

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 806**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: President

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.

Senate Bill No. 959, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending the title and sections 1, 3, 5, 6, 7, 8, 16, and 20 (MCL 141.1051, 141.1053, 141.1055, 141.1056, 141.1057, 141.1058, 141.1066, and 141.1070), the title and sections 3 and 8 as amended by 1997 PA 27, section 7 as amended by 2000 PA 118, and section 20 as amended by 1988 PA 316; and to repeal acts and parts of acts.

(For the text of amendment, see Senate Journal No. 76, p. 2068.)

The question being on concurring in the amendment made to the bill by the House,
 The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 807**Yeas—35**

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

Nays—1

Jaye

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: President

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.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:47 a.m.

12:58 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senator Johnson 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 12:59 p.m.

1:11 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senator Johnson introduced to the Senate the Birmingham Brother Rice High School State Champions: Division 2 Soccer Team, with Head Coach Jay Louis Prescott, Assistant Coach Chris Timlin, Captain Matthew Cleary, and Captain Brian Kolena; and Division 2 Football Team, with Head Coach Al Fracassa, Captain Jon Randall, Captain James Navarre, and Captain Aaron Jackson; and presented them with special tributes.

Messrs. Cleary and Randall responded briefly.

Senator Hoffman moved that rule 2.106 be suspended to allow the conference committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Hoffman moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 1:12 p.m.

2:47 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

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

The motion prevailed.

Senator DeGrow's statement is as follows:

I just wanted the membership and the people around to know that while we were in caucus, we did have elections. As you know, one of our members is soon to be off to Congress, and effective upon his resignation, the new floor leader will be Senator Joanne Emmons. So, Joanne, congratulations. I believe she is the first woman floor leader in the history of the Senate, so congratulations.

Also we had a vacancy as to the assistant floor leader, and our assistant floor leader will be Bev Hammerstrom. Bev, congratulations to you.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 977, entitled

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 House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

Senator Gast offered the following amendments to the substitute:

1. Amend page 2, line 4, by striking out "152,342,300" and inserting "151,232,300".
2. Amend page 2, line 8, by striking out "152,342,300" and inserting "151,232,300".
3. Amend page 2, line 14, by striking out "152,341,800" and inserting "151,231,800".
4. Amend page 2, line 17, by striking out "152,342,300" and inserting "151,232,300".
5. Amend page 2, line 21, by striking out "152,342,300" and inserting "151,232,300".
6. Amend page 3, following line 10, by striking out "Liquor purchase revolving fund.....210,000".
7. Amend page 3, line 12, by striking out "1,500,000" and inserting "600,000".
8. Amend page 3, line 16, by striking out "152,341,800" and inserting "151,231,800".
9. Amend page 17, line 19, by striking out "1,500,000" and inserting "600,000".
10. Amend page 17, line 23, by striking out "1,500,000" and inserting "600,000".
11. Amend page 18, line 3, by striking out "1,500,000" and inserting "600,000".
12. Amend page 18, line 6, by striking out "1,500,000" and inserting "600,000".
13. Amend page 18, line 7, by striking out "1,500,000" and inserting "600,000".
14. Amend page 18, line 10, by striking out "1,500,000" and inserting "600,000".
15. Amend page 19, line 3, by striking out "90,308,000" and inserting "90,098,000".
16. Amend page 19, line 7, by striking out "90,308,000" and inserting "90,098,000".
17. Amend page 19, line 13, by striking out "90,308,000" and inserting "90,098,000".
18. Amend page 20, following line 9, by striking out "DMC demolition program210,000".

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.

(For Conference Report, see p. 2088.)

The House of Representatives has adopted the report of the Committee of Conference.

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

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. (For Conference Report, see Senate Journal No. 76, p. 2053.)

The House of Representatives has adopted the report of the Committee of Conference.

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

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. (For Conference Report, see Senate Journal No. 76, p. 2055.)

The House of Representatives has adopted the report of the Committee of Conference.

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

Senate Bill No. 746, entitled

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 20101b (MCL 324.20101b), as amended by 2000 PA 65.

The House of Representatives has concurred in the Senate substitute (S-1) to the House substitute (H-1) and agreed to the title.

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

Senate Bill No. 1349, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 1999 PA 91.

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.

Senate Bill No. 1056, entitled

A bill to amend 1964 PA 158, entitled "An act to provide for the licensing of wholesale potato dealers; to prescribe certain powers and duties for certain state agencies; to require certain types of financial security for certain persons under certain circumstances, and to prescribe the procedure for its enforcement; to provide remedies and penalties for violations of the act; and to repeal certain acts and parts of acts," by repealing section 13 (MCL 290.463).

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

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

House Bill No. 5951, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 2000 PA 150.

The House of Representatives has nonconcurred in the Senate amendment and appointed Reps. Vander Roest, Voorhees and DeHart as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 1199, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 1999 PA 39.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled “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,” by amending section 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 315.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 1012, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by amending the title and by adding section 230a.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and pursuant to Joint Rule 20, inserted the full title. Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 809

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 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.

Senate Bill No. 267, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3, 14, 25, and 26 (MCL 38.1603, 38.1614, 38.1625, and 38.1626), section 3 as amended by 1995 PA 192, section 14 as amended by 1989 PA 191, and section 26 as amended by 1991 PA 53, and by adding sections 13a and 40b.

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.

Senate Bill No. 1244, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," (MCL 722.21 to 722.30) by adding section 11.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 810**Yeas—33**

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

Nays—3

Emerson	Koivisto	Smith, A.
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Excused—2

Smith, V.	Vaughn
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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.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 802, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 32 (MCL 388.1632), as added by 1999 PA 119.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 32f (MCL 388.1632f), as added by 2000 PA 297.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 811**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

Senate Bill No. 989, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 2 (MCL 205.92), as amended by 1998 PA 366. 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.

Senator Rogers moved that the enrollment be vacated on the following bill:

Senate Bill No. 555

The motion prevailed.

Senator Rogers moved to reconsider the vote by which the House substitute was concurred in.

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

The question being on concurring in the substitute made to the bill by the House,

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

The motion prevailed.

The President, Lieutenant Governor Posthumus, resumed the Chair.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

House Bill No. 6052, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411s.

The above bill was read a third time.

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. 813

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: President

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 3:41 p.m.

4:31 p.m.

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

Senator Emerson moved that Senator Young be temporarily excused from the balance of today’s session.
The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 555, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4g (MCL 205.54g), as amended by 1998 PA 60.

(The House substitute was concurred in earlier today, enrollment vacated, vote reconsidered, and consideration postponed. See p. 2103.)

The question being on concurring in the substitute made to the bill by the House,
Senator Hammerstrom offered the following substitute to the House substitute:
Substitute (S-3).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 814

Yeas—34

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

Nays—0

Excused—3

Smith, V.

Vaughn

Young

Not Voting—1

Gast

In The Chair: President

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

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2000 PA 329.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Recess

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

The motion prevailed, the time being 4:37 p.m.

5:53 p.m.

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

During the recess, Senator Young entered the Senate Chamber.

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:

I think now is a good time to make a presentation to one of our very valuable Senate staffers who is leaving. Doug Wilson, who you see back here everyday running the boards and trying to keep all the electronic equipment up to speed, has been accepted at the University of Texas Austin aerospace engineering program. In fact, he will be off to become a Longhorn after the first of the year. Monday will be his last day in the Senate. We have been practicing the lines of, "The eyes of Texas that are upon you" and doing Hook 'em Horns all day, so he will be going down there and know precisely what to do.

Doug, from the Senate, from all of your colleagues in the Senate, the staff, and the leadership, we wish you the very best at the University of Texas. We know you will be an absolutely terrific aerospace engineer.

By unanimous consent the Senate returned to the order of

Conference Reports**House Bill No. 4530, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4530, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and

gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide for penalties and remedies for violations of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 2000 PA 265 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, 5o, 5v, and 5w; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license OR OTHER AUTHORIZATION; to provide for the forfeiture of firearms ~~possessed in violation of this act~~ UNDER CERTAIN CIRCUMSTANCES; to provide for penalties and remedies; ~~for violations of this act~~; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; TO PROHIBIT CERTAIN CONDUCT AGAINST INDIVIDUALS WHO APPLY FOR OR RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL; TO MAKE APPROPRIATIONS; TO PRESCRIBE CERTAIN CONDITIONS FOR THE APPROPRIATIONS; and to repeal all acts and parts of acts inconsistent with ~~the provisions of~~ this act.

Sec. 1. As used in this act:

(a) "Firearm" means a weapon from which a dangerous projectile may be propelled by an explosive, or by gas or air. Firearm does not include a smooth bore rifle or handgun designed and manufactured exclusively for propelling by a spring, or by gas or air, BB's not exceeding .177 caliber.

(b) "Pistol" means a loaded or unloaded firearm that is 30 inches or less in length, or a loaded or unloaded firearm that by its construction and appearance conceals it as a firearm.

(c) "Purchaser" means a person who receives a pistol from another person by purchase ; OR gift. ~~or loan.~~

(d) "Seller" means a person who sells , furnishes, loans, or gives a pistol to another person.

SEC. 1A. IT IS THE INTENT OF THE LEGISLATURE TO CREATE A STANDARDIZED SYSTEM FOR ISSUING CONCEALED PISTOL LICENSES TO PREVENT CRIMINALS AND OTHER VIOLENT INDIVIDUALS FROM OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL, TO ALLOW LAW ABIDING RESIDENTS TO OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL, AND TO PRESCRIBE THE RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS WHO HAVE OBTAINED A LICENSE TO CARRY A CONCEALED PISTOL. IT IS ALSO THE INTENT OF THE LEGISLATURE TO GRANT AN APPLICANT THE RIGHT TO KNOW WHY HIS OR HER APPLICATION FOR A CONCEALED PISTOL LICENSE IS DENIED AND TO CREATE A PROCESS BY WHICH AN APPLICANT MAY APPEAL THAT DENIAL.

SEC. 2A. (1) AN INDIVIDUAL WHO IS LICENSED UNDER SECTION 5B TO CARRY A CONCEALED PISTOL IS NOT REQUIRED TO OBTAIN A LICENSE UNDER SECTION 2 TO PURCHASE, CARRY, OR TRANSPORT A PISTOL.

(2) IF AN INDIVIDUAL LICENSED UNDER SECTION 5B PURCHASES A PISTOL, THE SELLER SHALL COMPLETE A SALES RECORD IN TRIPLICATE ON A FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE. THE RECORD SHALL INCLUDE THE INDIVIDUAL'S CONCEALED WEAPON LICENSE NUMBER. THE INDIVIDUAL PURCHASING THE PISTOL SHALL SIGN THE RECORD. THE SELLER SHALL RETAIN 1 COPY OF THE RECORD, PROVIDE 1 COPY TO THE INDIVIDUAL PURCHASING THE PISTOL, AND FORWARD THE ORIGINAL TO THE DEPARTMENT OF STATE POLICE WITHIN 10 DAYS FOLLOWING THE PURCHASE.

(3) THIS SECTION DOES NOT APPLY TO A PERSON OR ENTITY EXEMPT UNDER SECTION 2(7).

(4) AN INDIVIDUAL WHO MAKES A MATERIAL FALSE STATEMENT ON A SALES RECORD UNDER THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

(5) THE DEPARTMENT OF STATE POLICE MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

SEC. 5. (1) COUNTY SHERIFFS, LOCAL POLICE AGENCIES, AND COUNTY CLERKS SHALL PROVIDE CONCEALED PISTOL APPLICATION KITS DURING NORMAL BUSINESS HOURS AND FREE OF CHARGE TO INDIVIDUALS WHO WISH TO APPLY FOR LICENSES TO CARRY CONCEALED PISTOLS. EACH KIT SHALL ONLY CONTAIN ALL OF THE FOLLOWING:

(A) A CONCEALED PISTOL LICENSE APPLICATION FORM PROVIDED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

(B) THE FINGERPRINT CARDS REQUIRED UNDER SECTION 5B(11).

(C) WRITTEN INFORMATION REGARDING THE PROCEDURES INVOLVED IN OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL, INCLUDING INFORMATION REGARDING THE RIGHT TO APPEAL THE DENIAL OF A LICENSE AND THE FORM REQUIRED FOR THAT APPEAL.

(D) WRITTEN INFORMATION IDENTIFYING ENTITIES THAT OFFER THE TRAINING REQUIRED UNDER SECTION 5B(7)(C).

(2) A COUNTY SHERIFF, LOCAL POLICE AGENCY, OR COUNTY CLERK SHALL NOT DENY AN INDIVIDUAL THE RIGHT TO RECEIVE A CONCEALED PISTOL APPLICATION KIT UNDER THIS SECTION.

(3) AN INDIVIDUAL WHO IS DENIED AN APPLICATION KIT UNDER THIS SECTION AND OBTAINS AN ORDER OF MANDAMUS DIRECTING THE CONCEALED WEAPON LICENSING BOARD TO PROVIDE HIM OR HER WITH THE APPLICATION KIT SHALL BE AWARDED HIS OR HER ACTUAL AND REASONABLE COSTS AND ATTORNEY FEES FOR OBTAINING THE ORDER.

(4) THE DEPARTMENT OF STATE POLICE SHALL PROVIDE THE APPLICATION KITS REQUIRED UNDER THIS SECTION TO COUNTY SHERIFFS, LOCAL LAW ENFORCEMENT AGENCIES, AND COUNTY CLERKS IN SUFFICIENT QUANTITIES TO MEET DEMAND. THE DEPARTMENT OF STATE POLICE SHALL NOT CHARGE A FEE FOR THE KITS.

SEC. 5A. (1) EACH COUNTY SHALL HAVE A CONCEALED WEAPON LICENSING BOARD. THE CONCEALED WEAPON LICENSING BOARD OF EACH COUNTY SHALL HAVE THE FOLLOWING MEMBERS:

(A) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER DESIGNEE. HOWEVER, IF THE COUNTY PROSECUTING ATTORNEY DECIDES THAT HE OR SHE DOES NOT WANT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD, HE OR SHE SHALL NOTIFY THE COUNTY BOARD OF COMMISSIONERS IN WRITING THAT HE OR SHE DOES NOT WANT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD FOR THE BALANCE OF HIS OR HER TERM IN OFFICE. THE COUNTY BOARD OF COMMISSIONERS SHALL THEN APPOINT A REPLACEMENT FOR THE PROSECUTING ATTORNEY WHO IS A FIREARMS INSTRUCTOR WHO HAS THE QUALIFICATIONS PRESCRIBED IN SECTION 5J(1)(C). THE PERSON WHO REPLACES THE PROSECUTING ATTORNEY SHALL SERVE ON THE CONCEALED WEAPON LICENSING BOARD IN PLACE OF THE PROSECUTING ATTORNEY FOR THE REMAINING TERM OF THE COUNTY PROSECUTING ATTORNEY UNLESS REMOVED FOR CAUSE BY THE COUNTY BOARD OF COMMISSIONERS. IF A VACANCY OCCURS ON THE CONCEALED WEAPON LICENSING BOARD OF THE PERSON APPOINTED PURSUANT TO THIS SECTION DURING THE TERM OF OFFICE OF THE COUNTY PROSECUTING ATTORNEY, THE COUNTY BOARD OF COMMISSIONERS SHALL APPOINT A REPLACEMENT PERSON WHO IS A FIREARMS INSTRUCTOR WHO HAS THE QUALIFICATIONS PRESCRIBED IN SECTION 5J(1)(C).

(B) THE COUNTY SHERIFF OR HIS OR HER DESIGNEE.

(C) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE OR HIS OR HER DESIGNEE.

(2) IF A PROSECUTING ATTORNEY CHOOSES NOT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD, ALL OF THE FOLLOWING APPLY:

(A) THE PROSECUTING ATTORNEY SHALL BE NOTIFIED OF ALL APPLICATIONS RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD.

(B) THE PROSECUTING ATTORNEY SHALL BE GIVEN AN OPPORTUNITY TO OBJECT TO GRANTING A LICENSE TO CARRY A CONCEALED PISTOL AND PRESENT EVIDENCE BEARING DIRECTLY ON AN APPLICANT'S SUITABILITY TO CARRY A CONCEALED PISTOL SAFELY.

(C) THE PROSECUTING ATTORNEY SHALL DISCLOSE TO THE CONCEALED WEAPON LICENSING BOARD ANY INFORMATION OF WHICH HE OR SHE HAS ACTUAL KNOWLEDGE THAT BEARS DIRECTLY ON AN APPLICANT'S SUITABILITY TO CARRY A CONCEALED PISTOL SAFELY.

(3) THE COUNTY PROSECUTING ATTORNEY OR HIS OR HER DESIGNEE SHALL SERVE AS CHAIRPERSON OF THE BOARD UNLESS THE PROSECUTING ATTORNEY DOES NOT WANT TO BE A MEMBER OF THE CONCEALED WEAPON LICENSING BOARD, IN WHICH CASE THE CONCEALED WEAPON LICENSING BOARD SHALL ELECT ITS CHAIRPERSON. TWO MEMBERS OF THE CONCEALED WEAPON LICENSING BOARD CONSTITUTE A QUORUM OF THE CONCEALED WEAPON LICENSING BOARD. THE BUSINESS OF THE CONCEALED WEAPON LICENSING BOARD SHALL BE CONDUCTED BY A MAJORITY VOTE OF ALL OF THE MEMBERS OF THE CONCEALED WEAPON LICENSING BOARD.

(4) THE COUNTY CLERK SHALL SERVE AS THE CLERK OF THE CONCEALED WEAPON LICENSING BOARD.

(5) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE CONCEALED WEAPON LICENSING BOARD HAS EXCLUSIVE AUTHORITY TO ISSUE, DENY, REVOKE, OR SUSPEND A LICENSE TO CARRY A CONCEALED PISTOL. THE CONCEALED WEAPON LICENSING BOARD SHALL PERFORM OTHER DUTIES AS PROVIDED BY LAW.

(6) THE CONCEALED WEAPON LICENSING BOARD MAY CONVENE NOT MORE THAN 3 PANELS TO ASSIST THE BOARD IN EVALUATING APPLICANTS. THE PANELS SHALL BE COMPOSED OF REPRESENTATIVES AS PRESCRIBED IN SUBSECTION (1). THE PANELS DO NOT HAVE THE AUTHORITY TO ISSUE, DENY, REVOKE, OR SUSPEND A LICENSE.

(7) THE CONCEALED WEAPON LICENSING BOARD MAY INVESTIGATE THE APPLICANT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE INVESTIGATION SHALL BE RESTRICTED TO DETERMINING ONLY WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL, AND THE INVESTIGATION REGARDING THE ISSUANCE OF A LICENSE SHALL END AFTER THAT DETERMINATION IS MADE. THE CONCEALED WEAPON LICENSING BOARD MAY REQUIRE THE APPLICANT TO APPEAR BEFORE THE BOARD AT A MUTUALLY AGREED-UPON TIME FOR A CONFERENCE. THE APPLICANT'S FAILURE OR REFUSAL TO APPEAR WITHOUT VALID REASON BEFORE THE CONCEALED WEAPON LICENSING BOARD AS PROVIDED IN THIS SUBSECTION IS GROUNDS FOR THE BOARD TO DENY ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL TO THAT APPLICANT.

(8) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THE SAFETY OF THE APPLICANT OR THE SAFETY OF A MEMBER OF THE APPLICANT'S FAMILY IS ENDANGERED BY THE APPLICANT'S INABILITY TO IMMEDIATELY OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL, THE CONCEALED WEAPON LICENSING BOARD MAY, PENDING ISSUANCE OF A LICENSE, ISSUE A TEMPORARY LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED PISTOL. A TEMPORARY LICENSE SHALL BE ON A FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE. A TEMPORARY LICENSE SHALL BE UNRESTRICTED AND SHALL BE VALID FOR NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE MAY BE RENEWED FOR 1 ADDITIONAL PERIOD OF NOT MORE THAN 180 DAYS. A TEMPORARY LICENSE IS, FOR ALL OTHER PURPOSES OF THIS ACT, A LICENSE TO CARRY A CONCEALED PISTOL.

(9) THE LEGISLATIVE SERVICE BUREAU SHALL COMPILE THE FIREARMS LAWS OF THIS STATE, INCLUDING LAWS THAT APPLY TO CARRYING A CONCEALED PISTOL, AND SHALL PROVIDE COPIES OF THE COMPILATION TO EACH CONCEALED WEAPON LICENSING BOARD IN THIS STATE FOR DISTRIBUTION UNDER THIS SUBSECTION. A CONCEALED WEAPON LICENSING BOARD SHALL DISTRIBUTE A COPY OF THE COMPILATION TO EACH INDIVIDUAL WHO APPLIES FOR A LICENSE TO CARRY A CONCEALED PISTOL AT THE TIME THE APPLICATION IS SUBMITTED. THE CONCEALED WEAPON LICENSING BOARD SHALL REQUIRE THE APPLICANT TO SIGN A WRITTEN STATEMENT ACKNOWLEDGING THAT HE OR SHE HAS RECEIVED A COPY OF THE COMPILATION. AN INDIVIDUAL IS NOT ELIGIBLE TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL UNTIL HE OR SHE HAS SIGNED THE STATEMENT.

SEC. 5B. (1) TO OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL, AN INDIVIDUAL SHALL APPLY TO THE CONCEALED WEAPON LICENSING BOARD IN THE COUNTY IN WHICH THAT INDIVIDUAL RESIDES FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE APPLICATION SHALL BE FILED WITH THE COUNTY CLERK AS CLERK OF THE CONCEALED WEAPON LICENSING BOARD DURING THE COUNTY CLERK'S NORMAL BUSINESS HOURS. THE APPLICATION SHALL BE ON A FORM PROVIDED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE AND SHALL ALLOW THE APPLICANT TO DESIGNATE WHETHER THE APPLICANT SEEKS A TEMPORARY LICENSE. THE APPLICATION SHALL BE SIGNED UNDER OATH BY THE APPLICANT. THE OATH SHALL BE ADMINISTERED BY THE COUNTY CLERK OR HIS OR HER REPRESENTATIVE. THE APPLICATION SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

(A) THE APPLICANT'S LEGAL NAME, DATE OF BIRTH, AND THE ADDRESS OF HIS OR HER PRIMARY RESIDENCE. IF THE APPLICANT RESIDES IN A CITY, VILLAGE, OR TOWNSHIP THAT HAS A POLICE DEPARTMENT, THE INFORMATION PROVIDED UNDER THIS SUBDIVISION SHALL INCLUDE A STATEMENT THAT THE CITY, VILLAGE, OR TOWNSHIP HAS A POLICE DEPARTMENT.

(B) A STATEMENT BY THE APPLICANT THAT THE APPLICANT MEETS THE CRITERIA FOR A LICENSE UNDER THIS ACT TO CARRY A CONCEALED PISTOL.

(C) A STATEMENT BY THE APPLICANT PROVIDING AUTHORITY TO THE CONCEALED WEAPON LICENSING BOARD TO ACCESS ANY RECORD PERTAINING TO THE QUALIFICATIONS OF AN APPLICANT FOR A LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT.

(D) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE HAS A HISTORY OF MENTAL ILLNESS THAT WOULD DISQUALIFY HIM OR HER UNDER SUBSECTION (7)(J) TO (I) FROM RECEIVING A LICENSE TO CARRY A CONCEALED PISTOL, AND GRANTING AUTHORITY TO THE CONCEALED WEAPON LICENSING BOARD TO ACCESS THE MENTAL HEALTH RECORDS OF THE APPLICANT RELATING TO HIS OR HER MENTAL HEALTH HISTORY. THE APPLICANT MAY REQUEST THAT INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD UNDER THIS SUBDIVISION BE REVIEWED IN A CLOSED SESSION. IF THE APPLICANT REQUESTS THAT THE SESSION BE CLOSED, THE CONCEALED WEAPON LICENSING BOARD SHALL CLOSE THE SESSION ONLY FOR PURPOSES OF THIS SUBDIVISION. THE APPLICANT AND HIS OR HER REPRESENTATIVE HAVE THE RIGHT TO BE PRESENT IN THE CLOSED SESSION. INFORMATION RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD UNDER THIS SUBDIVISION IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT.

(E) A STATEMENT BY THE APPLICANT REGARDING WHETHER HE OR SHE HAS EVER BEEN CONVICTED IN THIS STATE OR ELSEWHERE FOR ANY FELONY OR MISDEMEANOR.

(F) A STATEMENT BY THE APPLICANT WHETHER HE OR SHE IS DISHONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES.

(G) IF THE APPLICANT SEEKS A TEMPORARY LICENSE, THE FACTS SUPPORTING THE ISSUANCE OF THAT TEMPORARY LICENSE.

(H) A STATEMENT SETTING FORTH THE NAMES, RESIDENTIAL ADDRESSES, AND TELEPHONE NUMBERS OF 2 INDIVIDUALS WHO ARE REFERENCES FOR THE APPLICANT.

(1) A PASSPORT-QUALITY PHOTOGRAPH OF THE APPLICANT PROVIDED BY THE APPLICANT.

(2) THE APPLICATION FORM SHALL CONTAIN A CONSPICUOUS WARNING THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT INTENTIONALLY MAKING A MATERIAL FALSE STATEMENT ON THE APPLICATION IS A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

(3) AN INDIVIDUAL WHO INTENTIONALLY MAKES A MATERIAL FALSE STATEMENT ON AN APPLICATION UNDER SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

(4) THE CONCEALED WEAPON LICENSING BOARD SHALL RETAIN A COPY OF EACH APPLICATION FOR A LICENSE TO CARRY A CONCEALED PISTOL AS AN OFFICIAL RECORD.

(5) EACH APPLICANT SHALL PAY A FEE OF \$55.00 BY ANY METHOD OF PAYMENT ACCEPTED BY THAT COUNTY FOR PAYMENTS OF OTHER FEES AND PENALTIES, PLUS AN ADDITIONAL ASSESSMENT OF \$5.00 FOR DEPOSIT IN THE CONCEALED WEAPON ENFORCEMENT FUND UNDER SECTION 5V AT THE TIME OF FILING AN APPLICATION UNDER THIS SECTION. A UNIT OF LOCAL GOVERNMENT, AN AGENCY OF A UNIT OF LOCAL GOVERNMENT, OR AN AGENCY OR DEPARTMENT OF THIS STATE SHALL NOT CHARGE AN ADDITIONAL FEE, ASSESSMENT, OR OTHER AMOUNT IN CONNECTION WITH A LICENSE UNDER THIS SECTION, OTHER THAN THE FINGERPRINT FEE PROVIDED FOR IN THIS ACT. THE FEE AND ASSESSMENT SHALL BE PAYABLE TO THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT \$10.00 OF EACH FEE COLLECTED UNDER THIS SECTION IN THE GENERAL FUND OF THE COUNTY TO THE CREDIT OF THE COUNTY CLERK AND FORWARD THE BALANCE TO THE STATE TREASURER. THE STATE TREASURER SHALL DEPOSIT THE BALANCE OF THE FEE IN THE GENERAL FUND TO THE CREDIT OF THE DEPARTMENT OF STATE POLICE. THE STATE TREASURER SHALL DEPOSIT THE ASSESSMENT IN THE CONCEALED WEAPON ENFORCEMENT FUND CREATED IN SECTION 5V. EACH COUNTY SHALL REPORT TO THE SENATE AND HOUSE FISCAL AGENCIES BY OCTOBER 1 OF EACH YEAR ITS COSTS PER APPLICANT TO IMPLEMENT THIS SECTION.

(6) THE COUNTY SHERIFF ON BEHALF OF THE CONCEALED WEAPON LICENSING BOARD SHALL VERIFY THE REQUIREMENTS OF SUBSECTION (7)(D), (E), (F), (H), (I), (J), (K), (L), AND (M) THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK AND REPORT HIS OR HER FINDING TO THE CONCEALED WEAPON LICENSING BOARD. IF THE APPLICANT RESIDES IN A CITY, VILLAGE, OR TOWNSHIP THAT HAS A POLICE DEPARTMENT, THE CONCEALED WEAPON LICENSING BOARD SHALL CONTACT THAT CITY, VILLAGE, OR TOWNSHIP POLICE DEPARTMENT TO DETERMINE ONLY WHETHER THAT CITY, VILLAGE, OR TOWNSHIP POLICE DEPARTMENT HAS ANY INFORMATION RELEVANT TO THE INVESTIGATION OF WHETHER THE APPLICANT IS ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL.

(7) THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE A LICENSE TO AN APPLICANT TO CARRY A CONCEALED PISTOL WITHIN THE PERIOD REQUIRED UNDER THIS ACT AFTER THE APPLICANT PROPERLY SUBMITS AN APPLICATION UNDER SUBSECTION (1) AND THE CONCEALED WEAPON LICENSING BOARD DETERMINES THAT ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE APPLICANT IS 21 YEARS OF AGE OR OLDER.

(B) THE APPLICANT IS A CITIZEN OF THE UNITED STATES OR IS A RESIDENT LEGAL ALIEN AS DEFINED IN SECTION 11 OF TITLE 18 OF THE UNITED STATES CODE, IS A RESIDENT OF THIS STATE, AND HAS RESIDED IN THIS STATE FOR AT LEAST 6 MONTHS. THE CONCEALED WEAPON LICENSING BOARD MAY WAIVE THE 6-MONTH RESIDENCY REQUIREMENT FOR A TEMPORARY LICENSE UNDER SECTION 5A(8) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THE SAFETY OF THE APPLICANT OR THE SAFETY OF A MEMBER OF THE APPLICANT'S FAMILY IS ENDANGERED BY THE APPLICANT'S INABILITY TO IMMEDIATELY OBTAIN A LICENSE TO CARRY A CONCEALED PISTOL.

(C) THE APPLICANT HAS KNOWLEDGE AND HAS HAD TRAINING IN THE SAFE USE AND HANDLING OF A PISTOL BY THE SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING COURSE OR CLASS THAT MEETS THE REQUIREMENTS OF SECTION 5J, AND THAT IS AVAILABLE TO THE GENERAL PUBLIC AND PRESENTED BY A LAW ENFORCEMENT AGENCY, JUNIOR OR COMMUNITY COLLEGE, COLLEGE, OR PUBLIC OR PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS TRAINING SCHOOL.

(D) THE APPLICANT IS NOT THE SUBJECT OF AN ORDER OR DISPOSITION UNDER ANY OF THE FOLLOWING:

(i) SECTION 464A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1464A.

(ii) FORMER SECTION 444A OF THE REVISED PROBATE CODE, 1978 PA 642, MCL 700.444A, OR SECTION 5107 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5107.

(iii) SECTIONS 2950 AND 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A.

(iv) SECTION 6B OF CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B, IF THE ORDER HAS A CONDITION IMPOSED PURSUANT TO SECTION 6B(3) OF CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 765.6B.

(v) SECTION 16B OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.16B.

(E) THE APPLICANT IS NOT PROHIBITED FROM POSSESSING, USING, TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING, OR DISTRIBUTING A FIREARM UNDER SECTION 224F OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.224F.

(F) THE APPLICANT HAS NEVER BEEN CONVICTED OF A FELONY IN THIS STATE OR ELSEWHERE, AND A FELONY CHARGE AGAINST THE APPLICANT IS NOT PENDING IN THIS STATE OR ELSEWHERE AT THE TIME HE OR SHE APPLIES FOR A LICENSE DESCRIBED IN THIS SECTION.

(G) THE APPLICANT IS NOT DISHONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES.

(H) THE APPLICANT HAS NOT BEEN CONVICTED OF A MISDEMEANOR VIOLATION OF ANY OF THE FOLLOWING IN THE 8 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION:

(i) SECTION 625(1) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, PUNISHABLE AS PROVIDED IN SUBSECTION (8)(B) OF THAT SECTION (DRUNK DRIVING, SECOND OFFENSE).

(ii) SECTION 626 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.626 (RECKLESS DRIVING).

(iii) SECTION 904(1) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.904 (DRIVING WHILE LICENSE SUSPENDED OR REVOKED), PUNISHABLE AS A SECOND OR SUBSEQUENT OFFENSE.

(iv) SECTION 29 OF 1964 PA 283, MCL 290.629 (HINDERING OR OBSTRUCTING WEIGHTS AND MEASURES ENFORCEMENT OFFICER).

(v) SECTION 10 OF THE MOTOR FUELS QUALITY ACT, 1984 PA 44, MCL 290.650 (HINDERING, OBSTRUCTING, ASSAULTING, OR COMMITTING BODILY INJURY UPON DIRECTOR OR AUTHORIZED REPRESENTATIVE).

(vi) SECTION 7403 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7403.

(vii) SECTION 7 OF 1978 PA 33, MCL 722.677 (DISPLAYING SEXUALLY EXPLICIT MATERIALS TO MINORS).

(viii) SECTION 81 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81 (ASSAULT OR DOMESTIC ASSAULT).

(ix) SECTION 81A(1) OR (2) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81A (AGGRAVATED ASSAULT OR AGGRAVATED DOMESTIC ASSAULT).

(x) SECTION 136B(5) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B (FOURTH DEGREE CHILD ABUSE).

(xi) SECTION 145A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145A (ACCOSTING, ENTICING, OR SOLICITING A CHILD FOR IMMORAL PURPOSES).

(xii) SECTION 145N OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145N (VULNERABLE ADULT ABUSE).

(xiii) SECTION 157B(3)(B) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.157B (SOLICITATION TO COMMIT A FELONY).

(xiv) SECTION 215 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.215 (IMPERSONATING SHERIFF, CONSERVATION OFFICER, CORONER, CONSTABLE, OR POLICE OFFICER).

(xv) SECTION 223 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.223 (ILLEGAL SALE OF A FIREARM OR AMMUNITION).

(xvi) SECTION 224D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.224D (ILLEGAL SALE OF A SELF-DEFENSE SPRAY).

(xvii) SECTION 226A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.226A (SALE OR POSSESSION OF A SWITCHBLADE).

(xviii) SECTION 227C OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.227C (IMPROPER TRANSPORTATION OF A FIREARM).

(xix) SECTION 228 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.228 (FAILURE TO HAVE A PISTOL INSPECTED).

(xx) SECTION 229 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.229 (ACCEPTING A PISTOL IN PAWN).

(xxi) SECTION 232 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.232 (FAILURE TO REGISTER THE PURCHASE OF A FIREARM OR A FIREARM COMPONENT).

(xxii) SECTION 232A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.232A (IMPROPERLY OBTAINING A PISTOL, MAKING A FALSE STATEMENT ON AN APPLICATION TO PURCHASE A PISTOL, OR USING FALSE IDENTIFICATION TO PURCHASE A PISTOL).

(xxiii) SECTION 233 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.233 (INTENTIONALLY AIMING A FIREARM WITHOUT MALICE).

(xxiv) SECTION 234 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT MALICE).

(xxv) SECTION 234D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234D (POSSESSING A FIREARM ON PROHIBITED PREMISES).

(xxvi) SECTION 234E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234E (BRANDISHING A FIREARM IN PUBLIC).

(xxvii) SECTION 234F OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234F (POSSESSION OF A FIREARM BY AN INDIVIDUAL LESS THAN 18 YEARS OF AGE).

(xxviii) SECTION 235 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.235 (INTENTIONALLY DISCHARGING A FIREARM AIMED WITHOUT MALICE CAUSING INJURY).

(xxix) SECTION 235A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.235A (PARENT OF A MINOR WHO POSSESSED A FIREARM IN A WEAPON FREE SCHOOL ZONE).

(xxx) SECTION 236 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.236 (SETTING A SPRING GUN OR OTHER DEVICE).

(xxxi) SECTION 237 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237 (POSSESSING A FIREARM WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A DRUG).

(xxxii) SECTION 237A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237A (WEAPON FREE SCHOOL ZONE VIOLATION).

(xxxiii) SECTION 411H OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H (STALKING).

(xxxiv) SECTION 1 OF 1952 PA 45, MCL 752.861 (RECKLESS, CARELESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN INJURY OR DEATH).

(xxxv) SECTION 2 OF 1952 PA 45, MCL 752.862 (CARELESS, RECKLESS, OR NEGLIGENT USE OF A FIREARM RESULTING IN PROPERTY DAMAGE).

(xxxvi) SECTION 3A OF 1952 PA 45, MCL 752.863A (RECKLESS DISCHARGE OF A FIREARM).

(xxxvii) A VIOLATION OF A LAW OF THE UNITED STATES, ANOTHER STATE, OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (xxxvi).

(I) THE APPLICANT HAS NOT BEEN CONVICTED OF ANY OTHER MISDEMEANOR IN THIS STATE OR ELSEWHERE, IN THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.

(J) THE APPLICANT HAS NOT BEEN FOUND GUILTY BUT MENTALLY ILL OF ANY CRIME AND HAS NOT OFFERED A PLEA OF NOT GUILTY OF, OR BEEN ACQUITTED OF, ANY CRIME BY REASON OF INSANITY.

(K) THE APPLICANT HAS NEVER BEEN SUBJECT TO AN ORDER OF INVOLUNTARY COMMITMENT IN AN INPATIENT OR OUTPATIENT SETTING DUE TO MENTAL ILLNESS.

(l) THE APPLICANT DOES NOT HAVE A DIAGNOSED MENTAL ILLNESS AT THE TIME THE APPLICATION IS MADE REGARDLESS OF WHETHER HE OR SHE IS RECEIVING TREATMENT FOR THAT ILLNESS.

(M) THE APPLICANT IS NOT UNDER A COURT ORDER OF LEGAL INCAPACITY IN THIS STATE OR ELSEWHERE.

(N) THE APPLICANT HAS KNOWLEDGE AND HAS HAD TRAINING IN THE SAFE USE AND HANDLING OF A PISTOL BY THE SUCCESSFUL COMPLETION OF A PISTOL SAFETY TRAINING COURSE OR CLASS THAT MEETS THE REQUIREMENTS OF SECTION 5J, AND THAT IS AVAILABLE TO THE GENERAL PUBLIC AND PRESENTED BY A LAW ENFORCEMENT AGENCY, JUNIOR OR COMMUNITY COLLEGE, COLLEGE, OR PUBLIC OR PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS TRAINING SCHOOL.

(O) ISSUING A LICENSE TO THE APPLICANT TO CARRY A CONCEALED PISTOL IN THIS STATE IS NOT DETRIMENTAL TO THE SAFETY OF THE APPLICANT OR TO ANY OTHER INDIVIDUAL. A DETERMINATION UNDER THIS SUBDIVISION SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE OF CIVIL INFRACTIONS, CRIMES, PERSONAL PROTECTION ORDERS OR INJUNCTIONS, OR POLICE REPORTS OR OTHER CLEAR AND CONVINCING EVIDENCE OF THE ACTIONS OF, OR STATEMENTS OF, THE APPLICANT THAT BEAR DIRECTLY ON THE APPLICANT'S ABILITY TO CARRY A CONCEALED PISTOL.

(8) UPON ENTRY OF A COURT ORDER OR CONVICTION OF 1 OF THE ENUMERATED PROHIBITIONS FOR USING, TRANSPORTING, SELLING, PURCHASING, CARRYING, SHIPPING, RECEIVING OR DISTRIBUTING A FIREARM IN THIS SECTION THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER THE ORDER OR CONVICTION INTO THE LAW ENFORCEMENT INFORMATION NETWORK. FOR PURPOSES OF THIS ACT, INFORMATION OF THE COURT ORDER OR CONVICTION SHALL NOT BE REMOVED FROM THE LAW ENFORCEMENT INFORMATION NETWORK, BUT MAY BE MOVED TO A SEPARATE FILE INTENDED FOR THE USE OF THE COUNTY CONCEALED WEAPON LICENSING BOARDS, THE COURTS, AND OTHER GOVERNMENT ENTITIES AS NECESSARY AND EXCLUSIVELY TO DETERMINE ELIGIBILITY TO BE LICENSED UNDER THIS ACT.

(9) BEFORE SUBMITTING AN APPLICATION UNDER THIS SECTION, THE INDIVIDUAL SHALL HAVE 2 SETS OF CLASSIFIABLE FINGERPRINTS TAKEN BY THE COUNTY SHERIFF. A SHERIFF MAY CHARGE A FEE FOR THE ACTUAL AND REASONABLE COSTS OF TAKING THE FINGERPRINTS, BUT NOT MORE THAN \$15.00.

(10) THE COUNTY SHERIFF SHALL TAKE THE FINGERPRINTS OF AN INDIVIDUAL WITHIN THE EXPIRATION OF 5 BUSINESS DAYS AFTER THE INDIVIDUAL REQUESTS HIS OR HER FINGERPRINTS TO BE TAKEN UNDER SUBSECTION (9).

(11) ONE SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (9) SHALL BE TAKEN ON A FORM FURNISHED BY THE DEPARTMENT OF STATE POLICE AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET OF FINGERPRINTS SHALL BE FORWARDED IMMEDIATELY BY THE COUNTY SHERIFF TO THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF STATE POLICE SHALL COMPARE THAT SET OF FINGERPRINTS WITH FINGERPRINTS ALREADY ON FILE WITH THE DEPARTMENT OF STATE POLICE. THE OTHER SET OF FINGERPRINTS TAKEN UNDER SUBSECTION (9) SHALL BE TAKEN ON A FORM FURNISHED BY THE FEDERAL BUREAU OF INVESTIGATION AND PROVIDED TO THE APPLICANT UNDER SECTION 5. THAT SET OF FINGERPRINTS SHALL BE FORWARDED IMMEDIATELY BY THE COUNTY SHERIFF TO THE DEPARTMENT OF STATE POLICE WHO SHALL FORWARD THAT SET OF FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION OR AN ENTITY DESIGNATED BY THE FEDERAL BUREAU OF INVESTIGATION TO RECEIVE THOSE FINGERPRINTS. THE REQUEST SHALL STATE THAT THE DEPARTMENT OF STATE POLICE IS TO BE PROVIDED WITH THE REPORT OF THE COMPARISON. THE DEPARTMENT OF STATE POLICE SHALL WITHIN 10 DAYS AFTER RECEIVING THE REPORT PROVIDE A COPY OF BOTH COMPARISONS TO THE COUNTY SHERIFF WHO TOOK THE FINGERPRINTS AND TO THE CONCEALED WEAPON LICENSING BOARD OF THE COUNTY IN WHICH THE APPLICANT RESIDES. THE CONCEALED WEAPON LICENSING BOARD SHALL NOT ISSUE A CONCEALED WEAPON LICENSE UNDER THIS SECTION TO AN APPLICANT UNTIL THE CONCEALED WEAPON LICENSING BOARD HAS RECEIVED THE FINGERPRINT COMPARISON REPORTS REQUIRED UNDER THIS SUBSECTION. THE CONCEALED WEAPON LICENSING BOARD IS NOT REQUIRED TO ISSUE A CONCEALED WEAPONS LICENSE TO AN APPLICANT IF THAT APPLICANT'S FINGERPRINTS ARE DETERMINED TO BE UNCLASSIFIABLE BY THE FEDERAL BUREAU OF INVESTIGATION.

(12) THE CONCEALED WEAPON LICENSING BOARD SHALL DENY A LICENSE TO AN APPLICANT TO CARRY A CONCEALED PISTOL IF THE APPLICANT IS NOT QUALIFIED UNDER SUBSECTION (7) TO RECEIVE THAT LICENSE.

(13) A LICENSE TO CARRY A CONCEALED PISTOL THAT IS ISSUED BASED UPON AN APPLICATION THAT CONTAINS A MATERIAL FALSE STATEMENT IS VOID FROM THE DATE THE LICENSE IS ISSUED.

(14) SUBJECT TO SUBSECTIONS (11) AND (15), THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE OR DENY ISSUANCE OF A LICENSE WITHIN 30 DAYS AFTER THE CONCEALED WEAPON LICENSING BOARD RECEIVES THE FINGERPRINT COMPARISON REPORT PROVIDED UNDER SUBSECTION (11). IF THE CONCEALED WEAPON LICENSING BOARD DENIES ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, THE CONCEALED WEAPON LICENSING BOARD SHALL WITHIN 5 BUSINESS DAYS DO BOTH OF THE FOLLOWING:

(A) INFORM THE APPLICANT IN WRITING OF THE REASONS FOR THE DENIAL. INFORMATION UNDER THIS SUBDIVISION SHALL INCLUDE ALL OF THE FOLLOWING:

- (i) A STATEMENT OF THE SPECIFIC AND ARTICULABLE FACTS SUPPORTING THE DENIAL.
- (ii) COPIES OF ANY WRITINGS, PHOTOGRAPHS, RECORDS, OR OTHER DOCUMENTARY EVIDENCE UPON WHICH THE DENIAL IS BASED.

(B) INFORM THE APPLICANT IN WRITING OF HIS OR HER RIGHT TO APPEAL THE DENIAL TO THE CIRCUIT COURT AS PROVIDED IN SECTION 5D.

(15) IF THE FINGERPRINT COMPARISON REPORT IS NOT RECEIVED BY THE CONCEALED WEAPON LICENSING BOARD WITHIN 30 DAYS AFTER THE FINGERPRINT REPORT IS FORWARDED TO THE DEPARTMENT OF STATE POLICE BY THE FEDERAL BUREAU OF INVESTIGATION, THE CONCEALED WEAPON LICENSING BOARD SHALL ISSUE A TEMPORARY LICENSE TO CARRY A CONCEALED PISTOL TO THE APPLICANT IF THE APPLICANT IS OTHERWISE QUALIFIED FOR A LICENSE. A TEMPORARY LICENSE ISSUED UNDER THIS SECTION IS VALID FOR 180 DAYS OR UNTIL THE CONCEALED WEAPON LICENSING BOARD RECEIVES THE FINGERPRINT COMPARISON REPORT PROVIDED UNDER SUBSECTION (11) AND ISSUES OR DENIES ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL AS OTHERWISE PROVIDED UNDER THIS ACT. UPON ISSUANCE OR THE DENIAL OF ISSUANCE OF THE LICENSE TO CARRY A CONCEALED PISTOL TO AN APPLICANT WHO RECEIVED A TEMPORARY LICENSE UNDER THIS SECTION, THE APPLICANT SHALL IMMEDIATELY SURRENDER THE TEMPORARY LICENSE TO THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THAT TEMPORARY LICENSE.

(16) AS USED IN THIS SECTION:

(A) "CONVICTED" MEANS A FINAL CONVICTION, THE PAYMENT OF A FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE COURT, OR A FINDING OF GUILT FOR A CRIMINAL LAW VIOLATION OR A JUVENILE ADJUDICATION OR DISPOSITION BY THE JUVENILE DIVISION OF PROBATE COURT OR FAMILY DIVISION OF CIRCUIT COURT FOR A VIOLATION THAT IF COMMITTED BY AN ADULT WOULD BE A CRIME.

(B) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 761.1, OR A VIOLATION OF A LAW OF THE UNITED STATES OR ANOTHER STATE THAT IS DESIGNATED AS A FELONY OR THAT IS PUNISHABLE BY DEATH OR BY IMPRISONMENT FOR MORE THAN 1 YEAR.

(C) "MENTAL ILLNESS" MEANS A SUBSTANTIAL DISORDER OF THOUGHT OR MOOD THAT SIGNIFICANTLY IMPAIRS JUDGMENT, BEHAVIOR, CAPACITY TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH THE ORDINARY DEMANDS OF LIFE, AND INCLUDES, BUT IS NOT LIMITED TO, CLINICAL DEPRESSION.

(D) "MISDEMEANOR" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE OR VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A VIOLATION OF A PENAL LAW OF THIS STATE THAT IS NOT A FELONY OR A VIOLATION OF AN ORDER, RULE, OR REGULATION OF A STATE AGENCY THAT IS PUNISHABLE BY IMPRISONMENT OR A FINE THAT IS NOT A CIVIL FINE, OR BOTH.

(E) "TREATMENT" MEANS CARE OR ANY THERAPEUTIC SERVICE, INCLUDING, BUT NOT LIMITED TO, THE ADMINISTRATION OF A DRUG, AND ANY OTHER SERVICE FOR THE TREATMENT OF A MENTAL ILLNESS.

SEC. 5C. (1) A LICENSE TO CARRY A CONCEALED PISTOL SHALL BE IN A FORM PRESCRIBED BY THE DEPARTMENT OF STATE POLICE. THE LICENSE SHALL CONTAIN ALL OF THE FOLLOWING:

- (A) THE LICENSEE'S FULL NAME, DATE OF BIRTH, AND STREET ADDRESS.
- (B) A PHOTOGRAPH AND A PHYSICAL DESCRIPTION OF THE LICENSEE.
- (C) A STATEMENT OF THE EFFECTIVE DATES OF THE LICENSE.

(2) SUBJECT TO SECTION 5o AND EXCEPT AS OTHERWISE PROVIDED BY LAW, A LICENSE TO CARRY A CONCEALED PISTOL ISSUED BY THE COUNTY CONCEALED WEAPON LICENSING BOARD AUTHORIZES THE LICENSEE TO DO ALL OF THE FOLLOWING:

- (A) CARRY A PISTOL CONCEALED ON OR ABOUT HIS OR HER PERSON ANYWHERE IN THIS STATE.
- (B) CARRY A PISTOL IN A VEHICLE, WHETHER CONCEALED OR NOT CONCEALED, ANYWHERE IN THIS STATE.

SEC. 5D. (1) IF THE CONCEALED WEAPON LICENSING BOARD DENIES ISSUANCE OF A LICENSE TO CARRY A CONCEALED PISTOL, OR FAILS TO ISSUE THAT LICENSE AS PROVIDED IN THIS ACT, THE APPLICANT MAY APPEAL THE DENIAL OR THE FAILURE TO ISSUE THE LICENSE TO THE CIRCUIT COURT IN THE JUDICIAL CIRCUIT IN WHICH HE OR SHE RESIDES. THE APPEAL OF THE DENIAL OR FAILURE TO ISSUE A LICENSE SHALL BE DETERMINED BY A REVIEW OF THE RECORD FOR ERROR, EXCEPT THAT IF THE DECISION OF THE CONCEALED WEAPON LICENSING BOARD WAS BASED UPON GROUNDS SPECIFIED IN SECTION 5B(7)(O) THAT PORTION OF THE APPEAL SHALL BE BY HEARING DE NOVO. WITNESSES IN THE HEARING SHALL BE SWORN. A JURY SHALL NOT BE PROVIDED IN A HEARING UNDER THIS SECTION. A VERBATIM RECORD SHALL BE MADE.

(2) IF THE COURT DETERMINES THAT THE DENIAL OR FAILURE TO ISSUE A LICENSE WAS CLEARLY ERRONEOUS, THE COURT SHALL ORDER THE CONCEALED WEAPON LICENSING BOARD TO ISSUE A LICENSE AS REQUIRED BY THIS ACT.

(3) IF THE COURT DETERMINES THAT THE DECISION OF THE CONCEALED WEAPON LICENSING BOARD TO DENY ISSUANCE OF A LICENSE TO AN APPLICANT WAS ARBITRARY AND CAPRICIOUS, THE COURT SHALL ORDER THIS STATE TO PAY 1/3 AND THE COUNTY IN WHICH THE CONCEALED WEAPON LICENSING BOARD IS LOCATED TO PAY 2/3 OF THE ACTUAL COSTS AND ACTUAL ATTORNEY FEES OF THE APPLICANT IN APPEALING THE DENIAL.

(4) IF THE COURT DETERMINES THAT AN APPLICANT'S APPEAL WAS FRIVOLOUS, THE COURT SHALL ORDER THE APPLICANT TO PAY THE ACTUAL COSTS AND ACTUAL ATTORNEY FEES OF THE CONCEALED WEAPON LICENSING BOARD IN RESPONDING TO THE APPEAL.

SEC. 5E. (1) THE DEPARTMENT OF STATE POLICE SHALL CREATE AND MAINTAIN A COMPUTERIZED DATABASE OF INDIVIDUALS WHO APPLY UNDER THIS ACT FOR A LICENSE TO CARRY A CONCEALED PISTOL. THE DATABASE SHALL CONTAIN ONLY THE FOLLOWING INFORMATION AS TO EACH INDIVIDUAL:

(A) THE INDIVIDUAL'S NAME, DATE OF BIRTH, ADDRESS, AND COUNTY OF RESIDENCE.

(B) IF THE INDIVIDUAL IS LICENSED TO CARRY A CONCEALED PISTOL IN THIS STATE, THE LICENSE NUMBER AND DATE OF EXPIRATION.

(C) EXCEPT AS PROVIDED IN SUBSECTION (2), IF THE INDIVIDUAL WAS DENIED A LICENSE TO CARRY A CONCEALED PISTOL AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, A STATEMENT OF THE REASONS FOR THAT DENIAL.

(D) A STATEMENT OF ALL CRIMINAL CHARGES PENDING AND CRIMINAL CONVICTIONS OBTAINED AGAINST THE INDIVIDUAL DURING THE LICENSE PERIOD.

(E) A STATEMENT OF ALL DETERMINATIONS OF RESPONSIBILITY FOR CIVIL INFRACTIONS OF THIS ACT PENDING OR OBTAINED AGAINST THE INDIVIDUAL DURING THE LICENSE PERIOD.

(2) IF AN INDIVIDUAL WHO WAS DENIED A LICENSE TO CARRY A CONCEALED PISTOL AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS SUBSEQUENTLY ISSUED A LICENSE TO CARRY A CONCEALED PISTOL, THE DEPARTMENT OF STATE POLICE SHALL DELETE FROM THE COMPUTERIZED DATABASE THE PREVIOUS REASONS FOR THE DENIAL.

(3) THE DEPARTMENT OF STATE POLICE SHALL ENTER THE INFORMATION DESCRIBED IN SUBSECTION (1)(A) AND (B) INTO THE LAW ENFORCEMENT INFORMATION NETWORK.

(4) INFORMATION IN THE DATABASE, COMPILED UNDER SUBSECTIONS (1) THROUGH (3), IS CONFIDENTIAL, IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON EXCEPT FOR PURPOSES OF THIS ACT OR FOR LAW ENFORCEMENT PURPOSES. THE INFORMATION COMPILED UNDER SUBSECTION (5) IS SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(5) THE DEPARTMENT OF STATE POLICE SHALL FILE AN ANNUAL REPORT WITH THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES SETTING FORTH ALL OF THE FOLLOWING INFORMATION FOR EACH COUNTY CONCEALED WEAPON LICENSING BOARD:

(A) THE NUMBER OF CONCEALED PISTOL APPLICATIONS RECEIVED.

(B) THE NUMBER OF CONCEALED PISTOL LICENSES ISSUED.

(C) THE NUMBER OF CONCEALED PISTOL LICENSES DENIED.

(D) CATEGORIES FOR DENIAL UNDER SUBDIVISION (C).

(E) THE NUMBER OF CONCEALED PISTOL LICENSES REVOKED.

(F) CATEGORIES FOR REVOCATION UNDER SUBDIVISION (E).

(G) THE NUMBER OF APPLICATIONS PENDING AT THE TIME THE REPORT IS MADE.

(H) THE MEAN AND MEDIAN AMOUNT OF TIME AND THE LONGEST AND SHORTEST AMOUNT OF TIME USED BY THE FEDERAL BUREAU OF INVESTIGATION TO SUPPLY THE FINGERPRINT COMPARISON REPORT REQUIRED IN SECTION 5B(11). THE DEPARTMENT MAY USE A STATISTICALLY SIGNIFICANT SAMPLE TO COMPLY WITH THIS SUBDIVISION.

(I) THE NUMBER OF CHARGES OF STATE CIVIL INFRACTIONS OF THIS ACT OR CHARGES OF CRIMINAL VIOLATIONS, CATEGORIZED BY OFFENSE, FILED AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL THAT RESULTED IN A FINDING OF RESPONSIBILITY OR A CRIMINAL CONVICTION. THE REPORT SHALL INDICATE THE NUMBER OF CRIMES IN EACH CATEGORY OF CRIMINAL OFFENSE THAT INVOLVED THE BRANDISHING OR USE OF A PISTOL, THE NUMBER THAT INVOLVED THE CARRYING OF A PISTOL BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME, AND THE NUMBER IN WHICH NO PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME.

(J) THE NUMBER OF PENDING CRIMINAL CHARGES, CATEGORIZED BY OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL.

(K) THE NUMBER OF CRIMINAL CASES DISMISSED, CATEGORIZED BY OFFENSE, AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL.

(L) THE NUMBER OF CASES FILED AGAINST INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL FOR CRIMINAL VIOLATIONS THAT RESULTED IN A FINDING OF NOT RESPONSIBLE OR NOT GUILTY, CATEGORIZED BY OFFENSE.

(M) FOR THE PURPOSES OF SUBDIVISIONS (I), (J), (K), AND (L), THE DEPARTMENT OF STATE POLICE SHALL USE THE DATA PROVIDED UNDER SECTION 5M.

(N) THE NUMBER OF SUICIDES BY INDIVIDUALS LICENSED TO CARRY A CONCEALED PISTOL.

(O) ACTUAL COSTS INCURRED PER PERMIT FOR EACH COUNTY.

SEC. 5F. (1) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL SHALL HAVE HIS OR HER LICENSE TO CARRY THAT PISTOL IN HIS OR HER POSSESSION AT ALL TIMES HE OR SHE IS CARRYING A CONCEALED PISTOL.

(2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL SHALL SHOW BOTH OF THE FOLLOWING TO A PEACE OFFICER UPON REQUEST BY THAT PEACE OFFICER:

(A) HIS OR HER LICENSE TO CARRY A CONCEALED PISTOL.

(B) HIS OR HER DRIVER LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD.

(3) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL WHO IS STOPPED BY A PEACE OFFICER SHALL DISCLOSE TO THE PEACE OFFICER THAT HE OR SHE IS CARRYING A PISTOL CONCEALED UPON HIS OR HER PERSON OR IN HIS OR HER VEHICLE.

(4) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) OR (2) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$100.00.

(5) AN INDIVIDUAL WHO VIOLATES SUBSECTION (3) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED AS FOLLOWS:

(A) FOR A FIRST OFFENSE, BY A FINE OF NOT MORE THAN \$500.00 OR BY THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL BEING SUSPENDED FOR 6 MONTHS, OR BOTH.

(B) FOR A SECOND OR SUBSEQUENT OFFENSE, BY A FINE OF NOT MORE THAN \$1,000.00 AND BY THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL BEING REVOKED.

(6) IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR A CIVIL INFRACTION UNDER THIS SECTION, THE COURT SHALL NOTIFY THE DEPARTMENT OF STATE POLICE AND THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE OF THAT DETERMINATION.

(7) A PISTOL CARRIED IN VIOLATION OF THIS SECTION IS SUBJECT TO IMMEDIATE SEIZURE BY A PEACE OFFICER. IF A PEACE OFFICER SEIZES A PISTOL UNDER THIS SUBSECTION, THE INDIVIDUAL HAS 45 DAYS IN WHICH TO DISPLAY HIS OR HER LICENSE OR DOCUMENTATION TO AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS THE PEACE OFFICER. IF THE INDIVIDUAL DISPLAYS HIS OR HER LICENSE OR DOCUMENTATION TO AN AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT ENTITY THAT EMPLOYS THE PEACE OFFICER WITHIN THE 45-DAY PERIOD, THE AUTHORIZED EMPLOYEE OF THAT LAW ENFORCEMENT ENTITY SHALL RETURN THE PISTOL TO THE INDIVIDUAL UNLESS THE INDIVIDUAL IS PROHIBITED BY LAW FROM POSSESSING A FIREARM. IF THE INDIVIDUAL DOES NOT DISPLAY HIS OR HER LICENSE OR DOCUMENTATION BEFORE THE EXPIRATION OF THE 45-DAY PERIOD, THE PISTOL IS SUBJECT TO FORFEITURE AS PROVIDED IN SECTION 5G. A PISTOL IS NOT SUBJECT TO IMMEDIATE SEIZURE UNDER THIS SUBSECTION IF BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

(A) THE INDIVIDUAL HAS HIS OR HER DRIVER LICENSE OR MICHIGAN PERSONAL IDENTIFICATION CARD IN HIS OR HER POSSESSION WHEN THE VIOLATION OCCURS.

(B) THE PEACE OFFICER VERIFIES THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE INDIVIDUAL IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL.

SEC. 5G. A PISTOL CARRIED IN VIOLATION OF THIS ACT IS SUBJECT TO SEIZURE AND FORFEITURE IN THE SAME MANNER THAT PROPERTY IS SUBJECT TO SEIZURE AND FORFEITURE UNDER SECTIONS 4701 TO 4709 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO 600.4709. THIS SECTION DOES NOT APPLY IF THE VIOLATION IS A STATE CIVIL INFRACTION UNDER SECTION 5F UNLESS THE INDIVIDUAL FAILS TO PRESENT HIS OR HER LICENSE WITHIN THE 45-DAY PERIOD DESCRIBED IN THAT SECTION.

SEC. 5H. (1) AN INDIVIDUAL WHO IS LICENSED TO CARRY A CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION MAY CARRY A CONCEALED PISTOL UNDER THAT LICENSE UNTIL THE LICENSE EXPIRES OR THE INDIVIDUAL'S AUTHORITY TO CARRY A CONCEALED PISTOL UNDER THAT LICENSE IS OTHERWISE TERMINATED, WHICHEVER OCCURS FIRST.

(2) AN INDIVIDUAL WHO IS LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION MAY APPLY FOR A RENEWAL LICENSE UPON THE EXPIRATION OF THAT LICENSE AS PROVIDED IN SECTION 5I.

SEC. 5I. (1) A PERSON OR ENTITY THAT PROVIDES INSTRUCTION OR TRAINING TO ANOTHER PERSON UNDER SECTION 5B IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGES TO ANY PERSON OR PROPERTY CAUSED BY THE PERSON WHO WAS TRAINED.

(2) THIS SECTION DOES NOT APPLY IF THE PERSON OR ENTITY PROVIDING THE INSTRUCTION OR TRAINING WAS GROSSLY NEGLIGENT.

(3) THIS SECTION IS IN ADDITION TO AND NOT IN LIEU OF IMMUNITY OTHERWISE PROVIDED BY LAW.

SEC. 5J. (1) A PISTOL TRAINING OR SAFETY PROGRAM DESCRIBED IN SECTION 5B(7)(N) MEETS THE REQUIREMENTS FOR KNOWLEDGE OR TRAINING IN THE SAFE USE AND HANDLING OF A PISTOL ONLY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(A) THE PROGRAM IS CERTIFIED BY THIS STATE OR A NATIONAL OR STATE FIREARMS TRAINING ORGANIZATION AND PROVIDES INSTRUCTION IN, BUT IS NOT LIMITED TO PROVIDING INSTRUCTION IN, ALL OF THE FOLLOWING:

(i) THE SAFE STORAGE, USE, AND HANDLING OF A PISTOL INCLUDING, BUT NOT LIMITED TO, SAFE STORAGE, USE, AND HANDLING TO PROTECT CHILD SAFETY.

(ii) AMMUNITION KNOWLEDGE, AND THE FUNDAMENTALS OF PISTOL SHOOTING.

(iii) PISTOL SHOOTING POSITIONS.

(iv) FIREARMS AND THE LAW, INCLUDING CIVIL LIABILITY ISSUES.

(v) AVOIDING CRIMINAL ATTACK AND CONTROLLING A VIOLENT CONFRONTATION.

(vi) ALL LAWS THAT APPLY TO CARRYING A CONCEALED PISTOL IN THIS STATE.

(vii) AT LEAST 8 HOURS OF INSTRUCTION, INCLUDING 3 HOURS OF FIRING RANGE TIME.

(B) THE PROGRAM PROVIDES A CERTIFICATE OF COMPLETION THAT STATES THE PROGRAM COMPLIES WITH THE REQUIREMENTS OF THIS SECTION AND THAT THE INDIVIDUAL SUCCESSFULLY COMPLETED THE COURSE, AND THAT IS SIGNED BY THE COURSE INSTRUCTOR.

(C) THE INSTRUCTOR OF THE COURSE IS CERTIFIED BY THIS STATE OR A NATIONAL ORGANIZATION TO TEACH THE 8-HOUR PISTOL SAFETY TRAINING COURSE DESCRIBED IN THIS SECTION.

(2) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

(A) GRANT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUBSECTION (1)(B) TO AN INDIVIDUAL KNOWING THE INDIVIDUAL DID NOT SATISFACTORILY COMPLETE THE COURSE.

(B) PRESENT A CERTIFICATE OF COMPLETION DESCRIBED UNDER SUBSECTION (1)(B) TO A CONCEALED WEAPON LICENSING BOARD KNOWING THAT THE INDIVIDUAL DID NOT SATISFACTORILY COMPLETE THE COURSE.

(3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

SEC. 5K. (1) ACCEPTANCE OF A LICENSE ISSUED UNDER THIS ACT TO CARRY A CONCEALED PISTOL CONSTITUTES IMPLIED CONSENT TO SUBMIT TO A CHEMICAL ANALYSIS UNDER THIS SECTION. THIS SECTION ALSO APPLIES TO INDIVIDUALS LISTED IN SECTION 12A(A) TO (F).

(2) AN INDIVIDUAL SHALL NOT CARRY A CONCEALED PISTOL WHILE HE OR SHE IS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE OR WHILE HAVING A BODILY ALCOHOL CONTENT PROHIBITED UNDER THIS SECTION. A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION OR GUILTY OF A CRIME AS FOLLOWS:

(A) IF THE PERSON WAS UNDER THE INFLUENCE OF ALCOHOLIC LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINATION OF ALCOHOLIC LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD A BODILY ALCOHOL CONTENT OF .10 OR MORE GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT SHALL ORDER THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED PISTOL TO PERMANENTLY REVOKE THE LICENSE. THE CONCEALED WEAPON LICENSING BOARD SHALL PERMANENTLY REVOKE THE LICENSE AS ORDERED BY THE COURT.

(B) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .08 OR MORE BUT LESS THAN .10 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR \$100.00, OR BOTH. THE COURT MAY ORDER THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED PISTOL TO REVOKE THE LICENSE FOR NOT MORE THAN 3 YEARS. THE CONCEALED WEAPON LICENSING BOARD SHALL REVOKE THE LICENSE AS ORDERED BY THE COURT.

(C) IF THE PERSON HAD A BODILY ALCOHOL CONTENT OF .02 OR MORE BUT LESS THAN .08 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE, THE INDIVIDUAL IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$100.00. THE COURT MAY ORDER THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL THE LICENSE TO REVOKE THE LICENSE FOR 1 YEAR. THE CONCEALED WEAPON LICENSING BOARD SHALL REVOKE THE LICENSE AS ORDERED BY THE COURT. THE COURT SHALL NOTIFY THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE INDIVIDUAL A LICENSE TO CARRY A CONCEALED PISTOL IF AN INDIVIDUAL IS FOUND RESPONSIBLE FOR A SUBSEQUENT VIOLATION OF THIS SUBDIVISION.

(3) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL WHO HAS ANY BODILY ALCOHOL CONTENT FROM TRANSPORTING THAT PISTOL IN THE LOCKED TRUNK OF HIS OR HER MOTOR VEHICLE OR ANOTHER MOTOR VEHICLE IN WHICH HE OR SHE IS A PASSENGER OR, IF THE VEHICLE DOES NOT HAVE A TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR THAT PISTOL OR ON A VESSEL IF THE PISTOL IS TRANSPORTED UNLOADED IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR THAT PISTOL.

(4) A PEACE OFFICER WHO HAS PROBABLE CAUSE TO BELIEVE AN INDIVIDUAL IS CARRYING A CONCEALED PISTOL IN VIOLATION OF THIS SECTION MAY REQUIRE THE INDIVIDUAL TO SUBMIT TO A CHEMICAL ANALYSIS OF HIS OR HER BREATH, BLOOD, OR URINE.

(5) BEFORE AN INDIVIDUAL IS REQUIRED TO SUBMIT TO A CHEMICAL ANALYSIS UNDER SUBSECTION (4), THE PEACE OFFICER SHALL INFORM THE INDIVIDUAL OF ALL OF THE FOLLOWING:

(A) THE INDIVIDUAL MAY REFUSE TO SUBMIT TO THE CHEMICAL ANALYSIS, BUT IF HE OR SHE CHOOSES TO DO SO, ALL OF THE FOLLOWING APPLY:

(i) THE OFFICER MAY OBTAIN A COURT ORDER REQUIRING THE INDIVIDUAL TO SUBMIT TO A CHEMICAL ANALYSIS.

(ii) THE REFUSAL MAY RESULT IN HIS OR HER LICENSE TO CARRY A CONCEALED PISTOL BEING SUSPENDED OR REVOKED.

(B) IF THE INDIVIDUAL SUBMITS TO THE CHEMICAL ANALYSIS, HE OR SHE MAY OBTAIN A CHEMICAL ANALYSIS DESCRIBED IN SUBSECTION (4) FROM A PERSON OF HIS OR HER OWN CHOOSING.

(6) THE COLLECTION AND TESTING OF BREATH, BLOOD, AND URINE SPECIMENS UNDER THIS SECTION SHALL BE CONDUCTED IN THE SAME MANNER THAT BREATH, BLOOD, AND URINE SPECIMENS ARE COLLECTED AND TESTED FOR ALCOHOL- AND CONTROLLED-SUBSTANCE-RELATED DRIVING VIOLATIONS UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

(7) IF A PERSON REFUSES TO TAKE A CHEMICAL TEST AUTHORIZED UNDER THIS SECTION, THE PEACE OFFICER SHALL PROMPTLY REPORT THE REFUSAL IN WRITING TO THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED PISTOL.

(8) IF A PERSON TAKES A CHEMICAL TEST AUTHORIZED UNDER THIS SECTION AND THE TEST RESULTS INDICATE THAT THE INDIVIDUAL HAD ANY BODILY ALCOHOL CONTENT WHILE CARRYING A CONCEALED PISTOL, THE PEACE OFFICER SHALL PROMPTLY REPORT THE VIOLATION IN WRITING TO THE CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE TO THE INDIVIDUAL TO CARRY A CONCEALED PISTOL.

(9) AS USED IN THIS SECTION:

(A) "ALCOHOLIC LIQUOR" MEANS THAT TERM AS DEFINED IN SECTION 105 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1105.

(B) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401.

SEC. 5I. (1) A LICENSE TO CARRY A CONCEALED PISTOL IS VALID FOR 3 YEARS AND MAY BE RENEWED IN THE SAME MANNER AS THE ORIGINAL LICENSE WAS RECEIVED, EXCEPT AS FOLLOWS:

(A) THE RENEWAL FEE IS \$35.00. THE FEE SHALL BE PAYABLE TO THE COUNTY. THE COUNTY TREASURER SHALL DEPOSIT THE FEE IN THE GENERAL FUND OF THE COUNTY.

(B) FOR AN INDIVIDUAL WHO HELD A GENERAL NONRESTRICTED LICENSE ON JULY 1, 2001 AND WHO WAS A PEACE OFFICER OR A FORMER PEACE OFFICER, THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(N) ARE WAIVED. FOR AN INDIVIDUAL LICENSED ON OR AFTER JULY 1, 2001, THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(N) ARE WAIVED EXCEPT THAT THE APPLICANT SHALL PRESENT A STATEMENT SIGNED BY THE APPLICANT CERTIFYING THAT HE OR SHE HAS COMPLETED NOT LESS THAN 3 HOURS OF REVIEW OF THE TRAINING DESCRIBED UNDER SECTION 5B(7)(N) SINCE RECEIVING HIS OR HER LICENSE, AND THAT TRAINING INCLUDED FIRING RANGE TIME IN THE 6 MONTHS IMMEDIATELY PRECEDING HIS OR HER RENEWAL APPLICATION. FOR ANY OTHER

INDIVIDUAL LICENSED BEFORE JULY 1, 2001 APPLYING FOR THE FIRST TIME UNDER THIS SECTION TO RENEW HIS OR HER LICENSE TO CARRY A CONCEALED PISTOL, THE EDUCATIONAL REQUIREMENTS OF SECTION 5B(7)(N) ARE NOT WAIVED.

(2) AN INDIVIDUAL LICENSED TO CARRY A CONCEALED PISTOL UNDER THIS ACT ON JULY 1, 2001 IS ELIGIBLE FOR A RENEWAL LICENSE AT THE FEE PROVIDED FOR UNDER THIS SECTION. THIS SUBSECTION APPLIES REGARDLESS OF WHETHER THE LICENSE WAS RESTRICTED.

SEC. 5M. A PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY THE COUNTY CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE OF A CRIMINAL CHARGE AGAINST A LICENSE HOLDER FOR A FELONY OR SPECIFIED CRIMINAL OFFENSE AS DEFINED IN THIS ACT. THE PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY THE COUNTY CONCEALED WEAPON LICENSING BOARD THAT ISSUED THE LICENSE OF THE DISPOSITION OF THE CRIMINAL CHARGE. IF A LICENSE HOLDER IS CONVICTED OF A CRIME, THE PROSECUTING ATTORNEY'S NOTIFICATION SHALL INDICATE IF THE CRIME INVOLVED THE BRANDISHING OR USE OF A PISTOL, IF A PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME, OR IF NO PISTOL WAS CARRIED BY THE LICENSE HOLDER DURING THE COMMISSION OF THE CRIME. THE STATE POLICE SHALL PROVIDE A FORM FOR REPORTING PURPOSES. EACH YEAR BY A DATE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE, THE CHAIRPERSON OF THE COUNTY CONCEALED WEAPON LICENSING BOARD SHALL COMPILE AND PROVIDE A REPORT TO THE DEPARTMENT OF STATE POLICE IN A FORMAT DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE CONTAINING THE INFORMATION PROVIDED TO THE CONCEALED WEAPON LICENSING BOARD UNDER THIS SECTION, SECTION 5F(6), OR SECTION 5K(7) OR (8).

SEC. 5N. (1) THIS STATE OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE SHALL NOT PROHIBIT AN INDIVIDUAL FROM DOING EITHER OF THE FOLLOWING AS A CONDITION FOR RECEIVING OR MAINTAINING ANY OTHER LICENSE OR PERMIT AUTHORIZED BY LAW:

(A) APPLYING FOR OR RECEIVING A LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT.

(B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE ISSUED UNDER THIS ACT.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3), AN EMPLOYER SHALL NOT PROHIBIT AN EMPLOYEE FROM DOING EITHER OF THE FOLLOWING:

(A) APPLYING FOR OR RECEIVING A LICENSE TO CARRY A CONCEALED PISTOL UNDER THIS ACT.

(B) CARRYING A CONCEALED PISTOL IN COMPLIANCE WITH A LICENSE ISSUED UNDER THIS ACT. THIS SUBDIVISION DOES NOT PROHIBIT AN EMPLOYER FROM PROHIBITING AN EMPLOYEE FROM CARRYING A CONCEALED PISTOL IN THE COURSE OF HIS OR HER EMPLOYMENT WITH THAT EMPLOYER.

(3) A POLICE AGENCY MAY PROHIBIT AN EMPLOYEE OF THAT POLICE AGENCY FROM CARRYING A CONCEALED PISTOL IF CARRYING A CONCEALED PISTOL WOULD RESULT IN INCREASED INSURANCE PREMIUMS OR A LOSS OR REDUCTION OF INSURANCE COVERAGE FOR THAT EMPLOYER.

SEC. 5o. (1) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION 12A(F), SHALL NOT CARRY A CONCEALED PISTOL ON THE PREMISES OF ANY OF THE FOLLOWING:

(A) A SCHOOL OR SCHOOL PROPERTY EXCEPT THAT A PARENT OR LEGAL GUARDIAN OF A STUDENT OF THE SCHOOL IS NOT PRECLUDED FROM CARRYING A CONCEALED PISTOL WHILE IN A VEHICLE ON SCHOOL PROPERTY, IF HE OR SHE IS DROPPING THE STUDENT OFF AT THE SCHOOL OR PICKING UP THE CHILD FROM THE SCHOOL. AS USED IN THIS SECTION, "SCHOOL" AND "SCHOOL PROPERTY" MEAN THOSE TERMS AS DEFINED IN SECTION 237A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.237A.

(B) A PUBLIC OR PRIVATE DAY CARE CENTER, PUBLIC OR PRIVATE CHILD CARING AGENCY, OR PUBLIC OR PRIVATE CHILD PLACING AGENCY.

(C) A SPORTS ARENA OR STADIUM.

(D) A DINING ROOM, LOUNGE, OR BAR AREA OF A PREMISES LICENSED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303. THIS SUBDIVISION SHALL NOT APPLY TO AN OWNER OR EMPLOYEE OF THE PREMISES.

(E) ANY PROPERTY OR FACILITY OWNED OR OPERATED BY A CHURCH, SYNAGOGUE, MOSQUE, TEMPLE, OR OTHER PLACE OF WORSHIP, UNLESS THE PRESIDING OFFICIAL OR OFFICIALS OF THE CHURCH, SYNAGOGUE, MOSQUE, TEMPLE, OR OTHER PLACE OF WORSHIP PERMIT THE CARRYING OF CONCEALED PISTOL ON THAT PROPERTY OR FACILITY.

(F) AN ENTERTAINMENT FACILITY THAT THE INDIVIDUAL KNOWS OR SHOULD KNOW HAS A SEATING CAPACITY OF 2,500 OR MORE INDIVIDUALS OR THAT HAS A SIGN ABOVE EACH PUBLIC ENTRANCE STATING IN LETTERS NOT LESS THAN 1-INCH HIGH A SEATING CAPACITY OF 2,500 OR MORE INDIVIDUALS.

(G) A HOSPITAL.

(H) A DORMITORY OR CLASSROOM OF A COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

(2) AN INDIVIDUAL LICENSED UNDER THIS ACT TO CARRY A CONCEALED PISTOL, OR WHO IS EXEMPT FROM LICENSURE UNDER SECTION 12A(F), SHALL NOT CARRY A CONCEALED PISTOL IN VIOLATION OF R 432.1212 OR A SUCCESSOR RULE OF THE MICHIGAN ADMINISTRATIVE CODE PROMULGATED PURSUANT TO THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.226.

(3) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A CIVIL VIOLATION GUILTY OF A CRIME AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE INDIVIDUAL IS RESPONSIBLE FOR A CIVIL VIOLATION AND MAY BE FINED NOT MORE THAN \$500.00. THE COURT SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL SUSPENDED FOR 6 MONTHS.

(B) FOR A SECOND VIOLATION THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00. THE COURT SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.

(C) FOR A THIRD OR SUBSEQUENT VIOLATION THE INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH. THE COURT SHALL ORDER THE INDIVIDUAL'S LICENSE TO CARRY A CONCEALED PISTOL REVOKED.

SEC. 5V. (1) THE CONCEALED WEAPON ENFORCEMENT FUND IS CREATED IN THE STATE TREASURY.

(2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

(3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

(4) THE DEPARTMENT OF STATE POLICE SHALL EXPEND MONEY FROM THE FUND ONLY TO PROVIDE TRAINING TO LAW ENFORCEMENT PERSONNEL REGARDING THE RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS WHO ARE LICENSED TO CARRY CONCEALED PISTOLS IN THIS STATE AND PROPER ENFORCEMENT TECHNIQUES IN LIGHT OF THOSE RIGHTS AND RESPONSIBILITIES.

SEC. 5W. (1) ONE MILLION DOLLARS IS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF STATE POLICE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001 FOR ALL OF THE FOLLOWING:

(A) DISTRIBUTING TRIGGER LOCKS OR OTHER SAFETY DEVICES FOR FIREARMS TO THE PUBLIC FREE OF CHARGE.

(B) PROVIDING CONCEALED PISTOL APPLICATION KITS TO COUNTY SHERIFFS, LOCAL POLICE AGENCIES, AND COUNTY CLERKS FOR DISTRIBUTION UNDER SECTION 5.

(C) THE FINGERPRINT ANALYSIS AND COMPARISON REPORTS REQUIRED UNDER SECTION 5B(11).

(D) PHOTOGRAPHS REQUIRED UNDER SECTION 5C.

(E) CREATING AND MAINTAINING THE DATABASE REQUIRED UNDER SECTION 5E.

(F) CREATING AND MAINTAINING A DATABASE OF FIREARMS THAT HAVE BEEN REPORTED LOST OR STOLEN. INFORMATION IN THE DATABASE SHALL BE MADE AVAILABLE TO LAW ENFORCEMENT THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK.

(G) GRANTS TO COUNTY CONCEALED WEAPON LICENSING BOARDS FOR EXPENDITURE ONLY TO IMPLEMENT THIS ACT.

(H) TRAINING UNDER SECTION 5V(4).

(I) CREATING AND DISTRIBUTING THE REPORTING FORMS REQUIRED UNDER SECTION 5M.

(J) A PUBLIC SAFETY CAMPAIGN REGARDING THE REQUIREMENTS OF THIS ACT.

(2) PURSUANT TO SECTION 30 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963, TOTAL STATE SPENDING UNDER SUBSECTION (1) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001 IS \$1,000,000.00.

(3) THE APPROPRIATIONS MADE AND THE EXPENDITURES AUTHORIZED UNDER THIS SECTION AND THE DEPARTMENTS, AGENCIES, COMMISSIONS, BOARDS, OFFICES, AND PROGRAMS FOR WHICH AN APPROPRIATION IS MADE UNDER THIS SECTION ARE SUBJECT TO THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1101 TO 18.1594.

Sec. 8. (1) The CONCEALED WEAPON LICENSING BOARD ~~herein created by section 6~~ THAT ISSUED A LICENSE TO AN APPLICANT TO CARRY A CONCEALED PISTOL may revoke any THAT license issued by it upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act, or has been convicted of a felony. Such license may also be revoked whenever in the judgment of said board the

~~reason for granting such license shall have ceased to exist, or whenever said board shall for any reasonable cause determine said licensee to be an unfit person to carry a pistol concealed upon his person. No such~~ IF THE BOARD DETERMINES THAT THE INDIVIDUAL COMMITTED ANY VIOLATION OF THIS ACT OTHER THAN A VIOLATION OF SECTION 5F(4) OR IF THE BOARD DETERMINES THAT THE INDIVIDUAL IS NOT ELIGIBLE UNDER THIS ACT TO RECEIVE A LICENSE TO CARRY A CONCEALED PISTOL. IF THE BOARD DETERMINES THAT THE INDIVIDUAL HAS BEEN FOUND RESPONSIBLE FOR 3 OR MORE STATE CIVIL INFRACTION VIOLATIONS OF THIS ACT DURING THE LICENSE PERIOD, THE BOARD SHALL CONDUCT A HEARING AND MAY SUSPEND THE INDIVIDUAL'S LICENSE FOR NOT MORE THAN 1 YEAR.

(2) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), A license shall NOT be revoked UNDER THIS SECTION except upon written complaint and ~~then only after~~ AN OPPORTUNITY FOR a hearing ~~by said~~ BEFORE THE board. ~~, of which~~ THE BOARD SHALL GIVE THE INDIVIDUAL at least 7 10 days' notice ~~shall be given to the licensee either~~ OF A HEARING UNDER THIS SECTION. THE NOTICE SHALL BE by personal service or by ~~registered~~ CERTIFIED mail DELIVERED to ~~his~~ THE INDIVIDUAL'S last known address.

(3) IF THE CONCEALED WEAPON LICENSING BOARD IS NOTIFIED BY A LAW ENFORCEMENT AGENCY OR PROSECUTING OFFICIAL THAT AN INDIVIDUAL LICENSED TO CARRY A CONCEALED PISTOL IS CHARGED WITH A FELONY OR MISDEMEANOR AS DEFINED IN THIS ACT, THE CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY SUSPEND THE INDIVIDUAL'S LICENSE UNTIL THERE IS A FINAL DISPOSITION OF THE CHARGE FOR THAT OFFENSE AND SEND NOTICE OF THAT SUSPENSION TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS INDICATED IN THE RECORDS OF THE CONCEALED WEAPON LICENSING BOARD. THE NOTICE SHALL INFORM THE INDIVIDUAL THAT HE OR SHE IS ENTITLED TO A PROMPT HEARING ON THE SUSPENSION, AND THE CONCEALED WEAPON LICENSING BOARD SHALL CONDUCT A PROMPT HEARING IF REQUESTED IN WRITING BY THE INDIVIDUAL. THE REQUIREMENTS OF SUBSECTION (2) DO NOT APPLY TO THIS SUBSECTION.

(4) IF THE CONCEALED WEAPON LICENSING BOARD DETERMINES BY CLEAR AND CONVINCING EVIDENCE BASED ON SPECIFIC ARTICULABLE FACTS THAT THE APPLICANT POSES A DANGER TO THE APPLICANT OR TO ANY OTHER PERSON, THE CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY SUSPEND THE INDIVIDUAL'S LICENSE PENDING A REVOCATION HEARING UNDER THIS SECTION. THE CONCEALED WEAPON LICENSING BOARD SHALL SEND NOTICE OF THE SUSPENSION TO THE INDIVIDUAL'S LAST KNOWN ADDRESS AS INDICATED IN THE RECORDS OF THE CONCEALED WEAPON LICENSING BOARD. THE NOTICE SHALL INFORM THE INDIVIDUAL THAT HE OR SHE IS ENTITLED TO A PROMPT HEARING ON THE SUSPENSION, AND THE CONCEALED WEAPON LICENSING BOARD SHALL CONDUCT A PROMPT HEARING IF REQUESTED IN WRITING BY THE INDIVIDUAL. THE REQUIREMENTS OF SUBSECTION (2) DO NOT APPLY TO THIS SUBSECTION.

(5) IF THE CONCEALED WEAPON LICENSING BOARD ORDERS A LICENSE SUSPENDED OR REVOKED UNDER THIS SECTION OR AMENDS A SUSPENSION OR REVOCATION ORDER, THE CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY NOTIFY A LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN THE COUNTY IN WHICH THE CONCEALED WEAPON LICENSING BOARD IS LOCATED TO ENTER THE ORDER OR AMENDED ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK. A LAW ENFORCEMENT AGENCY THAT RECEIVES NOTICE OF AN ORDER OR AMENDED ORDER UNDER THIS SUBSECTION FROM A CONCEALED WEAPON LICENSING BOARD SHALL IMMEDIATELY ENTER THE ORDER OR AMENDED ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK AS REQUESTED BY THAT CONCEALED WEAPON LICENSING BOARD.

(6) A SUSPENSION OR REVOCATION ORDER OR AMENDED ORDER ISSUED UNDER THIS SECTION IS IMMEDIATELY EFFECTIVE. HOWEVER, AN INDIVIDUAL IS NOT CRIMINALLY LIABLE FOR VIOLATING THE ORDER OR AMENDED ORDER UNLESS HE OR SHE HAS RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER.

(7) IF AN INDIVIDUAL IS CARRYING A PISTOL IN VIOLATION OF A SUSPENSION OR REVOCATION ORDER OR AMENDED ORDER ISSUED UNDER THIS SECTION BUT HAS NOT PREVIOUSLY RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER, THE INDIVIDUAL SHALL BE INFORMED OF THE ORDER OR AMENDED ORDER AND BE GIVEN AN OPPORTUNITY TO PROPERLY STORE THE PISTOL OR OTHERWISE COMPLY WITH THE ORDER OR AMENDED ORDER BEFORE AN ARREST IS MADE FOR CARRYING THE PISTOL IN VIOLATION OF THIS ACT.

(8) IF A LAW ENFORCEMENT AGENCY OR OFFICER NOTIFIES AN INDIVIDUAL OF A SUSPENSION OR REVOCATION ORDER OR AMENDED ORDER ISSUED UNDER THIS SECTION WHO HAS NOT PREVIOUSLY RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER, THE LAW ENFORCEMENT AGENCY OR OFFICER SHALL ENTER A STATEMENT INTO THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE INDIVIDUAL HAS RECEIVED NOTICE OF THE ORDER OR AMENDED ORDER UNDER THIS SECTION.

(9) The clerk of ~~said~~ THE CONCEALED WEAPON licensing board is ~~hereby~~ authorized to administer an oath to any ~~person~~ INDIVIDUAL testifying before ~~such~~ THE board at ~~any such~~ A hearing UNDER THIS SECTION.

Sec. 12. Sections 2 and 9 do not apply to ~~a duly authorized~~ ANY OF THE FOLLOWING:

(A) A police or correctional agency of the United States or of ~~the~~ THIS state or any subdivision ~~thereof, nor to the~~ OF THIS STATE.

(B) THE UNITED STATES army, air force, navy, or marine corps. ~~of the United States, nor to organizations~~

(C) AN ORGANIZATION authorized by law to purchase or receive weapons from the United States or from this state. ~~, nor to the~~

(D) THE national guard, armed forces reserves, or other duly authorized military ~~organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person~~ ORGANIZATION.

(E) A MEMBER OF AN ENTITY OR ORGANIZATION DESCRIBED IN SUBDIVISIONS (A) TO (D) FOR A PISTOL WHILE ENGAGED IN THE COURSE OF HIS OR HER DUTIES WITH THAT ENTITY OR WHILE GOING TO OR RETURNING FROM THOSE DUTIES.

(F) A UNITED STATES CITIZEN holding a license to carry a pistol concealed upon his OR HER person issued by another state. ~~, nor to the~~

(G) THE regular and ordinary transportation of ~~pistols~~ A PISTOL as merchandise by AN authorized ~~agents~~ AGENT of ~~any~~ A person licensed to manufacture firearms OR A LICENSED DEALER.

Sec. 12a. ~~Section 6 does~~ THE REQUIREMENTS OF THIS ACT FOR OBTAINING A LICENSE TO CARRY A CONCEALED PISTOL DO not apply to ANY OF THE FOLLOWING:

(a) A peace officer of a duly authorized police agency of the United States or of this state or a political subdivision of this state, who is regularly employed and paid by the United States or this state or a subdivision of this state, except ~~that section 6 does apply to~~ a township constable.

(b) A constable who is trained and certified ~~pursuant to Act No. 203 of the Public Acts of 1965, as amended, being sections 28.601 to 28.616 of the Michigan Compiled Laws, who is~~ UNDER THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616, WHILE engaged in his or her official duties or going to or coming from his or her official duties, and who is regularly employed and paid by a political subdivision of this state.

(c) A person regularly employed by the department of corrections and authorized in writing by the director of the department of corrections to carry a concealed ~~weapon-concealed~~ PISTOL during the performance of his or her duties or while going to or returning from his or her duties.

(d) A member of the UNITED STATES army, air force, navy, or marine corps ~~of the United States~~ while carrying a ~~weapon~~ CONCEALED PISTOL in THE line of duty.

(e) A member of the national guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while going to or returning from his or her place of assembly or practice or while carrying a ~~weapon used~~ CONCEALED PISTOL for purposes of a THAT military organization.

(f) A ~~person~~ RESIDENT OF ANOTHER STATE WHO IS licensed BY THAT STATE to carry a CONCEALED pistol. ~~concealed upon his or her person issued by another state.~~

(g) The regular and ordinary transportation of a pistol as merchandise by an authorized agent of a person licensed to manufacture firearms.

(h) A person while carrying a pistol unloaded in a wrapper or container in the trunk of his or her vehicle OR, IF THE VEHICLE DOES NOT HAVE A TRUNK, FROM TRANSPORTING THAT PISTOL UNLOADED IN A LOCKED COMPARTMENT OR CONTAINER THAT IS SEPARATED FROM THE AMMUNITION FOR THAT PISTOL from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business, or in moving goods from 1 place of abode or business to another place of abode or business.

Sec. 14. (1) ~~ALL~~ SUBJECT TO SECTION 5G, ALL pistols, weapons, or devices carried or possessed contrary to this act are ~~hereby~~ declared forfeited to the state, and shall be turned over to the ~~commissioner~~ DIRECTOR of the ~~Michigan~~ DEPARTMENT OF state police or his OR HER designated representative, for ~~such disposition as said commissioner may prescribe~~ DISPOSAL UNDER THIS SECTION.

(2) THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL DISPOSE OF FIREARMS UNDER THIS SECTION BY 1 OF THE FOLLOWING METHODS:

(A) BY CONDUCTING A PUBLIC AUCTION IN WHICH FIREARMS RECEIVED UNDER THIS SECTION MAY BE PURCHASED AT A SALE CONDUCTED IN COMPLIANCE WITH SECTION 4708 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4708, BY INDIVIDUALS AUTHORIZED BY LAW TO POSSESS THOSE FIREARMS.

(B) BY DESTROYING THEM.

(C) BY ANY OTHER LAWFUL MANNER PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

(3) BEFORE DISPOSING OF A FIREARM UNDER THIS SECTION, THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE SHALL DO BOTH OF THE FOLLOWING:

(A) DETERMINE THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK WHETHER THE FIREARM HAS BEEN REPORTED LOST OR STOLEN. IF THE FIREARM HAS BEEN REPORTED LOST OR STOLEN AND THE NAME AND ADDRESS OF THE OWNER CAN BE DETERMINED, THE DIRECTOR OF THE

DEPARTMENT OF STATE POLICE SHALL PROVIDE 30 DAYS' WRITTEN NOTICE OF HIS OR HER INTENT TO DISPOSE OF THE FIREARM UNDER THIS SECTION TO THE OWNER, AND ALLOW THE OWNER TO CLAIM THE FIREARM WITHIN THAT 30-DAY PERIOD IF HE OR SHE IS AUTHORIZED TO POSSESS THE FIREARM.

(B) PROVIDE 30 DAYS' NOTICE TO THE PUBLIC ON THE DEPARTMENT OF STATE POLICE WEBSITE OF HIS OR HER INTENT TO DISPOSE OF THE FIREARM UNDER THIS SECTION. THE NOTICE SHALL INCLUDE A DESCRIPTION OF THE FIREARM AND SHALL STATE THE FIREARM'S SERIAL NUMBER, IF THE SERIAL NUMBER CAN BE DETERMINED. THE DEPARTMENT OF STATE POLICE SHALL ALLOW THE OWNER OF THE FIREARM TO CLAIM THE FIREARM WITHIN THAT 30-DAY PERIOD IF HE OR SHE IS AUTHORIZED TO POSSESS THE FIREARM. THE 30-DAY PERIOD REQUIRED UNDER THIS SUBDIVISION IS IN ADDITION TO THE 30-DAY PERIOD REQUIRED UNDER SUBDIVISION (A).

(4) THE DEPARTMENT OF STATE POLICE IS IMMUNE FROM CIVIL LIABILITY FOR DISPOSING OF A FIREARM IN COMPLIANCE WITH THIS SECTION.

Enacting section 1. Sections 3, 6, 9d, and 12c of 1927 PA 372, MCL 28.423, 28.426, 28.429d, and 28.432c, are repealed.

Enacting section 2. This amendatory act takes effect July 1, 2001.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide for penalties and remedies for violations of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 2000 PA 265 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, 5o, 5v, and 5w; and to repeal acts and parts of acts.

Michael Green
Larry DeVuyst
Conferees for the House

Philip E. Hoffman
Bill Bullard, Jr.
Christopher D. Dingell
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

Point of Order

Senator Peters raised the Point of Order that the conference report was out of order because it violated Joint Rule 8 by including amendments that were not matters of difference.

The President, Lieutenant Governor Posthumus, ruled that the conference report was in order because the second part of Joint Rule 8 states "...When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill, the conferees may recommend amendments to conform with the agreement..."

Senator Peters appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

Senator Peters requested the yeas and nays.

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

The decision of the Chair stood as the judgment of the Senate, a majority of the members present voting therefor, as follows:

Roll Call No. 815

Yeas—25

Bennett
Bullard
Cherry

Goschka
Gougeon
Hammerstrom

Koivisto
McCotter
McManus

Schwarz
Shugars
Sikkema

DeGrow
Dingell
Dunaskiss
Emmons

Hoffman
Jaye
Johnson

North
Rogers
Schuette

Steil
Stille
Van Regenmorter

Nays—11

Byrum
DeBeaussaert
Emerson

Gast
Hart
Leland

Miller
Murphy
Peters

Smith, A.
Young

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: President

Protest

Senator Peters, under his constitutional right of protest (Art. 4, Sec. 18), protested against the decision of the Chair and moved that the statement he made during the discussion of the point of order be printed as his reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement is as follows:

House Bill No. 4530 is improper because it violates Joint Rule 8. The conference report contains an appropriations provision that was not an item of difference between the House and Senate. The joint rule, as you know, Mr. President, provides that the committee shall not consider any matters other than matters of difference between the two houses. The Senate precedent is very clear on the point, and I’ll cite decision of the Senate No. 142 which states, “Conference committees have no power under the joint rules to consider any other matters than the matters of difference referred to it by both houses.”

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 816

Yeas—23

Bennett
Bullard
Cherry
DeGrow
Dingell
Dunaskiss

Emmons
Goschka
Gougeon
Hammerstrom
Hoffman
Jaye

Koivisto
McCotter
McManus
Miller
North
Rogers

Schuette
Shugars
Sikkema
Stille
Van Regenmorter

Nays—13

Byrum
DeBeaussaert
Emerson
Gast

Hart
Johnson
Leland

Murphy
Peters
Schwarz

Smith, A.
Steil
Young

Excused—2

Smith, V.

Vaughn

Not Voting—0

In The Chair: President

Protests

Senators Peters, Hart, Byrum, Gast, Schwarz, Steil and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the first conference report on House Bill No. 4530.

Senators Peters and Schwarz moved that the statements they made during the discussion of the conference report be printed as their reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement is as follows:

I have listened carefully to the arguments that have been presented before us. Let me just say, before I talk a little bit, I can certainly understand where some folks are coming from. I am a gun owner myself. I own a pistol. I own a rifle. I own a shotgun. In the Navy, I was an expert marksman on the M-16 rifle and on the 9mm Beretta. I understand weapons. I use weapons. I enjoy firing. I was troubled, however, with this bill, and I went into that in great length when we debated this bill, now a year and a half ago. I am not going to reiterate some of those problems that I had with the bill.

I guess what really troubles me the most now with this conference report that is before us and those folks who get up and talk so passionately as to why this is such a good bill, I guess I am troubled because I don’t understand why the folks who support this bill are so cowardly in their approach in putting this bill forward.

Why do I say that? Well, this bill came up in May of 1999. It passed both houses at that time, and yet, sat in conference committee month after month after month. Why did it do that? Well, it was a simple reason. There were elections coming up. The people would have an opportunity to let their legislators know what they thought about this bill. Legislators who supported this bill didn’t want to stand in front of those folks if they had passed this bill, and so they buried it.

Now that the elections are over, well, they figured, let’s bring it up in a lame duck session. After the elections, the electors can’t do much to us now in lame duck, so let’s ram it through here in lame duck. We’ll stand up here real courageous saying that we believe in this, but we know that the people won’t have their say.

Then we heard from some folks that they were going to push forward a referendum. God forbid the people would actually have an opportunity to have a say on this issue. So folks who supported this bill, rather than putting the bill forward and seeing if a referendum would go forward, instead they used some backhanded techniques of putting in an appropriations item in this bill, which they believe will defeat a referendum.

A referendum is not an easy thing to happen to begin with. You need hundreds of thousands of signatures, but it is an important constitutional right that is in the Michigan Constitution. When folks debated the Michigan Constitution, they believed it was a necessary element to have in the laws of this state. In fact, they said in that constitutional convention that there may be matters of such importance to the public welfare and of such controversial nature that the electors should have an opportunity to speak in this state. Well, unfortunately, people who support this bill don’t believe those electors should have the opportunity to have that say.

I would like to remind my colleagues as we push this bill through in this cowardly fashion that we are all servants of the people. When we forget that, we demean not only our office, but we demean this institution.

Senator Hart’s statement is as follows:

You know, Mr. President, there’s a need and a desire for people who want a gun. Well, let me tell you something, it’s not merely people who want a gun, but there has to be a desire and a need. You know—Senator Schwarz alluded to earlier—the number of people who have registered guns today is something like 25,000, and that figure is going to be increased by 10 times. It’s common sense. How can you compound this problem by thinking you’re going to help it? You’re not going to help it.

Senator Byrum's statement is as follows:

I am not opposed to gun ownership. In fact, I have worked hard to build towards a standardized mechanism for the issuing of permits, as well as providing gun boards with a fairer approach to how they are issuing the permits.

I do object, however, to the fact that this has become an appropriations bill. If we're honest with ourselves, we know that the only reason there was an appropriation as part of this conference report was to block the referendum, block the people's right to disagree with the action of their Legislature. That is wrong. That is a sad statement for action of the Michigan House and the Michigan Senate; therefore, I voted "no."

Senator Gast's statement is as follows:

Actually, I think I'm concerned because I tried to follow this bill from its inception. From its inception to its completion, it's a totally different bill. In other words, it's been compromised downward, and it's been spiked until they had the required number of votes to pass it. I think originally and initially it was a very onerous bill. It has been modified now to where probably it would have approval of any legitimate legislative body.

Now then, I've criticized myself for not voting for the bill, but on the other hand, you recognize where these things start. Now next year we'll have an amendment to take this off, to take that off, and so on, and we'll be back to that skeleton that scared the heck out of people to begin with.

So I really think we have to, at times, look back and see what the pure intent of the framers of these bills were and what they had to compromise to get passage, and indeed, you'll find they're exceedingly different. So the bill that passed today is not the end of the world, but I do think that I am concerned about what the future may bring on this type of legislation.

Senator Schwarz's statement, in which Senators Steil and Johnson concurred, is as follows:

Like the Senator from the 14th District, but many years ago in another life, I felt like I was a walking armory. I've fired all those weapons and had those weapons that he mentioned, except my 9mm Beretta was a submachine gun. I have a feeling his was a handgun. So I am not anti-gun in any way, hardly. I've enjoyed firing the weapons and actually fired them at something on occasion.

We have invested this bill with a certain mysticism, and it should be demystified. This bill does one thing and one thing only; it allows the state of Michigan to go from maybe 16,000 or 18,000 concealed weapons permits, bedded by county gun boards, to perhaps one estimate was as many as 200,000 concealed weapons permits. I don't want that number of concealed handguns out on the street. That is wrong.

I cannot believe that there will not be additional carnage because of it. I cannot believe that numbers of people are going to not strap on their 9mm, not go to a bar, not have a couple of beers, not cloud their judgment, and not use those weapons sometimes simply because they have them and their judgment is clouded.

I expect most peace officers would look at it the same way. Then somebody like myself is in the emergency room at 4:00 in the morning, taking care of somebody with a sunken chest wound.

If you need a concealed weapon in this state, you can get a concealed weapon—if you need it. We don't need to go to a system where a concealed weapon is some sort of a right that you have simply because you want one, not because you need one. I ask my colleagues to vote "no" on this conference report.

Senators Dunaskiss, Schuette, Jaye, Hart, Emmons, Cherry, McCotter, Dingell, Hoffman, Gougeon, Goschka, Koivisto and Miller asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Dunaskiss' statement is as follows:

I've always been very supportive of CCW reform for providing a more unified statewide system. Although this bill moves us in that direction, I find myself troubled by some of the vagueness in the legislation. For example, at the age of 18 many of our young people will volunteer for the military service and become fully trained in the use of many different types of firearms. They could do a two-year stint, come back to Michigan, and have to wait a full year before they could even apply for a CCW permit. Under this legislation, anyone with any felony conviction would not be able to even apply—felonies that are somewhat questionable. Even if there was a mistake by an election worker—well, considering what's going on in Florida, maybe that's not a good example right now. But if you do look at the amount of felonies that we have on the books, you still wonder. There's not even the ability to apply and see if the person is of good character after a conviction of over perhaps 20 years ago—you have to wonder about that.

Again, we look at some of the vagueness in the bill. For example, on page 18, section O, with clear, convincing evidence of actions or statements of the applicant, we deny the person the ability to carry a concealed weapon. I asked you, what is "clear, convincing action," or better yet, what is the definition of "statements?" This does not provide a more unified standard. Again, it's vague; an immediate suspension for cause. I asked you, what is "cause?" They can suspend your license immediately, but there's nothing in here that says immediately you have to be notified that your license is suspended.

These are just a few of the issues that make me pause on this issue, but the issue of “shall” verses “may” has been debated much too long in this state. We need to get this behind us and move forward. So I’ll be voting for this bill with reluctance and with the clear understanding we’ll be back next year to clarify some of these points and others.

Senator Schuette’s statement is as follows:

I rise in support of this conference report for a variety of different reasons. The first and foremost is that it seems to me that the current system and the current approach that we have in Michigan today is a patchwork quilt where there is no consistency; where permits to carry a concealed weapon in one county may be very loose and lax, and others may be very restrictive. It would seem to me in this state of ours that there needs to be a uniform, consistent, and tough approach on the issuance and the whole permit process to carry a concealed weapon.

Today the status quo in Michigan is unacceptable because there is no uniform, consistent approach, and that’s what this bill does. In fact, what this bill does is put in tough restrictions and a consistent approach on how and when and in what manner a concealed weapons permit may be issued. The standards we are putting in place today across the state of Michigan, in my opinion, are tougher than the very loosely knit process we have in our 83 counties.

For example, if you have a felony conviction under this new bill, you would not get a concealed weapons permit. That is not the rule today. We have increased the age requirement from 18 years of age to 21. A mandatory requirement of a firearms safety course, we do not have that today. History of mental illness or spousal abuse, you could not get a concealed weapons permit in the future, but that is not the framework we have today.

Indeed, we have a list of concealed weapons-free zones ranging from daycare facilities to sports arenas to stadiums, churches, other places of worship, and entertainment facilities, to name just a few. We are very conscious of this issue of a weapons-free zone. I think the other issue that is important here in conversing with prosecutors in different parts of the associations of prosecutors in Michigan is that there is a provision on page 18, starting on line 19, that in essence provides an opportunity if indeed there are characters on the shadier side of society who may not have been convicted of a felony or other offense, but they may be on the shadowy side, maybe just escaped the dragnet of the law—information may be received by the gun board, the sheriff’s department, or what have you that might show the problems associated with this person. If that is the case, no concealed weapons permit. Mind you, an opportunity exists to take that case to the circuit court, but the fact is that we have a consistent approach that is not in place today in Michigan.

I believe that this bill would balance the interests of Second Amendment rights that I believe in strongly with the needs of prosecutors and law enforcement, which I support strongly to make sure our neighborhood streets are safe and secure. I would urge adoption of this bill for a variety of different reasons, and as I say, it puts into place a consistent, tough, and uniform approach that we do not have today.

Senator Jaye’s statement is as follows:

In the current state of Michigan’s law in CCW, there are no standards; there are no criterion; there is no appeal. In most of Michigan’s 83 counties, the only folks who get a license to carry a concealed pistol are cops, politicians, large campaign contributors to the sheriff or prosecutor, or people who got large amounts of money that they transport.

In a few counties, about six or seven citizens—law-abiding citizens—have been given the right to carry a concealed pistol. Of the approximately 26,000 permits that have been issued in the state of Michigan, over half are in Macomb County, my home district—over half. In Macomb County, we have not had cases of road rage. In Michigan, we have not had Macomb County residents using their pistols irresponsibly in stadiums or at restaurants or at movie theaters. In fact, the crime rate has dropped in Macomb County as the crime rate has dropped in each of the 32 states in the United States that have adopted CCW laws. These violent crime rates have dropped over 40 percent—over 40 percent.

This CCW bill has many aspects that I support. It establishes criterion. It establishes an appeal process. It establishes training. There are, however, some major flaws in the bill that I want to bring to the members’ attention. Winston Churchill said, “Those who would exchange personal liberties in exchange for security deserve neither.” This bill is not a “shall issue” bill. If you look on page 18, line 19, the subsection (O) is the exceptions clause that still allows the gun board to deny people a CCW permit based on anything that people may have said or anything that may have done, even if it isn’t criminal. But anything somebody may have said or done that in the opinion of the gun board might be detrimental for them for their ability to carry a concealed pistol.

We’ve had outrages in the excesses both on the left and the right. Everything from the red death scare from McCarthyites to the speech control at our campuses where they would say that certain speech is harmful. We’ve had both on the left and right people vilified for the memberships in certain political parties. We’ve had members who’ve been vilified both on the left and right because they happen to take part in protests. Because this exceptions clause—some people call the village idiot clause—is in, that means we are giving up our rights to freedom of speech, freedom of assembly, and freedom to petition our government for redress of our grievances. That section should be removed from this bill.

Secondly, this bill says that all misdemeanors mean that you are denied for three years. Every single voting infraction in the state of Michigan is a misdemeanor. If the decal on your canoe falls off, it's a misdemeanor. If the fire extinguisher is stale—past the date—it's a misdemeanor. If, God forbid, one of your constituent's driving a jet ski less than an hour before sunset, it's a misdemeanor. We have even passed a bill to make it a misdemeanor to drive over seaweed in Anchor Bay in Lake St. Clair. Many of our township and city ordinances are misdemeanors. So if you fail to get a building permit to replace a patio in your backyard—a misdemeanor. This goes too far. This exception clause goes too far because it also says that a board can deny you based on civil infractions. I would maintain that a person who has traffic offenses, who has parking tickets, should not be denied a right to carry a concealed pistol.

These criminal safety zones, these excluded areas, in my estimation, you are going to have unestimated consequences. The original CCW bill in Florida said that you couldn't carry a pistol into a restaurant that served alcohol. There was a woman named Suzanna Hoft who took her parents for their anniversary dinner to Luby's restaurant in Cling, Texas, and a madman drove his truck in the restaurant and emptied three clips and killed two dozen people, including her parents. The law was revisited to say that it should be your blood alcohol content, not where you possess a pistol.

I hope that we are going to revisit this bill. I insist that we revisit this bill so that this legislation affords a protection—your human right to self-defense, to defend your family and yourself from the bad people. I am going to vote reluctantly for this legislation and make sure that it's one of the top priorities that we address when the Legislature reconvenes in the early part of next year.

Senator Hart's first statement is as follows:

You know, in the 18 years I've been here as a State Senator, I have never seen a greater mockery being perpetrated on the majority of the people of the state of Michigan. Every poll indicates that they are opposed to this vehemently, and you know it. But you go ahead and listen to the gun lobbyists if you want to. I'm not going to!

The bottom line is when you increase the number of people carrying firearms, more people are apt to use those firearms; and the more people who use those firearms will use them unwisely. It's just common sense. I don't care if you're in whether you're in Montana or New Mexico or Florida or Tennessee. I have seen people sit around in lounges and restaurants with their guns, and they're not hidden; they're exposed. It's very intimidating, and it's nothing but an abuse. What prevents them from showing off those guns, if you will?

Talk about road rage, every one of those people who ride around and cause all these problems while they're engaging in road rage, what do you think they're doing? They're liable to point a gun at you. If you don't care, I do.

In addition, people, this is an example of the state Legislature telling local officials how they should govern their communities. Right now local officials have the authority to issue a concealed weapons permit. Why should we override that control?

Once again we're attempting to pass legislation that the majority of the people do not favor. You know that. In reading letters to the editor and talking to the people in my district, they overwhelmingly oppose this measure. If these bills pass, there's likely to be gun-related tragedies that could have been prevented. I'm not going to be concerned about that, but you should be. I don't know about you, but in my book, even one tragedy is one too many. In the interest of public safety, I beg you, and more importantly, in the best interest of our children and the people of the state of Michigan, vote "no" on this legislation.

Senator Hart's second statement is as follows:

You know, the Senator from the 35th District alluded to the prosecutors. Well, let me make it clear what he was implying—that prosecutors across the state support this legislation. That's wrong. The prosecutors throughout this state oppose it, and so does every principal law enforcement agency of this state. If it was that darn good, they would embrace the idea. No, they oppose it; that's all I want to remind you of. It's not good.

Senator Emmons' statement is as follows:

There is one set of people who we are not thinking about who are carrying weapons everywhere right now. Some of the prosecutors across the state have put out warrants for felons who have murdered people, who have raped women, and who have done all sorts of awful things that people have on systems, but they haven't picked up. The problem is particularly difficult in urban areas right now, but I have them in Mecosta County too. There is no place—no place—where criminals are abiding by any law. They will continue to carry guns. They will continue to use guns.

What we are talking about in this bill are law-abiding people having the right to carry a weapon after they have been trained. They have been screened. They have taken gun training, and, in fact, I have taken that training. I would recommend it to anybody who is concerned about this issue, especially women out there. For eight hours we learned how to shoot a pistol, how to take it apart, how to understand a pistol, and then we spent four hours training in personal safety so that we would never have to use that pistol or gun. I can't imagine not having some training to be able to get a concealed weapons permit.

I have a list of 100 reforms that are in this bill. I can understand some people opposing this bill because of how strict it is. There is a whole list of places you can't carry it, and then there is a whole list of things that if you've done, the gun board will not give you a permit. For instance, if you have been convicted of the death of a vulnerable adult, if

you've sexually abused a child, if you are buying or possessing child pornography, if you are buying or selling an individual, and it goes into other things that you may not do if you intend to have a concealed weapons permit. This sets in 100 different standards that prevent you from walking in and getting a gun right now. Some people think that 18-year-olds ought to have one. We stop 18-year-olds right now from buying liquor. We do that for a specific reason, and we are going to do that for the same reason with guns.

I'm going to support this bill. I think it is important to have standards to have everyone on the same page in Michigan, so that people who come up from Macomb County into my county have to meet the same standards as they would if they got a permit in Mecosta County. I'm supporting this bill.

Senator Cherry's statement is as follows:

I rise in support of House Bill No. 4530. I wasn't initially intending to talk on this legislation, but I've heard several things asserted here this evening that I think ought not go unaddressed. The first one is that those who support this bill are acting in a cowardly fashion. I can't speak for the House Representatives, but here in the Senate we debated this bill some time ago in a very open fashion, well before the election. No member in this body is standing for re-election to the Senate, and we passed, I thought, a fairly decent version, sent it to the House where it was put in conference committee, and the first time that this bill is brought back before us, we take it up. It seems to me that the Senate is dealing with this bill in a very straightforward fashion. Some may be supportive of it; some may be opposed to it, but I don't believe the Senate has dodged its responsibility in this package of bills.

The second point that I heard was that in obtaining a CCW permit, if you need one, you can get one. I think the reason this bill is before us is because that's not true. There perhaps is not another Michigan statute that is applied in such a subjective or arbitrary fashion as this statute has been applied. In fact, in my home county in the mist of some very clear publicity, it was apparent that CCW permits were being purchased in one fashion or another. It's not unusual from one county to the next to see those who have some political sway obtain those, and those who are without political sway going without. The reason, in fact, this legislation is before us is that those who have legitimate needs could make the strong case for why they should carry them simply were denied because in some counties it's simply the practice to generally not provide concealed weapons permits.

So I think that brings us back as to why we're here. To deal with this subjectivity, we're putting in place some very clear objective standards that will govern these gun boards and how they award these permits. I can say that one of the reasons we see so many of these standards being put forward in this bill is they've been offered to meet objections that have been raised during debate on this legislation. We've heard that they ought not be allowed to be in schools. There's a provision in this bill that deals with that. We've heard that they ought not be available or should not be carried in churches. There are provisions to deal with that. We've heard that felons and misdemeanors and people convicted of drunk driving ought not be able to carry these concealed weapons, and the bill deals with that. We've heard that people who carry concealed weapons ought to have training. This conference report deals with that. It has asserted a number of requirements to meet objections that have been raised, and while I thought the Senate version was a fairly strong and good piece of legislation, the conference committee has done an even better job than this body has done.

So, Mr. President, I would urge a "yes" vote on concurrence on the conference report. I know that this is a very emotional subject for many. I know at times it can take a partisan bent, but all in all, given the action of these gun boards historically, I think this legislation is an appropriate response, a measured response, and a reasonable response. I think that some of the testimony or some of the discussion we've heard tonight about the effect on crime rates are accurate. It's been demonstrated in other states and other communities, and I would say that this legislation is long overdue.

Senator McCotter's statement is as follows:

I wish to preface my comments by echoing the remarks of the distinguished Minority Leader. This is a very important issue, and I will not question the motivations or the techniques of anyone in this chamber, especially not the good Senator from Bloomfield Township, as he is so well-armed.

What I would like to do is immediately begin by saying this is a constitutional issue. We have given it due deliberation. What we have here in front of us today is essentially a Solomonic piece of legislation that addresses two issues, one of which was raised by the good Senator from Dearborn.

We saw in Florida, regardless of our party or our position on whether the recount should have been held, we did see a 7-2 vote of the United States Supreme Court that you must have uniform standards by county, by state when they are applied to the exercise of a constitutional right. In the state of Michigan right now, we have an explicit constitutional right under Article 1, Section 6, that does not have a uniform standard of application in the regulation of the time, place, and manner in which someone may carry a concealed weapon.

In short, what we have now are people who get a good result, namely fewer concealed weapons permits, by breaking the law and inequitably and unfairly applying arbitrary standards to achieve it. We cannot as legislators allow that to continue because we in our own way would be violating the oath we took to uphold the Constitution of the state of Michigan to provide equal protection to everyone. That is the one side we're trying to address through the uniformity of standards that apply to the issuance of these permits.

The second side is the side where we know there are places that guns—concealed guns, concealed weapons—do not belong. I would point out that the Senate has recognized this fact from day one. That is why we have gun-free zones in schools, in churches, in stadiums, and in lounges. We recognize that and we have incorporated it into this.

Now I'm interested to see what the reaction will be as we continue to demagogue this issue. I don't think anything good will come of the fearmongering or the politicization of it. We have tried to reconcile a constitutional inequity with the public's desire for security. But if we demagogue this issue and scare people, the only thing worse than not passing this bill is leaving in place what we've had since 1927.

I would ask, as I've done with my own constituents, that you ask them if they know who may get a concealed weapon now under the current law. Ask them if they know where they're allowed. Very few people probably realize that right now someone who has a concealed weapons permit can take it into a daycare center, can take it into a school, and can take it into a church. They're not aware of that. I think it's our responsibility, whatever our position is on this issue, to make sure people know not only what the law is, but what the proposal we have in front of us today would do.

In short, in his "Idylls of the King," Alfred Lord Tennyson wrote, "Our one white lie sits like a little ghost here on the threshold of our enterprise." Well, the lie that stands in front of us today is because we like the result of an arbitrary application of a law to a constitutional right, somehow that justifies its continued application. That is not accurate. We are a nation of laws, and I think we are a nation that prides itself on fairness and equal protection and sanity.

So let's vote on this bill, and let's make sure we address the constitutional problems and that we keep guns out of places where they don't belong.

Senator Dingell's statement is as follows:

I rise in support of the bill and the conference committee. There's a need for business people, off-duty police officers, retired judges, some sportsmen, and many people to have a fair and rational chance at getting a concealed weapons permit. Right now they don't have one. If investigative reporters for the press were to discover some group of bureaucrats who were unelected and entrusted with running some process and found that these bureaucrats in general acted in an arbitrary, capricious, elitist, and at least in some cases, corrupt process for issuing that permit, they'd be outraged. If they found that this group of bureaucrats was not required to give any reasons for denials and also that there was no appeal from decisions made by these bureaucrats, those investigative reporters would be quite rightly outraged.

I am quite outraged about the current process as exercised by the gun boards for issuing concealed weapons permits. We need to make a change. What kind of change? I've listened hard for proposals from the gun boards, and I haven't heard any. So being a populist, I'm willing to trust the goodness of the average citizen. Thirty some states have standards and a process that is actually looser than this legislation. In those jurisdictions, the sky has not fallen. Crime has gone down faster than in surrounding jurisdictions. Some ten counties in Michigan have standards and a process that is looser than in this bill.

Do people get in trouble who have concealed weapons permits in, say, Macomb County or any of those other counties? The answer is a pretty clear no. If you compare a couple statistics I'm about to give you, you'll see what I'm talking about. Macomb County has recently issued some 20,000 permits, and a total of some 12 of those people have been arrested mostly for nongun-related, nonviolence-related reasons. If you compare that to the statistics regarding Detroit police officers, some 3 percent of Detroit police officers have been arrested for felonies. Now, if you look at the statistics for Macomb County concealed weapons permit holders, it's .006 percent. Which group would you trust carrying a firearm? I know which ones I would.

There are certain articles of faith both in the press and in the anti-gun community. One is that more permits to carry results in more rash use of firearms. This is just one of many misconceptions they have about firearms. It's about what you'd expect from persons who have learned most of what they know about firearms from Sly Stallone and Arnold Schwarzenegger. With that, I recommend to my colleagues they vote for this bill.

Senator Hoffman's statement is as follows:

First off, this bill is no small undertaking; it has been around here for a year and a half. We passed it in this chamber with a lot of discussion. What we were able to do in the bill is to make some significant improvements. Let me just tell you right from the get-go a couple of, I guess you would call them a couple of problems in the current law. Currently, in the state of Michigan, you can be 18 years of age, mentally ill, a felon, and have no training in firearms and carry a gun anywhere in the state of Michigan; that is legal.

This proposal that sits before you this evening, being House Bill 4530, if you have a felony, you need not apply for a concealed weapons permit in Michigan. If you have had an assaultive misdemeanor, you need not apply for a concealed weapons permit. If you have been convicted of a misdemeanor in the past three years other than an assaultive misdemeanor, you need not apply. A history of mental illness, don't bother applying. You will have to take a comprehensive course of instruction in firearms safety. Gun-free zones, in the current law, you can carry a gun anyplace that you want to in the state of Michigan. Again, you can be an 18-year-old, mentally ill felon and get a concealed weapons permit in Michigan. There is nothing in statute to prohibit that today.

New law—you can't be a felon, you can't have a history of mental illness, and you have to be at least 21 years of age. We have gun-free zones: public and private daycare centers, sports arenas, stadiums, entertainment venues of over 2,500, bars and churches, hospitals, schools, college classrooms, and dormitories are all gun-free zones. Composition of the board for the "shall issue"—if a person completes their training, they go before a county prosecutor or county sheriff, and the Department of State Police. The county prosecutor could opt out of the bill if they so chose to, at which time the county board of commissioners would appoint a gun expert in their place. In reciprocity, we honor those firearm concealed weapons permits if you live in the same state in which your permit was issued. If you live in Florida and the permit for carrying a concealed weapon is issued out of Florida, you can lawfully carry that firearm in the state of Michigan. If you live in Tennessee and the permit is issued out of Florida and you want to come to Michigan, you can't carry the firearm. We have a duty to report to the police officer if you are stopped that you are holding a concealed weapon and that you have a license to carry a concealed weapon. If you do not make that report, then you can be found criminally guilty. We have a concealed weapons enforcement fund for the law enforcement community to train law enforcement officers in how to deal with law-abiding citizens who may be possessing a concealed weapon. We have implied consent for chemical analysis for people who have concealed weapons. We have a six-month residency that you must be a resident of the state for at least six months before you can be considered for a weapon in the state of Michigan. The effective date is July 1, 2001. If you are in a position where you may become intoxicated, you have a duty, if you are going to be in a motor vehicle either as a passenger or as a driver, to put the weapon in the trunk locked and secure or in the glove box in the event that you have a vehicle without a trunk.

As has been stated earlier, we are going to have a variety of appropriation items here that are part of the bill. For the kit, for personnel, for the data center, and the like, and for these reasons, I would ask the membership to concur in the adoption of House Bill 4530.

Senator Gougeon's statement is as follows:

We've had a lot of debate on this issue, and I don't mean to prolong it here. I want to just address one issue, though, and it was fairly well taken care of by the previous speaker from the 10th District, and that is the issue of fear. We're going to pass a CCW bill here, and the sky will fall.

For example, just two days ago the *Lansing State Journal* had a story about a murder. In this story, it said a man was charged with capital murder. He was charged with attempted murder. He was charged with carrying a gun in the commission of a felony. He was charged as being a felon in possession of a pistol or a handgun. And then later on in the same article, it said, "and this is because they loosened up handgun restrictions—loosened up handgun law," referring to what we're doing tonight. Now that article, and many others like it, are playing on the fears of citizens all over this state, and they advance that argument of fear by saying, "Well, there are 16,000 or so CCW permits today, and by God, when we pass this bill, there'll be 200,000 of them." And that will be the end of it.

Well, I would submit to you, and think about this one thing, during a period of time from November 15 when deer season starts, there are 750,000 armed hunters in this state alone. Now are they shooting each other up in the bars in northern Michigan? I think not.

I would hope the citizens of this state would take a look at the type of articles and the type of fear that is being driven by such articles, as just what they are—hogwash. Support this bill.

Senator Goschka's statement is as follows:

The Constitution of Michigan and of the United States says simply that law-abiding citizens have the right to keep and bear arms and to defend themselves. I think that is who we really ought to be thinking of today as we pass this legislation—are the law-abiding citizens of the state of Michigan. That is after all the law, and I do take my stand today for law-abiding citizens. This bill absolutely mandates that in order to be issued a CCW permit, you must have gun safety classes. You must be deemed as mentally fit and not convicted of a felony. This is actually more restrictive than the current law. There is one aspect of this law in particular that I strongly applaud. As the father of three public schoolchildren and as the husband of a teacher in the public schools, this bill will ensure that guns will be out of schools.

I hope you understand that if and when you vote "no" on this bill, you are essentially voting to keep and maintain guns in schools! This bill will remove, by law, guns from schools. Current law doesn't do that. This does and I am so thankful tonight as we look at this legislation that my children will be safer and that my wife, as she teaches in the public schools, will be safer.

It is interesting that criminals actually oppose this bill. In fact, criminals are in favor of gun control, and why is that? Because when they perpetrate their crime on you or someone else that you know or love, they will be relatively assured that their victim will not be armed, not that they necessarily aren't, but they are pretty well-assured that they will not be. Know this, the criminal does not respect the law that we are passing today. The criminal does not respect what is in current law today! We are dealing with law-abiding citizens who care about the law and who care about obeying the law. So as we stand here today as the Michigan State Senate, I urge my colleagues to defend law-abiding citizens, and even more importantly, to defend schoolchildren by keeping guns out of schools.

I urge my colleagues to stand today for the Constitution, for law-abiding citizens, and for safety in our schools—nothing more, nothing less.

Senator Koivisto's statement is as follows:

I will try not to be repetitive. First, I rise to support the conference report. I just want to read you something. If you are at all concerned about the ballot question, I want you to listen to what I am going to read. This was done by Booth News Services in the Sunday newspaper. Here is what is said, if the bill passes. "If it passes, opponents will quickly launch a signature drive to put the question on the 2002 gubernatorial election ballot for voters to decide," says Michael Duggan, Wayne County's new Prosecuting Attorney. "Volunteers, and if need be, paid circulators will be in every hockey rink, movie theater, mall and church around the state," Duggan said last week."

If enough signatures can be gathered by April 1, 2001, when the law would take effect, new concealed weapons standards will be put on hold until it goes to a vote. Why I want to mention this is because it is very significant. Why don't they want this bill to take effect? Is it because they will see it as another 32 states that currently have it. You just don't have the problems like everybody is currently saying the sky is going to fall, and we are going to have shoot'em ups on the streets and everything else. That's why they don't want this bill to take effect. They can still do a ballot question, but they just have to go out and frame it in a different way. They just can't repeal this law, so remember that when your press is calling you tomorrow. They were simply afraid to let this bill become law.

I just want to throw out another statistic to you. I have the highest rate per capita of gun ownership in the state of Michigan. I have the lowest amount of crime in the state of Michigan. How can that be with all these guns in my district and in every household and everybody is armed? Why do we not have that problem? Why is it not the guns that are the problem? If Michael Duggan is so concerned about what is going on, then he should be setting up gang sweeps and arms sweeps in the metro area in dealing with criminals who have the guns that are causing the problem. Keep that in perspective as you are asked those questions tomorrow.

Senator Miller's statement is as follows:

This issue is probably one of the toughest issues I've ever listened to debate on in this chamber or voted upon because it deals with life itself. The question I ask my good friend and colleague from the 6th District—I know how he's concerned like so many of the other people here are concerned with the epidemic spread of people going out and buying and carrying concealed weapons—how do we rate? We hear all the statistics about all the people who would come into contact with it. How many have those concealed weapons right now illegally?

The big thing now as a state Senator here is that I have a responsibility to vote on a piece of important legislation, but what I care more about than anything is as the father of four children. I talk to my two sons every weekend when they go out. You know, what I remind them about is today in this society when they go out and they go to a party, to avoid any confrontation because today you don't know what your children are going to run into, like the good Senator said from Dearborn. Are my boys going to run into a confrontation where the person there has a concealed weapon and my sons' lives could come to an abrupt end? I sure hope not, and I preach to them every weekend to walk away from an argument. Walk away from a disagreement because you don't know who has that illegal concealed handgun.

This bill here, I'm going to vote for this bill. I voted for the last one because, like the good Senator from the 23rd District said, I can go home and tell my neighbors and my friends, who are all concerned about handguns, about the epidemic rise that we're going to have with all these different handguns. There are so many illegal handguns out there that I wish my prosecutor who's urging me to vote "no" on this bill would go out there and start making some arrests or visit schools or visit places to round up all those illegal handguns. He passed out 11,000 permits, and now he's urging me to vote "no." I listened to the good Senator from the 23rd remind us that this bill here at least is going to give some training and it's going to give some screening that he doesn't give now. Or, in the good old days, they passed out gun permits to anybody who might have bought a fund-raiser ticket or was on the right side of the good old boys club down there. I think that kind of passing out concealed weapons permits should be over. We need to take the 83 counties in this state and pass some type of mandatory process that we're going to limit who can have a handgun.

I don't own a handgun, but I own rifles. I own shotguns. I bought plenty of hunting licenses. But I don't own a handgun, and nobody in my family owns a handgun. But I'm scared to death of handguns, just like the Senator from Dearborn said, today when you pull up against a irate driver, the first thing I worry about is he is going to flash a handgun. I think we need to get all those illegal handguns off the streets. I wish we would have spent more time figuring out ways to get rid of them because I fear for my family. I fear for my friends. I fear for my constituents. But at least this bill here, we no longer have to worry about going to a high school football game, and the person next to me or sitting in the visitors stand might be carrying a concealed weapon. Or if I go to a Detroit Red Wings game or a Tigers game, someone in the stands who might have had too many beers has a concealed handgun in their possession.

This bill at least spells out where they can take those handguns. And I know that I'm going to be criticized by my prosecutor, but I'll debate the issue with him on any particular site he chooses because at least I think this bill sets some standards and provides some protection and gives a warning to people that we're not going to tolerate carrying handguns in certain locations. It'll at least give me a little protection and relieve a little fear that I have to worry about my children going to a party and being confronted with someone who is carrying an illegally concealed handgun.

House Bill No. 4532, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a). The House of Representatives has adopted the report of the Committee of Conference. The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4532, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).
 Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the bill as passed by the House, and to the following amendment:

1. Amend page 3, line 7, after "effect" by striking out the balance of the bill and inserting "April 1, 2001."

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 231a (MCL 750.231a).

Michael Green
 Larry DeVuyst
 William Callahan
 Conferees for the House

Philip E. Hoffman
 Bill Bullard, Jr.
 Christopher D. Dingell
 Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,
 Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 817**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: President

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Conference Committee on House Bill No. 5951 submits the following:
Meeting held on Tuesday, December 12, 2000, at 11:00 a.m., Room 252, Capitol Building
Present: Senators Gougeon and McManus
Excused: Senator DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 260 submits the following:
Meeting held on Tuesday, December 12, 2000, at 12:24 p.m., Rooms 402 and 403, Capitol Building
Present: Senators DeGrow (C), Schwarz and Byrum

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 261 submits the following:
Meeting held on Tuesday, December 12, 2000, at 12:24 p.m., Rooms 402 and 403, Capitol Building
Present: Senators DeGrow (C), Shugars and Byrum

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4530 submits the following:
Meeting held on Wednesday, December 13, 2000, at 9:00 a.m., Room 252, Capitol Building
Present: Senators Hoffman, Bullard and Dingell

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4532 submits the following:
Meeting held on Wednesday, December 13, 2000, at 9:15 a.m., Room 252, Capitol Building
Present: Senators Hoffman, Bullard and Dingell

COMMITTEE ATTENDANCE REPORT

The Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs submits the following:
Meeting held on Wednesday, December 13, 2000, at 9:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Dunaskiss (C), Steil, North and Dingell
Excused: Senator Murphy

Scheduled Meetings

Legislative Council - Thursday, December 14, 9:00 a.m., Room 252, Capitol Building (373-7708)

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 7:21 p.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, December 14, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.