

No. 12
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 18, 1998.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present
Berryman—present
Bouchard—excused
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

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

Reverend David Horne of the Central Wesleyan Church of Holland offered the following invocation:

Father God, we need You. In everything that lies in front of us today, we confess our weakness and our total inadequacy. We confess the truth of Your word that says, "Apart from You we can do nothing." Forgive us, Lord, for the times when we take matters in our own hands and do not trust in You. Use us today. Use our hands to do the things that would please and honor You. Use our hearts to be more fully in love and in line with who You are. And yet, with all who are gathered in this room, please use their homes as well, dear Lord, and make their homes places of safety and of honor to You. We aspire to be so heavenly-minded today, that we are of the most earthly good. Help us, dear Lord, in all that we do and all that we say that we will be pleasing and honoring You. For Your glory, in Christ's name. Amen.

Motions and Communications

Senators Jaye, Posthumus and Dunaskiss entered the Senate Chamber.

Senator DeGrow moved that Senators Bouchard and Schuette be excused from today's session.
The motion prevailed.

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of Senator Rogers admittance to the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

Senator V. Smith moved that Senator Koivisto be temporarily excused from today's session.
The motion prevailed.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

February 11, 1998

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 9:27 a.m. this date, administrative rule (98-2-1) for the Department of Treasury, entitled "*Michigan Education Trust (Rule 21)*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communications were received:
Department of Consumer and Industry Services

February 12, 1998

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the Special Investigation Report 47-01-10-97 completed on Olympic Center, 9036 E. M-36, P.O. Box 349, Whitmore Lake, Michigan 48189. This investigative report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892, or Don Reichle at 335-1954.

February 12, 1998

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the interim evaluation conducted November 26, 1997 on Pine Lodge Residential Care Center, 227 N. Sycamore Street, Lansing, Michigan 48933. This evaluation was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892, or Don Reichle at 335-1954.

Sincerely,
Roy Murry, Director
Finance and Administrative Services

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 17:
House Bill Nos. 5283 5345

The Secretary announced the printing and placement in the members' files on Tuesday, February 17 of:
Senate Bill Nos. 888 890

Messages from the Governor

The following message from the Governor was received:

Date: February 17, 1998
Time: 9:23 a.m.

To the President of the Senate:

Madam—I have this day approved and signed
Enrolled Senate Bill No. 846 (Public Act No. 9), being

An act to amend 1996 PA 522, entitled “An act to authorize the conveyance of the assets and liabilities of the state related to the operation of the Michigan biologic products institute; to authorize the state administrative board to approve the conveyance and to make determinations that certain conditions upon the conveyance have been met; to permit the acceptance of consideration in exchange for the conveyance; to make certain findings and determinations of the interest of the state relative to the conveyance; to authorize the state administrative board to approve certain agreements for continued services and products by certain state agencies to transferred facilities or to the state from the transferred facilities; to authorize the Michigan biologic products commission to negotiate and, upon concurrence of the state administrative board, approve certain agreements related to the conveyance of the assets and liabilities of the state associated with the Michigan biologic products institute, certain agreements for the marketing of the assets and liabilities, certain agreements for continued services and products, and certain agreements for the retention of rights, interests, and easements in certain conveyed assets; to authorize employees and employee based entities to bid for or make proposals to acquire the assets and liabilities of the state associated with the Michigan biologic products institute; to prescribe the powers and duties of certain public officers and certain state agencies and departments; to grant exclusive jurisdiction over claims related to the conveyance to the court of claims and to limit the time in which claims related to the conveyance or to the products produced by the Michigan biologic products institute may be brought; to provide for the disposition of the revenue derived from the conveyance; and to make an appropriation,” (MCL 333.26331 to 333.26340) by adding sections 6a, 6b, and 6c; and to repeal acts and parts of acts.

(Filed with the Secretary of State on February 17, 1998, at 4:18 p.m.)

Respectfully,
John Engler
Governor

Senator Koivisto entered the Senate Chamber.

Third Reading of Bills

Senator DeGrow moved that consideration of the following bill be postponed for today:

Senate Bill No. 789

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 838, entitled

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional

institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 11a, 51, and 56 (MCL 791.211a, 791.251, and 791.256), sections 11a and 56 as added by 1994 PA 93 and section 51 as amended by 1994 PA 217.

The question being on the passage of the bill,

Senator V. Smith offered the following amendments:

1. Amend page 2, line 12, by striking out all of subsection (2) and renumbering the remaining subsections.
2. Amend page 2, line 18, after "state" by striking out the balance of the line through "VENDOR" on line 19.
3. Amend page 2, line 23, after "state" by striking out the balance of the line through "VENDOR" on line 24.
4. Amend page 3, line 16, after "~~compact~~" by striking out "SUBSECTIONS (1) AND (2)".
5. Amend page 4, line 19, after "COMPACT" by striking out the balance of the subsection and inserting a period.
6. Amend page 5, line 14, after "COMPACT" by striking out the balance of the subsection and inserting a period.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 45

Yeas—16

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O'Brien	Stallings
Cherry	Hart	Peters	Vaughn
Conroy	Koivisto	Smith, A.	Young

Nays—20

Bennett	Emmons	Jaye	Schwarz
Bullard	Gast	McManus	Shugars
Cisky	Geake	North	Steil
DeGrow	Gougeon	Posthumus	Stille
Dunaskiss	Hoffman	Rogers	Van Regenmorter

Excused—2

Bouchard	Schuette
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Not Voting—0

In The Chair: President

Senator Peters offered the following amendment:

1. Amend page 2, line 11, after "compact." by inserting, "A CONTRACT SHALL NOT AUTHORIZE THE TRANSFER OF A PRISONER UNDER THE JURISDICTION OF THE DEPARTMENT IN WHICH THE COST OF

INCARCERATING THE PRISONER IN A PUBLIC OR PRIVATE CORRECTIONAL FACILITY IN ANOTHER STATE IS MORE THAN THE COST OF INCARCERATING THE PRISONER IN A FACILITY WITHIN THIS STATE UNLESS THE DEPARTMENT CERTIFIES THAT IT HAS EXHAUSTED ALL OTHER PLACEMENT ALTERNATIVES, INCLUDING PLACEMENTS IN COUNTY JAILS, TEMPORARY FACILITIES OR OTHER CORRECTIONAL FACILITIES.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 46**Yeas—17**

Berryman	Dingell	North	Smith, V.
Byrum	Hart	O'Brien	Stallings
Cherry	Koivisto	Peters	Vaughn
Conroy	Miller	Smith, A.	Young
DeBeaussaert			

Nays—19

Bennett	Emmons	Jaye	Shugars
Bullard	Gast	McManus	Steil
Cisky	Geake	Posthumus	Stille
DeGrow	Gougeon	Rogers	Van Regenmorter
Dunaskiss	Hoffman	Schwarz	

Excused—2

Bouchard	Schuette
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Not Voting—0

In The Chair: President

Senator Berryman offered the following amendment:

1. Amend page 2, line 11, after “compact.” by inserting “A CONTRACT SHALL NOT AUTHORIZE THE TRANSFER OF A PRISONER UNDER THE JURISDICTION OF THE DEPARTMENT IF THE PRISONER IS MARRIED TO A RESIDENT OF THIS STATE.”.

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

Senator Berryman requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 47**Yeas—24**

Bennett	Dingell	Hoffman	Rogers
Bullard	Dunaskiss	Jaye	Schwarz

Byrum
Cisky
DeBeaussaert
DeGrow

Emmons
Gast
Geake
Gougeon

McManus
Miller
North
Posthumus

Shugars
Steil
Stille
Van Regenmorter

Nays—12

Berryman
Cherry
Conroy

Hart
Koivisto
O'Brien

Peters
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Excused—2

Bouchard

Schuette

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Conroy, V. Smith, Peters, A. Smith, Berryman and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 838 and moved that the statements they made during the discussion of the bill and amendments be printed as their reasons for voting “no.”

The motion prevailed.

Senator Conroy’s statement is as follows:

I’ve just been kind of curious about the reason for the sponsorship of this bill in the first place. It seems to me to be pretty negative—a signal that the state of Michigan is desperate. Well, we’ve got so many criminals we don’t know what to do. Now we have in prison over the last 15 years—and that’s 15 years to the day—when we had 12,500 prisoners. We now have 42,000 and we want to go to 50,000-60,000. These people are costing us \$24,000 per person per year.

I think we’re doing our job. Crime is down. It’s down dramatically in this country. I think you can go city by city finding this reduction in crime. So I think this state has been responsible and it’s done its job. I don’t think we need to saddle this Governor with news that he’s transporting prisoners all around the country now. That’s what the export of this states product is.

Yesterday, he took credit for the good business climate. I’m not sure that he wants to take credit that he’s sending his prisoners to California and South Dakota and elsewhere. At the very same time I understand there are vacant beds—that there’s 50 vacant beds down in Adrian. Some say 100. I just wonder what the reason for this bill is.

I wonder why we’re not saying, “Let’s get tougher with the prisoner”? Why are we building boot camps? Why are we building facilities where these prisoners are learning a trade so when they come back they don’t beat up Senator Bennett’s neighbors and friends and constituents and Senator Conroy’s constituents in the city of Flint? Why aren’t we doing some things that make these prisoners not repeat their crime, as Senator Hart underlined?

Instead, we’re shipping them off into some unknown state. It just seems to me that it’s a signal of defeat. It’s a signal that we can’t handle the problem that is presumed that we have. We’re not doing things that reduce these dastardly folks who come back into our communities. We don’t train them. We don’t educate them to change their lifestyles. Half of them can’t read. So, I don’t know what you expect when they come back to Westland or to Flint or to other communities around the state. There certainly isn’t any magic in the water they’re going to drink when they get back there. They’ve got to have some skills put together in this kind of a world to work and to take care of themselves.

I think that the leadership on this bill is lacking, that the creativity is certainly lacking and that it is a real rock around the neck of the Governor who is trying to go out and get reelected and say how good a job he's been doing. We come up with a bill that says we're going to export our prisoners. I would just hope that we could come up with maybe a little better resolve to solve the problems that we have in this state with people who break the law.

Senator V. Smith's statement is as follows:

We debated this issue on General Orders yesterday. This is an important issue—issue of privatization. We've had this issue in front of us in many different forms and in some it might be appropriate. I feel that the state has a responsibility to maintain law and order and to maintain the civility of our democratic system. And the cornerstone of our being able to maintain order and structure in society is our law enforcement system. That is, indeed, a state responsibility—always has been a state responsibility. It's a governmental role in order to make sure we have systems in place where disputes can be worked out; where people who violate crimes against society, as decided by this legislature, will be taken off the street and making sure that they are not a threat to their fellow neighbor. How can you turn that responsibility over to a private company? How does government step out of its role of providing a competent law enforcement system and yet want to step out of its role in one of the most crucial parts of that component? And that is the operation and maintenance of the prison system within the criminal justice system—to turn that over to private interest is not the right time or place within government to step out of our responsibility. There are rules and questions regarding liability which might arise regarding the use of deadly force.

I can remember when the prison break occurred at Ryan, which was the prison around my house in the Senate district that I represent, there were ten escaped felons on the loose. There was confusion from the correctional guards as to whether they had the ability to shoot. That was one of the problems that occurred during the prison escape. One of the correctional officers who circled that prison with the shotgun in their car was disciplined. And after that the Department of Corrections entered into a debate, and I am quite sure that my good colleagues, Bill Van Regenmorter, Chris Dingell, Gary Peters and the other members of the Judiciary Committee, remember that debate. They remember when we debated when prison guards have the ability to use deadly force. If this is a debate that goes on presently, regarding correction officers who are law enforcement officers—sworn law enforcement officers of the state—how are we going to transfer that type of responsibility on to civilians based on contract? Is there a question when they shoot to kill? Can they be prosecuted for shooting to kill escaping felons? Can they be prosecuted if they get into a scuffle with a felon and that felon ends up dead? There are criminal and civil ramifications that come into play when government tries to step out of this important responsibility and that is the maintenance of the corrections within the law enforcement system.

I told you yesterday when we had this debate that this bill scares me for another reason. I am African American, which is probably very clear to most of you on this floor and most of you that are watching television. The history of my people in this country is we were treated as chattel—we were property to be bought, traded, sold and whatever else. We you turn people into chattel, you turn them into property and assign a value to them, you change the entire equation. If you look back on how blacks have been treated in this country, you will see that when we were in slavery and treated as chattel and property, there was no governmental protection. There was no share of running in if a slave woman was raped. There was nobody coming in to say that you have the ability to sue or anybody trying to chastise those law enforcement officials or trying to chastise those owners if they abused the slaves that work for them. If you turn the prison system into a money-making operation, you in effect reduce those prisoners to an economic value—the same as it was in slavery. When you do that, you basically change the system and make the system more predatory in trying to make sure that those corporations that operate in. We all know corporations are concerned with the bottom line—whatever saves them money—whatever saves them dollars. So, you are going to turn people into dollars; I can provoke you everyday of the week to make sure that you stay locked in this prison and that the public has to continue to pay that \$50 or \$60 per day. Who is going to pick up this tab? The people that we represent are going to pick up this tab. Who is going to oversee the cost involved in this tab; and how are you going to check on every little cost that's associated with the corrections system, when you have a private entity operating it? It has turned people into the dollar commodity. I warned you when you talked about the punk prison and privatization, that that was possible—the same is possible here. I think it's absolute insanity at best, to even have this bill sitting here on the floor. I would hope that the members adopt my amendment and strip this privatization language out of this transfer bill and let's get on with the business of taking care of peoples' interests.

Senator Peters' first statement, in which Senators A. Smith, Berryman and Hart concurred, is as follows:

It's quite obvious in this debate that we really have two obligations as a Legislature. One, we have an obligation to keep dangerous people behind bars, keep those people off our streets to keep our streets safe. The other obligation, however, is to control cost and to use taxpayer money in the most effective fashion. This amendment is an attempt to deal with both of those issues—keeping our streets safe while, at the same time, being a good management practice and minimizing the cost to the taxpayers.

This amendment states that you cannot transfer a prisoner to another jurisdiction if that cost is greater than keeping them here unless you have certified that you have exhausted all other placement alternatives, including placement in county jails, temporary facilities or other correctional facilities. If you have exhausted all of those other alternatives,

then you can send them out of state, even if it is more expensive. However, first you must take a good hard look at all of the available facilities that are in this state and, if there is availability there, place those prisoners there in a cheaper fashion. This accomplishes both of our obligations—making sure that people stay behind bars and off our streets but, at the same time, protecting taxpayer money.

Without this amendment, I'm afraid that just transferring prisoners out of state is a very expensive option and it's a short-term expensive solution to what is a very long-term problem that really deserves a long-term solution. This amendment will help move us forward in determining what is the best long-term solution for dealing with an increasing corrections population and would encourage members to support this amendment.

Senator Peters' second statement, in which Senators A. Smith, Berryman and Hart concurred, is as follows:

I just want to respond to the objections of the sponsor who claimed that this amendment would limit options and that he was opposed to it because it would limit options.

I want to say emphatically—this amendment does not limit any options to the Department of Corrections. The only thing that it does is demand good management practice, good business practices. Now, I know that is a radical concept for state government and it may be a very radical concept for this administration to have good business practices, but that's all that this amendment does.

Let me outline it: If it is cheaper to send a prisoner out state, you can go ahead and do that. If it is more expensive to send a prisoner out state, you first have to check all other alternatives other than state prisons. You have to look at county jails, temporary facilities or other correctional facilities. If there is no room in any of those facilities, then you are free to send that prisoner out state, even though it is more expensive.

So, this amendment does not limit options, all it does is demand some fiscal prudence on the part of the Department of Corrections. It continues to keep streets safe in our state but also protects taxpayer money and I would urge adoption of this amendment.

Senator Peters' third statement, in which Senators A. Smith, Berryman and Hart concurred, is as follows:

With the failure of my amendment, I could not support the bill. I am committed to protecting public safety and I am also committed to protecting scarce taxpayer resources. I think that the failure to put in place good management practices within our Department of Corrections, is not good public policy and will not protect and further public safety in this state.

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

The motion prevailed.

Senator Dunaskiss' statement is as follows:

I rise to introduce a very special person whom I have here with me, my youngest son, Jordan Dunaskiss. He's had the opportunity of visiting the Capitol on many occasions. But he is so excited because he has brought his very best friend who is proud to say he is seven and a half years old—not seven but seven and a half—Mitchell Kusmider. Mitchell is the first person from his entire immediate family to visit the Capitol and see it be restored.

Senators Shugars and Jaye moved that they be named co-sponsors of the following bill:

Senate Bill No. 838

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 873

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

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator Young as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 256, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5759 (MCL 600.5759).

Senate Bill No. 855, entitled

A bill to amend 1978 PA 34, entitled "An act to revise the laws relating to fences on certain lands and fence viewers; and to repeal certain acts and parts of acts," by amending sections 4, 5, and 6 (MCL 43.54, 43.55, and 43.56).

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 873, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 44 (MCL 791.234 and 791.244), section 34 as amended by 1994 PA 345 and section 44 as amended by 1992 PA 181.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

Senate Bill No. 255, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5771 and 5775 (MCL 600.5771 and 600.5775), as added by 1988 PA 336.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 6, line 11, after "PARK" by inserting "OR TO THE TERMINATION OF A TENANCY PURSUANT TO SECTION 5714(1) (A), (B), (D), (E), (F), OR (G)".

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

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

Senate Bill No. 528, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217 (MCL 257.217), as amended by 1996 PA 59.

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

1. Amend page 5, line 16, after "THAT" by striking out the balance of the subdivision and inserting "THE DEPARTMENT OF STATE POLICE DETERMINES IS A HIGH-CRIME AREA BASED ON THE STATE POLICE UNIFORM CRIME REPORTING PROGRAM STATISTICS AND OTHER RELEVANT FACTORS AFTER CONSULTATION WITH THE MUNICIPALITY."

2. Amend page 5, line 21, after "PERSON" by striking out the balance of the subdivision and inserting "WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

(i) IS EMPLOYED AS A POLICE OFFICER BY THIS STATE OR A MUNICIPALITY IN THIS STATE.

(ii) LIVES IN A HIGH-CRIME AREA.

(iii) WORKS AS A POLICE OFFICER IN THE HIGH-CRIME AREA IN WHICH HE OR SHE LIVES.

(iv) MEETS ANY OTHER CONDITIONS AS DETERMINED BY THE MUNICIPALITY IN WHICH HE OR SHE LIVES."

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

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

Senate Bill No. 529, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

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

1. Amend page 5, line 15, after "THAT" by striking out the balance of the subdivision and inserting "THE DEPARTMENT OF STATE POLICE DETERMINES IS A HIGH-CRIME AREA BASED ON THE STATE POLICE UNIFORM CRIME REPORTING PROGRAM STATISTICS AND OTHER RELEVANT FACTORS AFTER CONSULTATION WITH THE MUNICIPALITY:".

2. Amend page 5, line 20, after "PERSON" by striking out the balance of the subdivision and inserting "WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

(i) IS EMPLOYED AS A POLICE OFFICER BY THIS STATE OR A MUNICIPALITY IN THIS STATE.

(ii) LIVES IN A HIGH-CRIME AREA.

(iii) WORKS AS A POLICE OFFICER IN THE HIGH-CRIME AREA IN WHICH HE OR SHE LIVES.

(iv) MEETS ANY OTHER CONDITIONS AS DETERMINED BY THE MUNICIPALITY IN WHICH HE OR SHE LIVES:".

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

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

Senate Bill No. 530, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 46a.

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

1. Amend page 1, line 6, after "THAT" by striking out the balance of the subdivision and inserting "THE DEPARTMENT OF STATE POLICE DETERMINES IS A HIGH-CRIME AREA BASED ON THE STATE POLICE UNIFORM CRIME REPORTING PROGRAM STATISTICS AND OTHER RELEVANT FACTORS AFTER CONSULTATION WITH THE MUNICIPALITY:".

2. Amend page 2, line 2, by striking out the balance of the subdivision and inserting "WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

(i) IS EMPLOYED AS A POLICE OFFICER BY THIS STATE OR A MUNICIPALITY IN THIS STATE.

(ii) LIVES IN A HIGH-CRIME AREA.

(iii) WORKS AS A POLICE OFFICER IN THE HIGH-CRIME AREA IN WHICH HE OR SHE LIVES.

(iv) MEETS ANY OTHER CONDITIONS AS DETERMINED BY THE MUNICIPALITY IN WHICH HE OR SHE LIVES:".

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Rogers, McManus, Emmons, North, Van Regenmorter, Shugars, Gast, Hoffman, Geake, Stille, Bennett, Steil and Bullard introduced

Senate Bill No. 891, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," (MCL 436.1 to 436.58) by adding section 26d.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Stallings, Miller, V. Smith and Young introduced

Senate Bill No. 892, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 1987 PA 200.

The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Bennett, Hoffman, Shugars, Bullard, Jaye, Dunaskiss, Gast, Geake and Stille introduced

Senate Bill No. 893, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each

classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 12 (MCL 247.662), as amended by 1997 PA 79, and by adding section 20b.

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senator Shugars introduced

Senate Bill No. 894, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending the title and sections 103, 207, 211, 217, 220, and 221 (MCL 338.3103, 338.3207, 338.3211, 338.3217, 338.3220, and 338.3221), the title as amended by 1990 PA 2 and sections 103, 207, and 220 as amended and section 221 as added by 1993 PA 55.

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

Senator Shugars introduced

Senate Bill No. 895, entitled

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 2, 11, 13, and 14 (MCL 338.3402, 338.3411, 338.3413, and 338.3414), as amended by 1995 PA 127.

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

Senator Shugars introduced

Senate Bill No. 896, entitled

A bill to amend 1995 PA 127, entitled "An act to amend the title and sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 15 of Act No. 440 of the Public Acts of 1988, entitled "An act to provide for the accreditation of persons who perform asbestos-related work in schools and school buildings; to prescribe the powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees," being sections 338.3402, 338.3403, 338.3404, 338.3405, 338.3406, 338.3407, 338.3409, 338.3410, 338.3411, 338.3412, 338.3413, 338.3414, and 338.3415 of the Michigan Compiled Laws; to add section 15a; and to repeal acts and parts of acts," by amending enacting section 2.

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

Senators Cisky, North, Stille and Hart introduced

Senate Bill No. 897, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 9f (MCL 764.9f), as amended by 1996 PA 81.

The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

House Bill No. 5283, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 312c.

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

The bill was read a first and second time by title and referred to the Committee on Technology and Energy.

House Bill No. 5345, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

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

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 752, entitled

A bill to amend 1956 PA 5, entitled "Michigan uniform municipal court act," by amending section 23 (MCL 730.523) and by adding section 23a.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 753, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2 and 3 of chapter X and sections 34, 43, and 44 of chapter XIV (MCL 770.2, 770.3, 774.34, 774.43, and 774.44), section 2 of chapter X as amended by 1981 PA 205, section 3 of chapter X as amended by 1994 PA 374, and sections 34, 43, and 44 of chapter XIV as amended by 1980 PA 506.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 824, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 803 (MCL 600.803), as amended by 1980 PA 129.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky and Geake

Nays: Senator Dingell

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

The Committee on Judiciary reported

Senate Bill No. 873, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 44 (MCL 791.234 and 791.244), section 34 as amended by 1994 PA 345 and section 44 as amended by 1992 PA 181.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky and Dingell

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, February 17, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), Rogers, Cisky, Geake and Dingell

Excused: Senators Peters and V. Smith

Scheduled Meeting

Economic Development, International Trade and Regulatory Affairs Committee - Thursday, February 19, at 1:00 p.m., Room 110, Farnum Building (3-7946).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:24 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, February 19, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

