

No. 46
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 21, 1998.

9:00 a.m.

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

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

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—excused
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—present
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator George Z. Hart of the 6th District offered the following invocation:

O Father, who art in Heaven, we give You praise and thanks as we come together on this day to commemorate Memorial Day here in the Michigan Senate. We pray that You continue to provide us with Your spiritual guidance as we go about representing the people of this great state. We ask this in Your name. Amen.

Motions and Communications

Senator DeGrow moved that Senators Hoffman, Jaye, Posthumus, Schuette and Shugars be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senator Cisky be excused from today's session.

The motion prevailed.

Senator Berryman moved that Senators Conroy, Dingell, Koivisto, Young and V. Smith be temporarily excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 20:
House Bill Nos. 4942 5313 5327 5465 5643 5644 5645 5647 5708

Messages from the House

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

Senate Bill No. 200

Senate Bill No. 97

House Bill No. 4289

Senate Bill No. 38

Senate Bill No. 752

Senate Bill No. 386

Senate Bill No. 313

Senate Bill No. 866

Senate Bill No. 874

House Bill No. 4259

House Bill No. 5261

House Bill No. 5317

The motion prevailed.

Senate Bill No. 299, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1105, 1206, 4104, 5114, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 9103, 9105, 9106, 9203, 9301, 9302, 9303, 9304, 9305, 9306, 9309, 9312, and 9994 (MCL 440.1105, 440.1206, 440.4104, 440.5114, 440.8101, 440.8102, 440.8103, 440.8104, 440.8105, 440.8106, 440.8107, 440.8108, 440.8201, 440.8202, 440.8203, 440.8204, 440.8205, 440.8206, 440.8207, 440.8208, 440.8301, 440.8302, 440.8303, 440.8304, 440.8305, 440.8306, 440.8307, 440.8401, 440.8402, 440.8403, 440.8404, 440.8405, 440.8406, 440.8407, 440.9103, 440.9105, 440.9106, 440.9203, 440.9301, 440.9302, 440.9303, 440.9304, 440.9305, 440.9306, 440.9309, 440.9312, and 440.9994), section 1105 as amended by 1992 PA 101, section 4104 as amended by 1993 PA 130, sections 5114, 8102, 8103, 8104, 8105, 8106, 8107, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, 8406, 9103, 9203, 9304, 9305, 9309, and 9312 as amended and sections 8108 and 8407 as added by 1987 PA 16, section 9105 as amended by 1988 PA 130, section 9301 as amended by 1984 PA 170, and section 9302 as amended by 1996 PA 72, and by adding sections 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8210, 8501, 8502, 8503, 8504, 8505, 8506, 8507, 8508, 8509, 8510, 8511, 8601, 9115, and 9116; and to repeal acts and parts of acts.

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. 553, entitled

A bill to amend 1965 PA 203, entitled "Michigan law enforcement officers training council act of 1965," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 (MCL 28.601, 28.602, 28.603, 28.604, 28.605, 28.606, 28.607, 28.608, 28.609, 28.610, 28.611, 28.612, 28.614, and 28.615), section 2 as amended by 1995 PA 204, section 3 as amended by 1996 PA 545, section 9 as amended by 1994 PA 155, and section 11 as amended by 1985 PA 15, and by adding sections 9a, 9b, 9c, and 9d.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 3, after "ON" by striking out "POLICE" and inserting "LAW ENFORCEMENT".
2. Amend page 2, line 9, after "ON" by striking out "POLICE" and inserting "LAW ENFORCEMENT".
3. Amend page 2, line 25, after "ON" by striking out "POLICE" and inserting "LAW ENFORCEMENT".
4. Amend page 4, line 2, after "village," by striking out "or".
5. Amend page 4, line 3, after "state," by inserting "OR OF A STATE UNIVERSITY OR COMMUNITY COLLEGE".
6. Amend page 4, line 16, by striking out "POLICE" and inserting "LAW ENFORCEMENT".
7. Amend page 5, line 26, by striking out "POLICE" and inserting "LAW ENFORCEMENT".
8. Amend page 8, line 23, after "of" by striking out "police" and inserting "LAW ENFORCEMENT".
9. Amend page 9, line 1, by striking out all of line 1 through "780.834," on line 4.
10. Amend page 11, line 18, after "VILLAGE," by striking out the balance of the subdivision and inserting "CORPORATION, COLLEGE, COMMUNITY COLLEGE OR UNIVERSITY."
11. Amend page 16, line 11, after "SUBSECTION" by striking out "(3)" and inserting "(4)".
12. Amend page 18, line 15, after "to" by striking out "police" and inserting "LAW ENFORCEMENT".
13. Amend page 18, line 20, after the first "of" by striking out "police" and inserting "LAW ENFORCEMENT".
14. Amend page 18, line 23, after "of" by striking out "police" and inserting "LAW ENFORCEMENT".
15. Amend page 18, line 26, after "for" by striking out "police" and inserting "LAW ENFORCEMENT".
16. Amend page 20, line 6, after "OF" by striking out "POLICE" and inserting "LAW ENFORCEMENT".
17. Amend page 20, line 22, after "FOR" by striking out "POLICE" and inserting "LAW ENFORCEMENT".

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

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

Senator Shugars entered the Senate Chamber.

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

Senators Jaye, Geake, Posthumus and Schuette entered the Senate Chamber.

Third Reading of Bills

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

Senate Bill No. 256

Senate Joint Resolution A

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 456, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 216b.

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. 320**Yeas—30**

Bennett	Dunaskiss	Miller	Schwarz
Berryman	Emmons	North	Shugars
Bouchard	Gast	O'Brien	Smith, A.
Bullard	Geake	Peters	Steil
Byrum	Gougeon	Posthumus	Stille
Cherry	Hart	Rogers	Van Regenmorter
DeBeaussaert	Jaye	Schuette	Vaughn
DeGrow	McManus		

Nays—0**Excused—7**

Cisky	Dingell	Koivisto	Young
Conroy	Hoffman	Smith, V.	

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 456

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 813, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5501, 5521, and 5522 (MCL 324.5501, 324.5521, and 324.5522); and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator A. Smith offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

Senator DeGrow moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Senators V. Smith, Conroy and Dingell entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 785, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e.

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. 321**Yeas—33**

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars

Bouchard	Emmons	North	Smith, A.
Bullard	Gast	O'Brien	Smith, V.
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Conroy	Hart	Rogers	Van Regenmorter
DeBeaussaert	Jaye	Schuette	Vaughn
DeGrow			

Nays—0

Excused—4

Cisky	Hoffman	Koivisto	Young
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Miller, Jaye, North, Gougeon, Rogers, Bennett, Schuette, Bouchard, Dunaskiss, Emmons, Stille, Gast, Geake, V. Smith, O'Brien, Vaughn and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 785

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1091, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

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. 322

Yeas—33

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars
Bouchard	Emmons	North	Smith, A.
Bullard	Gast	O'Brien	Smith, V.
Byrum	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Conroy	Hart	Rogers	Van Regenmorter
DeBeaussaert	Jaye	Schuette	Vaughn
DeGrow			

Nays—0

Excused—4

Cisky	Hoffman	Koivisto	Young
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators DeBeaussaert, Peters, O'Brien, Byrum, Hart, Berryman, McManus, Miller, Dunaskiss, Stille, Schwarz and Van Regenmorter moved that they be named co-sponsors of the following bill:

Senate Bill No. 1091

The motion prevailed.

Senators Koivisto and Young entered the Senate Chamber.

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

Senate Bill No. 785

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1056, entitled

A bill to amend 1975 PA 148, entitled "Debt management act," by amending sections 2, 5, 6, 8, 13, 14, 15, 16, and 18 (MCL 451.412, 451.415, 451.416, 451.418, 451.423, 451.424, 451.425, 451.426, and 451.428); and to repeal acts and parts of acts.

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. 323**Yeas—35**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Steil
Byrum	Geake	Peters	Stille
Cherry	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Jaye	Schuette	Young
DeGrow	Koivisto	Schwarz	

Nays—0**Excused—2**

Cisky

Hoffman

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1124, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 2, 13a, 19, and 19b of chapter XIIA (MCL 712A.2, 712A.13a, 712A.19, and 712A.19b), section 2 as amended by 1996 PA 409, sections 13a and 19 as amended by 1997 PA 163, and section 19b as amended by 1997 PA 169, and by adding section 6b to chapter XIIA.

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. 324

Yeas—35

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Steil
Byrum	Geake	Peters	Stille
Cherry	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Jaye	Schuette	Young
DeGrow	Koivisto	Schwarz	

Nays—0

Excused—2

Cisky Hoffman

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Bennett, Stille, Dunaskiss, Schuette, Peters, O'Brien, McManus, Byrum, DeBeaussaert, Miller and Conroy moved that they be named co-sponsors of the following bill:

Senate Bill No. 1124

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1125, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

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. 325**Yeas—35**

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Steil
Byrum	Geake	Peters	Stille
Cherry	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Jaye	Schuette	Young
DeGrow	Koivisto	Schwarz	

Nays—0**Excused—2**

Cisky Hoffman

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Peters, DeBeaussaert, Byrum, Bennett, Dunaskiss, Stille, North and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 1125

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the Committee on Finance be discharged from further consideration of the following bill:

Senate Bill No. 923, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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

Senator Hoffman entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

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 pro tempore, Senator Schwarz, designated Senator Peters as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5304, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending section 4 (MCL 408.684). The bill was 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. 809, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 16b (MCL 46.16b), as added by 1988 PA 37.

Substitute (S-1).

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

1. Amend page 1, line 6, after "THAN" by striking out "20%" and inserting "15%".

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

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

Senate Bill No. 603, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 1988 PA 372.

Substitute (S-2).

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 a substitute therefor, the following bill:

Senate Bill No. 236, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 1996 PA 476.

Substitute (S-1).

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

1. Amend page 2, line 21, after "ALLOW" by striking out "ONLY".

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

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

Senate Bill No. 1093, entitled

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry composting; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts," by amending the title and sections 3, 15, 19, 21, 23, and 29 (MCL 287.653, 287.665, 287.669, 287.671, 287.673, and 287.679), the title and sections 3, 15, 19, 23, and 29 as amended by 1993 PA 228 and section 21 as amended by 1996 PA 65, and by adding section 28.

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:

House Bill No. 5071, entitled

A bill to amend 1968 PA 39, entitled "Michigan food law of 1968," by amending sections 7 and 10 (MCL 289.707 and 289.710), as amended by 1982 PA 43.

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

1. Amend page 4, line 4, by striking out all of subsection (3).

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 a substitute therefor, the following bill:

Senate Bill No. 1025, entitled

A bill to define certain fruit and vegetable processing uses and practices; to provide certain disclosures; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

Substitute (S-2).

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 a substitute therefor, the following bill:

Senate Bill No. 923, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

Substitute (S-2).

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.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator DeGrow moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 923

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

The following bill was read a third time:

Senate Bill No. 923, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

The question being on the passage of the bill,

Senator V. Smith moved that Senator Young be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Young entered the Senate Chamber.

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

Roll Call No. 326

Yeas—35

Bennett	Dingell	Koivisto	Shugars
Berryman	Dunaskiss	McManus	Smith, A.
Bouchard	Emmons	Miller	Smith, V.
Bullard	Gast	North	Steil
Byrum	Geake	O'Brien	Stille
Cherry	Gougeon	Peters	Van Regenmorter
Conroy	Hart	Posthumus	Vaughn
DeBeaussaert	Hoffman	Schuette	Young
DeGrow	Jaye	Schwarz	

Nays—0

Excused—1

Cisky

Not Voting—1

Rogers

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Young, Jaye, Bennett and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 923

The motion prevailed.

Senator DeGrow moved that Senator Rogers be temporarily excused from the balance of today's session.

The motion prevailed.

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

The motion prevailed.

Senator Bouchard's statement is as follows:

I know we've got an important ceremony that I think will be great for these young people to see, and I am very pleased to introduce to my colleagues some very special guests from the school district of Ferndale. The Roosevelt Elementary School was very active and involved in a program which I think they should be rightfully commended for and, I am proud to do that. I would ask my colleagues to do that. These young people, originally motivated by student council, decided they wanted to expose newborns to words through reading. These young people in the east balcony became active in fund raising efforts: selling candy, chips, and other things after school. They worked very hard and got assistance from boarders and were able to obtain more than \$800 and 800 books. Many of the books they took to be read to newborns at Southfield's Providence Hospital. So, these young students from Ferndale took it upon themselves at a young age, as a community service, to bring literacy to newborns. When I heard about that, I thought it was most appropriate that we take an opportunity to pause briefly and commend them for their young activism, encourage them to continue it, and recognize them for the success of it.

Senator Rogers entered the Senate Chamber.

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 DeGrow 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 DeGrow moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:01 a.m.

10:58 a.m.

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

During the recess, Senator Rogers conducted a Memorial Day Ceremony in honor of the military who have served during wartime and specifically dedicated to the memory of Oscar Johnson, Congressional Medal of Honor recipient. The ceremony was accompanied by the Glendaloch Pipe Band and vocalists, Vee Nash and Sarah Ferden.

Senator Schwarz introduced Retired Marine Corps Colonel and NASA Astronaut Jack Lousma, who addressed the Senate.

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

Senate Bill No. 479

House Bill No. 4875

House Bill No. 4884

House Bill No. 4886

House Bill No. 5006

Senate Bill No. 1109

Senate Bill No. 1110**Senate Bill No. 1111**

The motion prevailed.

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

Senate Bill No. 813, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5501, 5521, and 5522 (MCL 324.5501, 324.5521, and 324.5522); and to repeal acts and parts of acts.

(This bill was read a third time earlier today, substitute offered and consideration postponed. See p. 928.)

The question being on the adoption of the substitute offered by Senator A. Smith,

Senator A. Smith requested the yeas and nays.

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

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 327**Yeas—8**

Conroy
Emmons

Jaye
Peters

Smith, A.
Smith, V.

Vaughn
Young

Nays—28

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Gast
Geake
Gougeon
Hart

Hoffman
Koivisto
McManus
Miller
North
O'Brien
Posthumus

Rogers
Schuette
Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—1

Cisky

Not Voting—0

In The Chair: Schwarz

Protest

Senator McManus, under his constitutional right of protest (Art. 4, Sec. 18), protested the adoption of the substitute offered by Senator A. Smith to Senate Bill No. 813 and moved that the statement he made during the discussion of the substitute be printed as his reasons for voting "no."

The motion prevailed.

Senator McManus' statement is as follows:

I didn't intend to get into this debate either, but I think we have a misconception going on around here, and I'd like to clear it up.

The Senator that is proposing the bill has indicated that 97 percent of the businesses in the state would save 50 percent. That is not the case. If you look at your list and think about it, you will see that there thousands of businesses in this state that are not on this list. This is a list of polluters. What she is really saying is that 97 percent of the polluters will save 50 percent.

Now, think about it; thousands of businesses are not on the list. This is a list of people who pollute the air—those businesses—not all businesses. Now, when we impose the fees that the good Senator proposes on the utilities, the rest of those businesses that are not on this list will be paying the bill—just to clear up the point. That is why I'm going to oppose it.

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. 328

Yeas—35

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, V.
Bullard	Gast	North	Steil
Byrum	Geake	O'Brien	Stille
Cherry	Gougeon	Peters	Van Regenmorter
Conroy	Hart	Posthumus	Vaughn
DeBeussaert	Hoffman	Rogers	Young
DeGrow	Jaye	Schuette	

Nays—1

Smith, A.

Excused—1

Cisky

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator A. Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 813 and moved that the statements she made during the discussion of the the substitute and the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator A. Smith's first statement is as follows:

Senate Bill No. 813, the bill that the environmental committee reported to the Senate has, I believe, some fairly serious problems. In order to get at those problems I would like to tell you about an event that happened much earlier in my life. When my son was in the third grade, as all of our children are, he was very bright. He was also a very challenging, well-disciplined, and cooperative kid. But I got a call at the end of the school day about one-third of the

way through the semester from the principal. He said, "I've kept your son after school." Again, this is a very cooperative kid who just lived to get along. And I said, "Can you explain to me what the problem is?" He said, "Well, you need to come because he has missed the bus." And I said, "I will be there to get him, of course." He said, "Throughout the day he did absolutely no work." Dealing with a cooperative child I said, "I don't understand, but I am coming." Well, I got there in 20 minutes. When I arrived, the principal said, "He's done his full day's academic assignments while you were on your way." I said, "Well, I guess he doesn't have a problem understanding the curriculum." He said, "No that doesn't seem to be our problem." What he did was stage a sit-down strike because he was tired of the classroom activities. So I met with the teacher, and I ask her if she could explain what was going on, and she said, "Well, he was in a math section, and we keep giving him the work sheets to do, and of course, he gets them done in a few minutes, and then I give him some more work." I ask her what kind of work? She said, "I believe in the MOST system." I asked her if she could explain it to me. And she said, "Yes, the MOST system is more of the same thing." That's what Senate Bill No. 813 is. It's more of the same thing. It shows no creative, no enrichment, no seizing an opportunity to change the way we do a permit fee system. It is simply more of the same thing. It is more of a fee on 100 percent of the businesses in Michigan by 35 percent.

The substitute reduces the fee to 97 percent of the businesses by 50 percent. The facility fee for category one companies is currently \$2,500—would be cut in half. Twelve hundred and fifty dollars for category one. Category two facilities are charged \$1,000 for fees. That facility fee would be cut in half. For 28 senatorial districts, every single fee subject business in your district will save money. I have passed out a handout that shows the impact of the substitute on each of your districts for the per ton fee for each of the businesses. The per ton fee would be cut more than in half for 97 percent of the businesses in the state of Michigan. You may ask, how do we raise sufficient money to fund the renewable operating permit program? You do that by uncapping the fee. Under current law, the fee is capped at 4,000 tons of pollutants that are pumped into the air which means that any company that pumps out over 4,000 tons of pollutants doesn't pay a dime. Whether it's 4,001, the first ton over 4,000, or 15,000 tons, they pay no more money. So who pays for them? The 97 percent of the businesses who would save money under the substitute. Who are the businesses that would see increases in their fees because of the uncapping? They are primarily the utilities in the state of Michigan. The utilities that put 68 percent of the pollutants in the air.

Just about one week and a half ago, on this floor, we extolled the virtues of about a one-half percent reduction of the income tax. The other day in the Environmental Standing Committee, the chair said to me the fee is a tax, and you're raising the fee, and I said, "Yes, you are required by federal law to raise the fee." I raised what the department said they needed to operate this renewable operating permit program. However, by doing that, I reduced fees to 97 percent of the businesses who are fee subject in the state of Michigan by 50 percent. We still raise enough money to do the permit program. The substitute offers us an opportunity to reward 97 percent of the businesses that, either through their technology or through changes they have made in their emissions process, do not emit the ceiling of 4,000 tons.

We suggest through the bill that we are creating an incentive for those companies who do emit 68 percent of the pollution in the air. By increasing their fee, we think we encourage them however slightly to look for ways to reduce emissions to the air that cause grave damage to the environment, to human health, and to the welfare of the citizens of the state of Michigan.

The department didn't support Senate Bill No. 813 because it created an air fee committee that was to recommend a change or a continuation of the air fee process. Well, without surprise, the air fee committee made up of the utilities, the manufacturing association, and some other small businesses decided they would like more of the same thing because it was fairer to the utilities who put 68 percent of the pollution into the air. I would suggest to you that the department's responsibility here is air quality. We have an air quality division. And we have an air quality division simply because there is air pollution. The responsibility of that division is to reduce pollution in the state of Michigan at every opportunity. Yet, when they have an opportunity to change the way we fund the permit fee to create an incentive to reduce pollution and to reward those who have already done that, they choose to do more of the same thing.

I would suggest that the substitute is a much better approach to the air fee because it creates a market incentive. It rewards companies who do not pollute over 4,000 tons. And it does, in fact, penalize those who put 68 percent of the pollutants in to the air from stationary sources here in the state of Michigan.

When this air permit fee process was before this chamber a few years ago, 19 members of the chamber, most of you still here, voted to support this approach. This approach is no less valid in 1998. I think when the Senators from the districts that find 100 percent of their companies benefitting from this fee go home, the businesses will be asking why didn't you support us? Why didn't we get an equivalent tax cut, because these fees have been reduced for us for some companies a meager \$200. But we were extolling a \$147 tax cut a mere week and one-half ago. For other companies, it's tens of thousands of dollars that they realize in savings because of the substitute. I urge your support for the substitute for Senate Bill No. 813.

Senator A. Smith's second statement is as follows:

The Senator from the 7th District suggested that there is substantial difference between my bill and his bill. There is no difference between his bill and my bill except the formula for creating the air fee. Everything else is the same. We changed every provision that the department wanted to echo that in Senate Bill No. 813. It is the permit fee formula

that is different. The suggestion that there is no nexus between the way that the substitute creates the air fee is absolutely ludicrous; of course, there is a nexus. The air fee is designed to run the renewable operating permit program which controls air quality in the state of Michigan. This fee is based on the amount of pollutant pumped into the air. If there is no nexus with the fee, there is no nexus with any fee we pass in the state of Michigan, absolutely none. The Senator from the 7th District suggested that it was very unusual for a business to come to anybody asking for a fee. The fee is mandated by the federal government. We are mandated to raise the presumptive minimum that the EPA has established. In fact, each bill raises one million dollars less than the EPA estimated \$12 million that would be necessary to run the program. I know that which ever bill passes, we will have to go to the EPA and ask for a waiver.

The substitute does what an air fee permit process ought to do. That is based within the air quality division within the state of Michigan. And that is to work to reduce pollution to the air that affects health and the well-being of the citizens of the state of Michigan. An air fee also protects the environment. The Senator from the 7th District is the Senator who, in fact, has the fewest businesses—90 percent, who would benefit from the substitute. The substitute, again, saves 97 percent of the businesses in the state of Michigan money. In fact, it reduces their facility fee and their per ton emission fee by 50 percent. That is a 50 percent tax cut. I recommend the substitute to you, and I urge your support.

Senator A. Smith's third statement is as follows:

In response to the Senator from the 8th District, whose district by the way—100 percent of the businesses—will realize the savings. The electric utility rates, if in fact the utilities chose to pass on the costs to the residential and commercial property owners in the state of Michigan, would be very, very small. Poll after poll in the state of Michigan shows that 66 to 72 percent of the citizens of the state of Michigan would pay more on taxes to protect their environment. They are not paying one dime, and 97 percent of businesses in the state of Michigan actually make money with the substitute because they forego revenue that they have been sending to the state and save it. Should the utilities in an error of deregulation choose to pass the cost on to their customers, commercial or residential, they would be passing on 41 cents per year to residential customers—41 cents per year, less than four cents per month. I think the residential customers are more than prepared to pay four cents per month if it has the potential of improving their environment. For the commercial users, the businesses, the amount of costs that could be passed on to them in an error of deregulation would be far less than the savings that they see as a result of the substitute. It would, in fact, as we calculate the rates for small businesses in the state of Michigan, which use between 5,000 and 10,000 kilowatt hours per month, the increase would translate to between 50 cents and \$1.00 per month or \$6.00 to \$12.00 per year. There is not one company that has a savings under the substitute that does not have a savings that is ten times that amount—not one.

The question is, does the Legislature take control of this process and create a fee system that does something positive for the environment and the citizens of the state of Michigan? Or do we let the businesses dictate how we regulate an industry that is pumping 68 percent of the air pollution from stationary sources in the state of Michigan? Once again, I recommend the substitute to you, and I urge your support.

Senator A. Smith's fourth statement is as follows:

I voted "no" on Senate Bill No. 813 because I thought we had a much better alternative and one that was more responsive to the needs of the citizens of the state of Michigan in terms of their health and much more responsive to 97 percent of the fee-subject businesses in the state of Michigan who were going to see some tax relief. It's not sour grapes. It's because I think I was right.

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

The motion prevailed.

Senator Rogers' statement is as follows:

We have a very special person who is going to have her last day as a part of this body tomorrow: Karen Brown. Karen came to our office last year. She is a student at Davenport College. She is pursuing a degree and certification as a Medical Assistant, and she'll be working in a training program at Hazel Findlay Country Manor in St. Johns this summer.

More importantly, I want to join my staff and Karen's family, Roger and Debbie Brown, and her son Austin, in an enthusiastic cry of support and pride in the fact that she has never wavered from her convictions. She has overcome some great diversity to get where she is. Her scholastic achievement has excelled, and she is a fantastic role model to her son Austin. We want to say, "Thank you for your good work. Thank you for your direction and your conviction, and we know that you are going to be extremely successful in any of your endeavors." Congratulations, Karen.

The following bill was read a third time:

House Bill No. 5076, 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 418.

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. 329**Yeas—36**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille
Conroy	Hart	Posthumus	Van Regenmorter
DeBeaussaert	Hoffman	Rogers	Vaughn
DeGrow	Jaye	Schuette	Young

Nays—0**Excused—1**

Cisky

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to 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.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1128, entitled

A bill to amend 1941 PA 250, entitled “Urban redevelopment corporations law,” by amending section 12 (MCL 125.912) and by adding sections 12a and 12b.

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. 330**Yeas—36**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars

Bouchard
Bullard
Byrum
Cherry
Conroy
DeBeaussaert
DeGrow

Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—1

Cisky

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 606, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 53d.

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. 331

Yeas—35

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Smith, V.
Steil
Stille
Vaughn
Young

Nays—0

Excused—1

Cisky

Not Voting—1

Van Regenmorter

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5135, entitled

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

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. 332

Yeas—36

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille
Conroy	Hart	Posthumus	Van Regenmorter
DeBeaussaert	Hoffman	Rogers	Vaughn
DeGrow	Jaye	Schuette	Young

Nays—0

Excused—1

Cisky

Not Voting—0

In The Chair: Schwarz

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

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

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

"The insurance code of 1956," and inserting "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 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 certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

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 pro tempore, Senator Schwarz, designated Senator Peters as Chairperson.

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

Senate Bill No. 988, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” (MCL 691.1401 to 691.1415) by adding section 7a.

Substitute (S-4).

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 a substitute therefor, the following bill:

House Bill No. 5343, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43513 (MCL 324.43513), as amended by 1996 PA 585.

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 a substitute therefor, the following bill:

Senate Bill No. 877, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1233 and 1703 (MCL 380.1233 and 380.1703), as amended by 1995 PA 289, and by adding section 1237.

Substitute (S-3).

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.

Resolutions

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

Senate Resolution No. 71

Senate Resolution No. 178

The motion prevailed.

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

Senate Resolution No. 196

Senate Resolution No. 197

Senate Resolution No. 198

The resolution consent calendar was adopted.

Senator DeBeaussaert offered the following resolution:

Senate Resolution No. 196.

A resolution memorializing the life of Michael J. Nash.

Whereas, It is with deep respect that we offer this resolution as a memorial for the life of Michael Nash. His passing has saddened all who had the good fortune of knowing him. Mike will be sincerely missed and will forever be remembered for his selfless commitment to serving others; and

Whereas, Mike Nash served in Vietnam from 1969-1970 as a member of the 1st Military Intelligence Battalion, Air Reconnaissance Support for the United States Army. He earned numerous awards for his service, including the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Campaign Medal, the Meritorious Unit Citation and the Army Commendation Medal; and

Whereas, Mike Nash spent much of his time working on veterans causes and counseled veterans via computer. He spent countless hours trying to track down information on those missing in action in Vietnam for the families back home. To that end, Mike met with our former enemies to open lines of communication; and

Whereas, A member of the national board of directors of the Vietnam Veterans of America, Mike died on Memorial Day weekend, a time dedicated to the memory of those who have died in the military on behalf of the United States. He was a man devoted to his family and committed to his work, and his cherished memory will not fade from the hearts and minds of those who knew and loved him; now, therefore, be it

Resolved by the Senate, That this document is signed and dedicated to offer words of praise as a memorial for Michael J. Nash; and be it further

Resolved, That a copy of this resolution be transmitted to his wife, June, and his two daughters, Jacquelyn and Jessica, as evidence of our respect and admiration.

Senators Schwarz and Dunaskiss were named co-sponsors of the resolution.

Senators McManus, Emmons, North, Dingell, Cherry, Vaughn, Miller, DeBeaussaert, Young, Gast, Geake, Stille, Steil, Dunaskiss, Rogers, Bouchard, Gougeon, DeGrow, Bennett, Byrum, A. Smith, Berryman, Shugars, Schuette, Van Regenmorter, Conroy, Bullard, Jaye, Schwarz, Peters, Hart, Koivisto, Posthumus and V. Smith offered the following resolution:

Senate Resolution No. 197.

A resolution in memory of Sergeant Dennis Finch.

Whereas, It is with a profound sense of sadness for the deep loss to his family, our state, and our community that we are moved to offer this tribute to the life of Sergeant Dennis Finch. A dedicated public servant, Sergeant Finch died in the line of duty on May 13, 1998. His passing is deeply mourned; and

Whereas, Born on February 3, 1946, Sergeant Finch excelled in many endeavors throughout his successful career. After serving with the United States Marine Corps, he joined the Traverse City Police Force in 1968. As a member of the force, Sergeant Finch worked as an investigator, negotiator, dive team member, road patrol shift commander, narcotics team member, and most recently, senior sergeant for the patrol division. Sergeant Finch was a well-respected police officer who was truly committed to serving the people of our community; and

Whereas, A loving husband and father, Sergeant Dennis Finch will undoubtedly always be remembered by his family as a dynamic and vibrant man, dear to their hearts. Surely, his many friends will also treasure their memories of him and of wonderful times together, for he valued their love and friendship and cared about each of them; and

Whereas, The passing of Sergeant Finch leaves an unfillable void. As the first Traverse City police officer to be killed in the line of duty, he has left a troubling milestone in our community. We extend our condolence to those who are suffering from the loss of their dear family member and friend. May they find comfort in their faith and in the knowledge that many people share in their bereavement; now, therefore, be it

Resolved by the Senate, That this document is signed and dedicated to honor the memory of Sergeant Dennis Finch; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Sergeant Dennis Finch as evidence of our respect and admiration.

Senators DeGrow, Schwarz, Gast, Steil, Conroy, DeBeaussaert, Geake, Bouchard, Hoffman, Stille, Dunaskiss, Rogers, Bennett, Gougeon, Schuette, Bullard, Van Regenmorter, Emmons, McManus, North, Koivisto, Byrum, Miller, Cherry and V. Smith offered the following resolution:

Senate Resolution No. 198.

A resolution in honor of John H. Reurink.

Whereas, For his 34 years of dedicated and loyal service to the people of the state of Michigan, it is with the utmost respect and admiration that we honor John H. Reurink as he retires from the Michigan Department of Education. It is a privilege to honor Mr. Reurink for his devotion to education and the children of our state; and

Whereas, John H. Reurink holds a B.A. degree from Calvin College and an M.A. degree in Political Science from Michigan State University. He began his public service career in 1964 in the Budget Division of the Department of Management and Budget and the Governor's Office. In 1972, Mr. Reurink joined the Michigan Department of Commerce and served the department as Director of Management Services for 20 years; and

Whereas, Serving as Special Advisor to the Superintendent of the Michigan Department of Education since August of 1995, and in May of 1996, becoming the Associate Superintendent of Public Instruction for the department, Mr. Reurink has had a profound impact on education in Michigan; and

Whereas, The great integrity and strength of character of individuals such as John H. Reurink provide the real basis for excellence in education. We are grateful to Mr. Reurink for his contributions over the years. As he brings to a close his public service career with his retirement from the Michigan Department of Education, we extend to him our heartfelt gratitude and well wishes for health and happiness in the future; now, therefore, be it

Resolved by the Senate, That in recognition of his outstanding service to the people of the state of Michigan, tribute be accorded to John H. Reurink, Associate Superintendent of Public Instruction; and be it further

Resolved, That a copy of this resolution be transmitted to John H. Reurink as evidence of our esteem.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator A. Smith introduced

Senate Bill No. 1153, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 25 (MCL 388.1625), as added by 1996 PA 300.

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

Senator A. Smith introduced

Senate Bill No. 1154, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311 (MCL 380.1311), as amended by 1995 PA 250.

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

Senators Shugars and Schwarz introduced

Senate Bill No. 1155, entitled

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

The bill was read a first and second time by title and referred to the Committee on Health Policy and Senior Citizens.

Senator Hoffman introduced

Senate Bill No. 1156, 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 10 (MCL 247.660), as amended by 1997 PA 79.

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

Senators Steil, Emmons and Rogers introduced

Senate Bill No. 1157, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

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

Senators Steil, Emmons and Rogers introduced

Senate Bill No. 1158, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4 and 6 (MCL 205.54 and 205.56), as amended by 1993 PA 325.

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

Senator Geake introduced

Senate Bill No. 1159, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 115g (MCL 400.115g), as amended by 1994 PA 238.

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

House Bill No. 4942, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 1993 PA 325.

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 Finance.

House Bill No. 5313, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

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 Finance.

House Bill No. 5327, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1105, 2512, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 9103, 9104, 9105, 9106, 9304, and 9305 (MCL 440.1105, 440.2512, 440.5101, 440.5102, 440.5103, 440.5104, 440.5105, 440.5106, 440.5107, 440.5108, 440.5109, 440.5110, 440.5111, 440.5112, 440.5113, 440.5114, 440.5115, 440.5116, 440.5117, 440.9103, 440.9104, 440.9105, 440.9106, 440.9304, and 440.9305), section 1105 as amended by 1992 PA 101, sections 5114, 9103, 9304, and 9305 as amended by 1987 PA 16, and section 9105 as amended by 1988 PA 130.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5465, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 31 (MCL 42.31).

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 Local, Urban and State Affairs.

House Bill No. 5643, entitled

A bill to regulate certain transfers of property to minors; to make uniform the law regulating certain transfers of property to minors; and to repeal acts and parts of acts.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5644, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1105, 9203, and 9402 (MCL 440.1105, 440.9203, and 440.9402), section 1105 as amended by 1992 PA 101, section 9203 as amended by 1987 PA 16, and section 9402 as amended by 1989 PA 216; and to repeal acts and parts of acts.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5645, entitled

A bill to prescribe the duties of a trustee in investing and managing trust assets; to prescribe the prudent investor rule; and to repeal acts and parts of acts.

The House of Representatives has passed the bill by a 2/3 vote 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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5647, entitled

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending section 2 (MCL 554.72).

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5708, entitled

A bill to define and regulate fraudulent transfers and conveyances; to set aside and modify certain transfers and conveyances; to make uniform the law of fraudulent transfers; and to repeal acts and parts of acts.

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 Economic Development, International Trade and Regulatory Affairs.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Tuesday, May 26, at 1:00 p.m. The motion prevailed.

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

Senate Bill No. 700

The motion prevailed.

The bill was placed on the order of Messages from the House.

Statements

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

The motion prevailed.

Senator McManus' statement is as follows:

I would like to put in the record today that May 21, very early in the season, the Governor has recognized an extremely high wildfire danger, particularly up in the northern part of the state, the Upper Peninsula, and the Upper Lower Peninsula—a real threat to our fields, forests, and wild lands. The dried vegetation and lack of rainfall, with the warm temperatures, the low humidity, and the high winds have combined to endanger life and property. Human carelessness, related to such activities as outdoor burning and smoking, is the leading cause of wildfires. So the ban includes a prohibition on all campfires except with containers and authorized campgrounds or places of habitation. It goes on to indicate several other bans to prevent forest fires.

The reason I bring it to our attention this morning, and get it into the Journal, is to indicate that this is a very high danger. The Department of Natural Resources, that looks after our state forests and state forest campgrounds, has an extremely heavy responsibility. This situation that we have at hand will undoubtedly require a large amount of their time to be spent fighting forest fires. We already have four going at the present time. It is a very extreme situation, with no rain in sight. I think as a body we should be aware and make our constituents aware that we certainly need to be preserving our forests and do everything we can to prevent any kind of wildfires. I commend the Governor for getting this ban in place.

Senator Hart's statement is as follows:

Today we passed an important package of bills to protect Michigan's young children from Internet sexual predators. These bills will give prosecutors the tools they need to fight this reprehensible crime. By increasing the penalties for using the Internet to exploit our children, we have sent a message that we will not tolerate those who would turn the Internet into a weapon. I thank my colleagues for recognizing the need for this legislation. The news stories of innocent children being victimized by adults they have met on the Internet are becoming too frequent. By confronting this problem now, I hope that we can put a stop to these criminals and make the Internet safer for our children. We have done a good job of responding to this new threat to our children. I appreciate the bipartisan cooperation that helped move this legislation quickly. I thank you.

Committee Reports

The Committee on Appropriations reported

House Bill No. 5592, entitled

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, A. Smith, Young, Vaughn and DeBeaussaert

Nays: Senator Koivisto

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

The Committee on Appropriations reported

House Bill No. 5593, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies;

to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5595, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 1999; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1999; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5596, entitled

A bill to make appropriations for the judicial branch for the fiscal years ending September 30, 1998 and September 30, 1999; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

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

The Committee on Appropriations reported

House Bill No. 5597, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, May 19, 1998, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

The Committee on Judiciary reported

Senate Bill No. 1040, 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 section 62b (MCL 791.262b), as amended by 1988 PA 492.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5604, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 1490, 1491, 1492, 1493, and 1494.

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, Geake, Dingell, Peters and V. Smith

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, May 19, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), Rogers, Cisky, Geake, Dingell, Peters and V. Smith

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 977, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43526 (MCL 324.43526), as amended by 1996 PA 585.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus, Byrum and Dingell

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 1057, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43534 (MCL 324.43534), as added by 1995 PA 57.

With the recommendation that the bill pass.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, Hoffman, Byrum and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Wednesday, May 20, 1998, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Jaye (C), Hoffman, Byrum and Dingell

Excused: Senator McManus

The Committee on Financial Services reported

Senate Bill No. 1136, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan council act," (MCL 124.651 to 124.685) by adding sections 43, 45, 47, 49, 51, 55, 57, 59, 61, and 63.

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.

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Bullard, Berryman and Miller

Nays: Senator Bennett

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

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, May 20, 1998, at 1:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Bennett, Bullard, Berryman and Miller

The Committee on Gaming and Casino Oversight reported

Senate Bill No. 1148, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 1996 PA 167.

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Rogers, V. Smith and Koivisto
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submits the following:
Meeting held on Wednesday, May 20, 1998, at 2:00 p.m., Room 404, Capitol Building
Present: Senators Bouchard (C), Rogers, V. Smith and Koivisto
Excused: Senator Schuette

The Committee on Technology and Energy reported

Senate Bill No. 837, entitled

A bill to prohibit the switching of a customer's telecommunications provider without the authorization of the customer; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Schuette, Berryman and Byrum
Nays: None

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

The Committee on Technology and Energy reported

House Bill No. 5387, entitled

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

With the recommendation that the bill pass.

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Schuette, Berryman and Byrum
Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 5499, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

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.

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Schuette, Berryman and Byrum
Nays: None

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

The Committee on Technology and Energy reported

House Bill No. 5500, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3d.

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

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Schuette, Berryman and Byrum

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 Technology and Energy submits the following:

Meeting held on Tuesday, May 19, 1998, at 2:00 p.m., Room 110, Farnum Building

Present: Senators Dunaskiss (C), Schuette, Berryman and Byrum

Excused: Senator Rogers

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

Senate Bill No. 599, entitled

A bill to amend 1986 PA 87, entitled "An act regarding warranties on new motor vehicles; to require certain repairs thereto; and to provide remedies for the failure to repair such vehicles," by amending section 1 (MCL 257.1401).

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Jaye, O'Brien and Peters

Nays: None

The bill was referred to the Committee of the Whole.

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

Senate Bill No. 1096, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9f.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, O'Brien and Peters

Nays: Senator Jaye

The bill was referred to the Committee of the Whole.

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

Senate Bill No. 1097, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 675a and 675b (MCL 257.675a and 257.675b), as amended by 1980 PA 518.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 2, line 18, after "COURT" by inserting "OR PARKING VIOLATIONS BUREAU".
2. Amend page 2, line 18, after "THAN" by striking out "30" and inserting "60".
3. Amend page 2, line 25, after "THE" by striking out "30-DAY" and inserting "60-DAY".

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Jaye, O'Brien and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:
Meeting held on Wednesday, May 20, 1998, at 1:12 p.m., Room 210, Farnum Building
Present: Senators Schuette (C), Shugars, Jaye, O'Brien and Peters

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:
Meeting held on Monday, May 18, 1998, at 10:30 a.m., City-County Building, Detroit, Michigan
Present: Senators Hoffman (C) and Young
Excused: Senator DeGrow

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:
Public Hearing held on Monday, May 18, 1998, at 6:00 p.m., Muskegon Area Intermediate School Building, 630
Harvey Street, Muskegon, Michigan
Present: Senator Van Regenmorter (C)
Excused: Senators Rogers, Cisky, Geake, Dingell, Peters and V. Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:
Meeting held on Tuesday, May 19, 1998, at 3:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Van Regenmorter (C), Rogers, Geake, Dingell and Peters
Excused: Senators Cisky and V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:
Meeting held on Wednesday, May 20, 1998, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Hoffman (C) and Young
Excused: Senator DeGrow

Scheduled Meetings

Administrative Rules Joint Committee - Wednesday, May 27, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Financial Services Committee - Wednesday, May 27, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 12:05 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 26, at 1:00 p.m.

CAROL MOREY VIVENTI
Secretary of the Senate.