

No. 25
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 18, 1999.

10:00 a.m.

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

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

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

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

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

Imam Hassan Qazwini of Islamic Center of America of Dearborn offered the following invocation:

In the name of Allah, the beneficent, the merciful.

Allah, guide us through your grace. Supplement our meager means with abundance through your generosity. Supply your mercy all over us and send down over us your blessings. O, Allah, we ask you to grant us the divine certainty in our heart, the sincerity in our actions and peace in our mind, the true understanding of our faith and gratitude unto you.

O, Allah, guide our legislators to make the laws that insure our well-being while we walk in your path. O, Allah, give them the ability to say the truth when they need to say it, and give them the strength they need so they can implement it.

O, Allah, guide our people, our nation, our Governor, our Senators, our Congressmen to the path of prosperity and progress, enjoying your blessings and your support.

O, Allah, we seek your protection from a soul that is selfish, a heart devoid of your fear and knowledge that is not beneficial. O, Allah, we ask you for ease after every difficulty, relief after every distress, and abundance after every adversity. O, Allah, we have no blessings but from you, so let there be sent down upon us this morning the light of your guidance and peace in matters of faith and this world.

O, Allah, verily we ask you for the blessings of your mercy and the definite manifestation of your forgiveness. O, Allah, leave no sin of ours without forgiveness, no calamity without dispelling, no evil without turning it away from us and leave no single matter in which you consent and which there is good for our people without fulfilling.

O, Allah, give us true belief, remembering mind, fearing heart, enduring body, beneficent knowledge and acceptable actions. O, Allah, as we embark upon our mission to serve the people, let us keep in front of us and our heart and thoughts that our true objective is to serve you, and may our worship of you be manifested in our just dealing with our people. Amen.

Senators Hart and McCotter entered the Senate Chamber.

Motions and Communications

Senator Murphy moved that Senators Cherry, Emerson and V. Smith be temporarily excused from today's session. The motion prevailed.

Senator Rogers moved that Senator Jaye be temporarily excused from today's session. The motion prevailed.

Recess

Senator Rogers moved that the Senate recess until 10:35 a.m. The motion prevailed, the time being 10:08 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators Cherry, Emerson and V. Smith entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess until 10:50 a.m. The motion prevailed, the time being 10:36 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senator Jaye entered the Senate Chamber.

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

Senator Rogers moved that consideration of the following joint resolution and bills be postponed for today:

Senate Joint Resolution G

Senate Bill No. 287

Senate Bill No. 390

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 319, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6304 (MCL 600.6304), as amended by 1995 PA 249, and by adding section 1484.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 3, line 6, after "NEGLIGENCE." by striking out the balance of the subsection.

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 63

Yeas—12

Byrum	Hart	Miller	Smith, A.
DeBeaussaert	Koivisto	Murphy	Vaughn
Dingell	Leland	Peters	Young

Nays—22

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

Excused—0

Not Voting—3

Cherry	Emerson	Smith, V.
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In The Chair: President

Senator Peters offered the following amendment:

1. Amend page 3, line 21, by striking out subdivisions (D) and (E) and relettering the remaining subdivisions.

The question being on the adoption of the amendment,

Senator A. Smith moved that Senators Cherry, Emerson and V. Smith be temporarily excused from the balance of today's session.

The motion prevailed.

Senators Emerson and Cherry entered the Senate Chamber.

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 64**Yeas—14**

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

Nays—22

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

Excused—1

Smith, V.

Not Voting—0

In The Chair: President

Senator Peters offered the following amendment:

1. Amend page 1, line 5, after “EXCEED” by striking out the balance of the line through “\$500,000.00” on line 9 and inserting “\$1,000,000.00”.

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 65**Yeas—15**

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator Peters offered the following amendment:

1. Amend page 4, line 11, by striking out all of subsection (5).

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 66

Yeas—15

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator Van Regenmorter offered the following amendments:

1. Amend page 2, line 21, after “WAS” by inserting “AN OCCUPANT OF A VEHICLE BEING DRIVEN”.

2. Amend page 2, line 25, after “DAMAGE.” by inserting “THIS SUBSECTION SHALL NOT BE CONSTRUED AS AFFECTING AN INNOCENT OCCUPANT’S RIGHT TO RECOVER MONEY DAMAGES FOR BODILY INJURY OR PROPERTY DAMAGE FROM ANOTHER OCCUPANT WHO WAS ACTING IN VIOLATION OF THE LAW.”.

3. Amend page 3, line 6, after “NEGLIGENCE.” by striking out “HOWEVER,” and inserting:

“(4)” and renumbering the remaining subsections.

4. Amend page 3, line 10, after “HAD” by inserting “EITHER ADOPTED THE MODEL POLICY DEVELOPED BY THE COMMISSION OR HAD”.

5. Amend page 3, line 25, after “(E)” by striking out the balance of the subsection and inserting “WHETHER THE BODILY INJURY OR PROPERTY DAMAGE SUSTAINED BY THE INDIVIDUAL DESCRIBED IN SUBSECTION (2) AROSE FROM A LAW ENFORCEMENT PURSUIT AND RESPONSE, AND WHETHER THE INDIVIDUAL WAS THE OCCUPANT OF A VEHICLE BEING DRIVEN IN VIOLATION OF A LAW IDENTIFIED IN SUBSECTION (2) AT THE TIME OF THE OCCURRENCE GIVING RISE TO THE BODILY INJURY OR PROPERTY DAMAGE.”.

The question being on the adoption of the amendments,

Senator Peters offered the following amendment to the amendments:

1. Amend Senator Van Regenmorter's amendment No. 2, after "LAW" by inserting a comma and "NOR SHALL THIS SUBSECTION BE CONSTRUED AS BARRING AN ACTION AGAINST A GOVERNMENTAL AGENCY BY A PERSON LESS THAN 16 YEARS OF AGE WHO WAS AN OCCUPANT OF THE VEHICLE BUT WAS NOT THE DRIVER OF THE VEHICLE".

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 67

Yeas—12

Cherry	Hart	Murphy	Smith, V.
DeBeaussaert	Koivisto	Peters	Vaughn
Dingell	Leland	Smith, A.	Young

Nays—24

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
Byrum	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schuetter	Van Regenmorter

Excused—0

Not Voting—1

Emerson

In The Chair: President

The question being on the adoption of the amendments offered by Senator Van Regenmorter,

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

The question being on the passage of the bill,

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

Roll Call No. 68

Yeas—24

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
DeGrow	Gougeon	Miller	Sikkema
Dingell	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schuetter	Van Regenmorter

Nays—13

Byrum	Hart	Murphy	Smith, V.
Cherry	Koivisto	Peters	Vaughn

DeBeaussaert
Emerson

Leland

Smith, A.

Young

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Peters, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 319.

Senator Peters' statement is as follows:

I voted "no" on this bill because I believe that passage of this bill means that innocent victims are not going to be adequately compensated for their losses.

Although I agree that we should have policies in place that govern police pursuits and believe that it is also good public policy to have police officers pursuing particularly felons, we also need to be conscious of the cost of that policy. Pursuit policy is a very dangerous policy and often leads to some very tragic consequences. In fact, a large number of pursuits involve innocent victims being killed and even police officers being killed. When that occurs, the cost of that tragedy should not be borne by the single family who happens to be at the wrong place at the wrong time and suffers an extreme loss.

Compensation should be adequate, and society should share in that compensation just as society benefits from having a pursuit policy. The current bill before us will not adequately compensate victims, and it will not allow the court system to carefully evaluate each case and determine what is just compensation and whether or not the policy has been violated because the jury question has been taken out of the bill. I believe this bill is bad policy. Even though we want to encourage police pursuits, we want to encourage them in a responsible fashion, and when they go wrong, we want ensure that there is adequate compensation for the victims. This bill does not do that, and I had to vote "no."

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

Senate Bill No. 319

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 320, entitled

A bill to create the model law enforcement vehicle pursuit and response policy advisory panel within the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development of law enforcement vehicle pursuit and response policies; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 3, line 20, after "who" by inserting "is the innocent victim of a police pursuit, or a surviving member of the immediate family of an innocent victim of a police pursuit, and who".

The question being on the adoption of the amendment,

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

The motion prevailed.

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

Roll Call No. 69**Yeas—13**

Byrum
Cherry
DeBeussaert
Dingell

Hart
Koivisto
Leland

Miller
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Murphy

Not Voting—1

Emerson

In The Chair: President

Senator V. Smith moved that Senator Emerson be temporarily excused from the balance of today's session.
The motion prevailed.

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. 70**Yeas—35**

Bennett
Bullard
Byrum
Cherry
DeBeussaert
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Koivisto
Leland

McCotter
McManus
Miller
North
Peters
Rogers
Schuette
Schwarz
Shugars

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

Nays—0**Excused—2**

Emerson

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Hoffman, Shugars, Rogers, Byrum, McCotter, Dunaskiss, Goschka, Sikkema, Jaye, Steil, North, Koivisto and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 320

The motion prevailed.

Senator Emerson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 260, entitled

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

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. 71

Yeas—36

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

Nays—0

Excused—1

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 261, entitled

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

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. 72**Yeas—36**

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

Nays—0**Excused—1**

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 262, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053e.

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. 73**Yeas—36**

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

Nays—0**Excused—1**

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Cherry's statement is as follows:

The Majority Leader gave, I think, an excellent explanation of this package of bills and why they are and will be important, but I did want to take a moment, Mr. President, to remind the members of this body that on this issue of diabetes that one of our former colleagues, Senator Jerry Hart, was a diabetic and suffered many of the consequences that were previously talked about. I know that one of the reasons that Senator Hart stayed on in this body for some time was, in fact, the cost of treatment for this disease.

So I know that we are all thinking back about our constituents and why this package of bills is important to them, but I think it's also important to remember that one of our own colleagues knew first hand the devastation that this disease brings. In fact, ultimately he passed away from complications from this disease, so as we do this, I know, at least for me, it's a vote for Jerry Hart. I would, again, encourage us all to keep voting as we have.

Senator Goschka's statement is as follows:

I do very much appreciate the previous speaker bringing up one of my former state Senators, Jerry Hart, who served very admirably in this chamber, and I think also of my family members. My father was a diabetic. I have several family members who also are diabetics, as is my wife.

I think this issue touches all of us, and I very much commend the authors of this package of bills because I think we are standing up today for the very best interests of Michigan citizens. This is a very serious disease and ought not to take it lightly. It does impact families, and it's a killer, and I really appreciate the fact that we're taking these bills up and doing the right thing for our constituents today.

The following bill was read a third time:

Senate Bill No. 414, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," (MCL 550.901 to 550.962) by adding section 33.

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. 74**Yeas—36**

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

Nays—0**Excused—1**

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators North, Gougeon, Schuette, Stille, Van Regenmorter, Rogers, Bennett, Goschka, Gast, Jaye, Dunaskiss, Steil, Sikkema, Peters, Hoffman, Miller, Leland, Vaughn, A. Smith, McCotter, Koivisto, McManus, DeBeaussaert, Hart and Young moved that they be named co-sponsors of the following bills:

Senate Bill No. 260

Senate Bill No. 261

Senate Bill No. 262

Senate Bill No. 414

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 49, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," (MCL 125.201 to 125.240) by adding section 1b.

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. 75**Yeas—35**

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

Nays—1

Hart

Excused—1

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 395, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," (MCL 125.271 to 125.310) by adding section 1b.
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. 76

Yeas—35

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

Nays—1

Hart

Excused—1

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 303, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 203 (MCL 4.1203).
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. 77

Yeas—36

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

Nays—0

Excused—1

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 303

The motion prevailed.

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Dingell as Chairperson.

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

Senate Bill No. 311, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4h.

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. 306, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and 257.319), section 307 as amended by 1998 PA 330 and section 319 as amended by 1998 PA 347, and by adding section 50a.

Substitute (S-1).

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

1. Amend page 11, line 23, after "THAN" by striking out "90" and inserting "93".
2. Amend page 12, line 4, after "OF A" by striking out "FELONY" and inserting "MISDEMEANOR".

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.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Miller, McCotter and Steil asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Miller's statement is as follows:

Mr. President, I know, besides the important legislation that we have here, that this is the start of a very big week for one of our major universities, especially our neighbor here in East Lansing, Michigan State University, as we want to send them our best as they proceed to the Sweet 16 National Basketball Tournament.

But, Mr. President, I wanted to bring to the body's attention too that not only were we fortunate in this great state to have one of our major universities compete, but also a member of the independent colleges and universities of Michigan, a great university out of the city of Detroit, University of Detroit-Mercy, brought a lot of pride and recognition to our state the past couple of weeks, especially their president, Sister Maureen Fay, who is the president

of the University of Detroit. I want to let the body know that myself and Senator Vaughn, who for many, many years, and Senator Young, have represented Detroit and are going to be presenting a resolution next week, and we hope that the body would sign on. Mr. President, the University of Detroit not only had such a fine basketball season with their coach, Perry Watson, but they also displayed such great athletic competency in winning and beating one of the major powerhouses in the country, UCLA, last week and winning their tournament in Chicago a couple of weeks ago that I think it's only fitting that this state pay them some due respect for their accomplishments this year.

The other thing, Mr. President, we talk about sports and college athletics. University of Detroit graduates this year, the seniors on that team will all be getting a degree from that great university located on Six Mile and Livernois in the great city of Detroit. I just want to say that they've brought a lot of great accomplishments to this state through their educational system, but the last few years, showed the country that basketball is alive and well at the University of Detroit. We hope that next week many of the members will sign on to that resolution and be able to present to the president, Sister Maureen Fay, our great appreciation for all their accomplishments.

Senator McCotter's statement is as follows:

I would just like to thank the Senator from the 10th District for his remarks. As an alumnus of the University of Detroit and the University of Detroit School of Law, I would, too, like to congratulate Perry Watson and the Detroit Titans on their season, and I will be tactful enough to not point out that the University of Detroit had a much better basketball season than the University of Michigan.

Senator Steil's statement is as follows:

I would just like to make a statement about Cornerstone College in Grand Rapids, Michigan. They won the NCAA basketball tournament Second Division, they went all the way, and they're national champions today. They're going to come and see us in about a week or week and a half just before we go out—and maybe when we get back, it will have to be, I guess. I just want everybody to know that Grand Rapids, Michigan, has the national championship.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Emmons introduced

Senate Bill No. 450, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 1998 PA 553.

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

Senator Rogers introduced

Senate Bill No. 451, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Senator Rogers introduced

Senate Bill No. 452, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 6b of chapter V (MCL 765.6b), as amended by 1994 PA 335.

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

Recess

Senator Rogers moved that the Senate recess until 2:30 p.m.

The motion prevailed, the time being 12:59 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Senator Murphy entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess until 2:45 p.m.
The motion prevailed, the time being 2:31 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 2:46 p.m.

3:15 p.m.

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 3:16 p.m.

3:31 p.m.

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 3:32 p.m.

4:28 p.m.

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

Recess

Senator Rogers moved that the Senate recess until 5:15 p.m.
The motion prevailed, the time being 4:29 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 5:15 p.m.

5:40 p.m.

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 5:41 p.m.

6:03 p.m.

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

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

Senator Rogers moved that Senators Gast and Hammerstrom be excused from the balance of today’s session.
The motion prevailed.
Senator Hammerstrom is attending a previously scheduled event in her district.

Senator V. Smith moved that Senator Hart be excused from the balance of today’s session.
The motion prevailed.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 297, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 402 and 471a (MCL 380.402 and 380.471a), section 471a as amended by 1982 PA 71, and by adding part 5A and section 449.

The House of Representatives has substituted (H-8) the bill.

The House of Representatives has passed the bill as substituted (H-8) and pursuant to Joint Rule 20, inserted the full title.

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

Senator Rogers moved that the rule be suspended.

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

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

Senator DeGrow offered the following substitute to the House substitute:

Substitute (S-3).

The substitute to the substitute was adopted.

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

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

Roll Call No. 78

Yeas—25

Bennett	Goschka	McManus	Schwarz
Cherry	Gougeon	Miller	Shugars
DeBeaussaert	Hoffman	Murphy	Sikkema
DeGrow	Jaye	North	Smith, V.
Dunaskiss	Koivisto	Rogers	Stille
Emerson	McCotter	Schuette	Van Regenmorter
Emmons			

Nays—7

Byrum	Leland	Smith, A.	Young
Dingell	Peters	Vaughn	

Excused—3

Gast	Hammerstrom	Hart
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Not Voting—2

Bullard	Steil
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In The Chair: Schwarz

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

Senator Rogers moved that, pursuant to rule 1.114, upon receipt of the following bill returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bill to the Governor:

Senate Bill No. 297

The motion prevailed.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 68, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1999; and to provide for the expenditure of 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, Schwarz, McManus, Hoffman, Steil, North, Gougeon, Stille, Goschka, A. Smith, Vaughn, Koivisto, Young and DeBeaussaert

Nays: Senator Emerson

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

The Committee on Appropriations reported

Senate Bill No. 357, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, Steil, North, Gougeon, Stille, Goschka, A. Smith, Vaughn, Young, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 364, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 368, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2000; 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, Schwarz, McManus, Hoffman, Steil, North, Gougeon, Stille, Goschka, A. Smith, Young, DeBeaussaert and Emerson

Nays: Senator Vaughn

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

The Committee on Appropriations reported

Senate Bill No. 369, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2000; 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, Schwarz, McManus, Hoffman, Steil, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Vaughn, Koivisto, Young, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 371, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2000; 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 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, Schwarz, McManus, Hoffman, Steil, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Vaughn, Koivisto, Young, DeBeaussaert and Emerson

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, March 16, 1999, at 2:15 p.m., Senate Appropriations Room, Capitol Building

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 343, entitled

A bill to create an urban homestead program; to permit certain local governmental units, nonprofit community organizations, and state entities to create and administer urban homestead programs; to prescribe the powers and duties of certain state entities and local governmental units; and to provide for the disposition of personal and real property.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Bill Schuette
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Jaye

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 344, entitled

A bill to create an urban homestead program for single-family public housing; to provide that certain local governmental units, public housing entities, nonprofit community organizations, and certain state entities create and administer urban homestead programs for single-family public housing; to prescribe the powers and duties of certain state and local governmental units, public housing entities, and nonprofit community organizations; and to provide for the disposition of personal and real property.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Bill Schuette
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Jaye

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 345, entitled

A bill to create an urban homestead program for multifamily public housing; to provide that certain local governmental units, public housing entities, and certain state entities create and administer urban homestead programs for multifamily public housing; to prescribe the powers and duties of certain state and local governmental units, public housing entities, and nonprofit community organizations; and to provide for the disposition of personal and real property.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Bill Schuette
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Jaye

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 346, entitled

A bill to create an urban homestead program for certain vacant land; to empower certain local governmental units to create and administer urban homestead programs for vacant land; to prescribe the powers and duties of certain state and local governmental units; and to provide for the disposition of personal and real property.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Bill Schuette
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Jaye

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 347, entitled

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; and for other purposes," by amending section 44b (MCL 125.694b).

With the recommendation that the bill pass.

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

Bill Schuette
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Peters

Nays: None

The bill recommended by the committee was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 348, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 22 (MCL 125.1422), as amended by 1998 PA 33.

With the recommendation that the bill pass.

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

Bill Schuette
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Peters

Nays: None

The bill recommended by the committee was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:
 Meeting held on Tuesday, March 16, 1999, at 1:15 p.m., Room 210, Farnum Building
 Present: Senators Schuette (C), McCotter, Jaye, Leland and Peters

The Committee on Health Policy reported
Senate Bill No. 151, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending sections 5, 7, and 7a (MCL 124.5, 124.7, and 124.7a), sections 5 and 7 as amended and section 7a as added by 1988 PA 36.

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.

Dale L. Shugars
 Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 380, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7417. With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Bill No. 442, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7011 and 7060 (MCL 500.7011 and 500.7060), as added by 1986 PA 121.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Murphy

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 Health Policy submits the following:

Meeting held on Tuesday, March 16, 1999, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Byrum and Murphy

Excused: Senator Schwarz

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, March 17, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Scheduled Meeting

Natural Resources and Environmental Affairs Committee - Tuesday, March 23, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 6:14 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, March 23, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.