

No. 35
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, April 27, 1999.

10:00 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
Bullard—present
Byrum—excused
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

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

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

Senator Christopher D. Dingell of the 7th District offered the following invocation:

The Bible is a never-ending source of inspiration. The Book of Luke, Chapter 18, bade decision-makers to pray and not be faint of heart regardless of how troubling the matter or how troublemaking the petitioner is.

The Book of Luke offers us further guidance on dealing with the occasional seemingly impossible situation decision-makers encounter. It says that what is not possible with men is possible with God.

Luke also recognized that public persons also have private lives and responsibilities and urges us not to forget our responsibilities to our families.

Let us pray today and look up at the light from above instead of looking down at other things.

Lord, continue to preserve us from getting into situations we cannot handle, and with Your help, we'll put camels through needles' eyes the rest of the time.

Help us to be, above all, patient, slow to anger and implacable when necessary.

Help us when difficult, intolerable or impossible situations impend, to deal with those situations with Your help.

Help us also to remember our families. Amen.

Motions and Communications

Senator Rogers moved that Senator Goschka be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator V. Smith moved that Senator Byrum be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 22:

House Bill Nos. 4168 4182 4317

The Secretary announced the printing and placement in the members' files on Thursday, April 22 of:

Senate Bill Nos.	529	530	531	532	533	534	535	536						
House Bill Nos.	4530	4531	4532	4533	4534	4535	4536	4537	4538	4539	4540	4541	4542	4543
	4544	4545	4546	4547										

The Secretary announced the printing and placement in the members' files on Friday, April 23 of:

Senate Bill Nos.	520	521	522	523	524	525	526	527	528					
House Bill Nos.	4496	4497	4498	4499	4500	4501	4502	4503	4504	4505	4506	4507	4508	4509
	4510	4511	4512	4513	4514	4515	4516	4517	4518	4519	4520	4521	4522	4523
	4524	4525	4526	4527	4528	4529								

The Secretary announced the printing and placement in the members' files on Monday, April 26 of:

Senate Bill Nos.	537	538												
House Bill Nos.	4548	4549	4550	4551	4552	4553	4554	4555	4556	4557	4558	4559	4560	4561
	4562	4563	4564	4565	4566									

House Joint Resolution I

Messages from the Governor

The following messages from the Governor were received and read:

April 23, 1999

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

Michigan Bean Commission

Mr. George L. Thorp, 12425 Shaytown Road, Sunfield, Michigan 48890, county of Eaton, as a member representing growers from District 7, succeeding himself, for a term expiring on December 31, 2001.

Mr. Lowell F. Anderson, 3531 E. Lincoln Road, St. Louis, Michigan 48880, county of Gratiot, as a member representing growers from District 2, for a term expiring on December 31, 2001.

April 23, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointment to office:

Central Michigan University Board of Trustees

Mr. Roger Kessler, 2108 Mapleleaf, Midland, Michigan 48640, county of Midland, as a member representing the general public, succeeding himself, for a term expiring on December 31, 2006.

Mr. W. Sidney Smith, 108 South University, Mt. Pleasant, Michigan 48858, county of Isabella, as a member representing the general public, succeeding Mr. William T. Johnson of Detroit, who has resigned, for a term expiring on December 31, 2000.

Mr. James C. Fabiano, Sr., 605 Hiawatha Drive, Mt. Pleasant, Michigan 48858, county of Isabella, as a member representing the general public, succeeding Mr. David A. Brandon of Plymouth, whose term has expired, for a term expiring on December 31, 2004.

Ms. Marnette Perry, 17162 Stonebrook Drive, Northville, Michigan 48167, county of Wayne, as a member representing the general public, succeeding Mr. W. Sidney Smith of Mt. Pleasant, whose term has expired, for a term expiring on December 31, 2006.

April 23, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Grand Valley State University Board of Control

The Honorable Jessie F. Dalman, 450 Brecado, Holland, Michigan 49423, county of Ottawa, as a member representing the general public, succeeding Mr. Joseph M. Stewart of Battle Creek, whose term has expired, for a term expiring on December 31, 2006.

Mr. Jose A. Infante, 1030 W. Norton, Muskegon, Michigan 49441, county of Muskegon, as a member representing the general public, succeeding Mr. William C. Brooks of Detroit, whose term has expired, for a term expiring on December 31, 2006.

April 23, 1999

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

Oakland University Board of Trustees

Mr. Rex E. Schlaybaugh, Jr., 735 Shirley, Birmingham, Michigan 48009, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on August 11, 2006.

Mr. David Doyle, 3776 Meridian Road, Okemos, Michigan 48864, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on August 11, 2006.

Mr. Robert N. Cooper, 1650 Scenic Hollow, Rochester Hills, Michigan 48306, county of Oakland, as a member representing the general public, succeeding Mr. Dennis K. Pawley of Clarkston, who has resigned, for a term expiring on August 11, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to Committee on Government Operations.

Senator Murphy 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

Senate Bill No. 300

The motion prevailed.

Senators Leland, Goschka and Miller entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 468, entitled

A bill to amend 1968 PA 289, entitled "An act to authorize circuit court judges to grant immunity to witnesses upon application of the prosecuting attorneys; to prescribe the procedures therefor; and to prescribe penalties for refusal to testify and for giving false testimony," by amending the title and sections 1, 2, and 3 (MCL 780.701, 780.702, and 780.703) and by adding section 2a.

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. 138

Yeas—36

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

Nays—1

Jaye

Excused—1

Byrum

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. 468

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 469, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 6 and 19b of chapter VII (MCL 767.6 and 767.19b).

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. 139

Yeas—36

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.

DeBeaussaert	Hammerstrom	Murphy	Smith, V.
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Vaughn
Emmons	Leland	Schwarz	Young

Nays—1

Jaye

Excused—1

Byrum

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. 469

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 470, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 125, 157, 446, 453, and 461 (MCL 750.125, 750.157, 750.446, 750.453, and 750.461); 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. 140**Yeas—35**

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

Nays—2

Hoffman

Jaye

Excused—1

Byrum

Not Voting—0

In The Chair: Schwarz

Senator Hoffman moved to reconsider the vote by which the bill was passed.
 The motion prevailed, 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. 141**Yeas—36**

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

Nays—0**Excused—1**

Byrum

Not Voting—1

Bullard

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Shugars, Gougeon and Sikkema moved that they be named co-sponsors of the following bill:
Senate Bill No. 470
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 471, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).

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. 142**Yeas—36**

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

Nays—1

Jaye

Excused—1

Byrum

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 471

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 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. 4345, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as added by 1998 PA 317.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate the following bill, recommending that the bill be referred to the Committee on Local, Urban and State Affairs:

Senate Bill No. 145, entitled

A bill to amend 1963 PA 213, entitled "An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts," by amending section 1 (MCL 129.201), as amended by 1982 PA 11.

The Senate agreed to the recommendation of the Committee of the Whole and the bill was referred to the Committee on Local, Urban and State Affairs.

Resolutions

Senator Schuette offered the following resolution:

Senate Resolution No. 48.

A resolution to memorialize the life of Lance Corporal Bobby J. Lawrence for his courage and dedication to his country.

Whereas, Lance Corporal Bobby J. Lawrence served in the United States Marine Corps. Representing our nation with gallantry and honor, Lance Corporal Bobby Lawrence gave his life in the line of duty by making the ultimate sacrifice—he saved the life of a fellow soldier; and

Whereas, While serving as a United States Marine, Lance Corporal Lawrence took it upon himself to overturn an out-of-control vehicle to save his comrades. Because of his heroic actions, the life of his fellow Marine was spared; and

Whereas, The family of Lance Corporal Bobby J. Lawrence continues to reside in Evart, Michigan, where their community feels privileged to have known and lived with him; now, therefore, be it

Resolved by the Senate, That we express our deepest sympathy, esteem and admiration to the family and friends of Lance Corporal Bobby J. Lawrence as to his passing. Furthermore, we extend our gratitude for his outstanding bravery and patriotism; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Lance Corporal Bobby J. Lawrence as evidence of our reverence.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Schuette moved that the rule be suspended.

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

The resolution was adopted by a unanimous standing vote of the Senate.

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

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

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

The motion prevailed.

Senate Schuette's statement is as follows:

This resolution concerns the young man named Bobby J. Lawrence, who was in the Marine Corps. In a moment of bravery, he sacrificed his life for one of his comrades. In thinking about the upcoming Memorial Day and the efforts of Senator Rogers and everyone of us to think about those who've given their lives in service of their country, this young man did just that.

There was a mechanical failure in a Marine Corps vehicle and he was the passenger, this Bobby Lawrence of Evart, Michigan, in Osceola County, of our state. The driver of the vehicle wasn't able to control this truck. He told the driver to emerge, leave the vehicle, and he turned the steering wheel so it wouldn't go off a cliff and flipped the vehicle on its side. In so doing, he lost his life, but he spared the life of someone else. And it seems to me that we should express our deepest sympathy to the family of this young Corporal Bobby J. Lawrence for his heroic actions in saving the life of one of his comrades and, in doing so, losing his life but serving his country.

I thank the committee and Mr. President for this resolution. I'd urge its adoption.

House Concurrent Resolution No. 33.

A concurrent resolution to oppose all religious and cultural intolerance of Muslims in our state and nation.

Whereas, Islam, one of the world's great Abrahamic faiths, has strengthened our state and nation in many ways. Its followers have made significant contributions to the progress of the world in many areas, including mathematics, science, medicine, law, philosophy, art, and literature; and

Whereas, Michigan is home to a large and growing Muslim community. Mosques, Islamic schools and centers, and businesses reflect the increasing role that these men and women are playing in many areas of our state. This growth is also apparent in many cities and states across our country, as the tradition of the United States as a country founded on religious freedom continues as we enter the twenty-first century; and

Whereas, Unfortunately, the experience of Muslims in Michigan and the country has not been without difficulty. Muslims have been the targets of cruel discrimination and harassment. On numerous occasions, acts against Muslims have escalated into violence. Discrimination against Muslims, as discrimination against anyone for religious beliefs, weakens our country. People must not be intimidated from expressing their opinions lawfully or from exercising their religious beliefs according to the First Amendment. All Michigan citizens who hold the values of our nation dear must join together to fight against religious bigotry and intolerance; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we oppose all religious and cultural intolerance of Muslims in our state and nation and support efforts to preserve the rights of all to practice their religion free from fear.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Schwarz offered the following resolution:

Senate Resolution No. 49.

A resolution of tribute and congratulations to George F. Osmer upon his retirement.

Whereas, The members of the Michigan Senate offer this resolution to thank George F. Osmer for his nearly 11 years of service to the Senate; and

Whereas, George began working for the Senate in 1988, working as Assistant Sergeant at Arms and Night Security Officer. In 1989, George moved to the Senate Post Office and has been there through its reorganization into Senate General Services, where he has worked as a General Services Technician; and

Whereas, George's pleasant disposition, ready smile, and strong work ethic have made him a familiar and friendly face around the Senate, where he has always been ready to lend a helping hand; and

Whereas, Before George began his career with the Senate, he was employed at Lorenz Bros. Buick as a service manager, Phillips Olds in Virginia Beach, Virginia, as a parts clerk, and Christian Broadcasting Network in Virginia Beach, Virginia, as a security officer. Since 1994, George has also served as District Minister at Mt. Hope Church, where he ministered to the spiritual needs of many, including those in hospitals, and provided crisis counseling to families and worked as a care clinic counselor. George also lent his talents to the Kindness in Action Ministry where he "clowned" as "Remso the Clown"; and

Whereas, George and his wife, Bertha, are loving parents to four children: Lori Duffy, Scott Osmer, Kerry Osmer, and Paul Osmer; grandparents to eight; and great-grandparents to two. He will certainly look forward to spending time with his family and his many friends and maybe doing a bit more fishing; and

Whereas, George now plans to embark on a new chapter in his life and will be moving to Fenton, Missouri, to pursue missionary work with Joyce Meyer Ministries, where he will continue his service to the Lord by helping those in need; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to thank George F. Osmer for his years of service to the Michigan Senate and to wish him the best in his new endeavors; and be it further

Resolved, That a copy of this resolution be transmitted to George F. Osmer so he may know in what high esteem he is held by his many friends and co-workers in the Michigan Senate, who will miss him very much and join in wishing him much good fortune and fulfillment in his retirement.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Rogers moved that the rule be suspended.

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

The resolution was adopted.

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

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

Senators Koivisto, North and DeGrow offered the following resolution:

Senate Resolution No. 50.

A resolution to commemorate the Centennial Anniversary of Northern Michigan University.

Whereas, The first attempt to establish a state normal school in Michigan's Upper Peninsula dates back to the spring of 1875 when State Senator Peter White of Marquette unsuccessfully tried to get a bill passed; and

Whereas, For many years between 1875 and 1899, the people of the Upper Peninsula consistently petitioned the State Legislature for the establishment of a normal school; and

Whereas, Through the efforts of Representatives Fremont C. Chamberlain of Gogebic County and John Gordon of Marquette, the bill creating Northern State Normal School passed the House and Senate and was signed by Robert B. Loomis, President Pro Tem of the Senate, and Edgar J. Adams, Speaker of the House; and

Whereas, Governor Hazen Pingree signed the bill on April 28, 1899, which created Northern State Normal School; and

Whereas, Over the last century, Northern Michigan University has been committed to improving the lives of the citizens of the state of Michigan, and of the Upper Peninsula in particular, through its mission of teaching, research, and community service; now, therefore, be it

Resolved by the Senate, That we extend our highest praise and congratulations to the Northern Michigan University at the time of its centennial celebration; and be it further

Resolved, That a copy of this resolution be transmitted to President Judith I. Bailey as evidence of our respect and appreciation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Rogers moved that the rule be suspended.

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

The resolution was adopted.

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

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

Introduction and Referral of Bills

Senators Bullard, Steil, Hammerstrom, Johnson, Bennett, Dunaskiss, McCotter and Stille introduced

Senate Bill No. 539, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 110b (MCL 41.110b), as added by 1989 PA 77.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Bennett, McCotter, Steil, Shugars, Gougeon, Dunaskiss, Hammerstrom, Johnson, Rogers, Goschka and North introduced

Senate Bill No. 540, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1998 PA 539.

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

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

Senate Bill No. 541, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61505a.

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

Senators A. Smith, Peters, Byrum, McManus, Gast, Cherry and Emerson introduced

Senate Bill No. 542, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14511 (MCL 324.14511), as added by 1998 PA 289.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Hoffman introduced

Senate Bill No. 543, entitled

A bill to repeal 1953 PA 140, entitled "An act to increase the efficiency of the military establishment; and to repeal certain acts and parts of acts," (MCL 32.261 to 32.262).

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.

Senators Rogers and Emmons introduced

Senate Bill No. 544, entitled

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

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

Senators Rogers and Emmons introduced

Senate Bill No. 545, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 1996 PA 477.

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

Senators Gougeon, Schwarz, Rogers, Hammerstrom, Emmons, Van Regenmorter, Shugars, Bennett, Steil, Schuette, Hoffman, Stille, Dunaskiss, Sikkema, Jaye, Johnson, Goschka, McManus, North, McCotter, Koivisto, Hart, Dingell and Miller introduced

Senate Bill No. 546, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90g.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator V. Smith introduced

Senate Bill No. 547, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16j of chapter XVII (MCL 777.16j), as added by 1998 PA 317.

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

House Bill No. 4168, 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 15 (MCL 247.665), as amended by 1982 PA 438.

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 Transportation and Tourism.

House Bill No. 4182, 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 13 (MCL 247.663), as amended by 1997 PA 79.

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 Transportation and Tourism.

House Bill No. 4317, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1998 PA 68.

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 Transportation and Tourism.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 406, 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 68 (MCL 791.268), as added by 1996 PA 556.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Rogers, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 419, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 55; and to repeal acts and parts of acts.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported
Senate Bill No. 500, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 33 (MCL 800.33), as amended by 1994 PA 218.

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, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported
House Bill No. 4191, entitled

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 2 (MCL 397.602), as amended by 1998 PA 7, and by adding section 6.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Rogers, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 46, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 1993 PA 22.

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.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 4323, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 721 (MCL 257.721), as amended by 1995 PA 248.

With the recommendation that the bill pass.

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, April 21, 1999, at 1:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

The Committee on Appropriations reported
House Concurrent Resolution No. 16.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Superior State University relative to the Lake Superior State University Crawford Hall Addition and Remodeling.

(For text of resolution, see Senate Journal No. 27, p. 396.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
House Concurrent Resolution No. 17.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Montcalm Community College relative to the Montcalm Community College Vocational/Technical Facility.

(For text of resolution, see Senate Journal No. 27, p. 397.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
House Concurrent Resolution No. 18.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Education, Michigan School for the Deaf and Blind Residential Facilities.

(For text of resolution, see Senate Journal No. 27, p. 398.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
House Concurrent Resolution No. 19.

A concurrent resolution to change the scope of the Department of Corrections Secure Level I Correctional Facility at St. Louis, the nine 240 Open Bay Level I and II housing units at existing facilities, and the three 120 Closed Cell Level IV housing units at existing facilities projects.

(For text of resolution, see Senate Journal No. 27, p. 399.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
House Concurrent Resolution No. 21.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Michigan Technological University relative to the Michigan Technological University Performing Arts and Education Center.

(For text of resolution, see Senate Journal No. 27, p. 400.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
 Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
House Concurrent Resolution No. 22.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Kirtland Community College relative to the Kirtland Community College Academic Building, Art/Maintenance Building, and Administration Building Remodeling and Additions.

(For text of resolution, see Senate Journal No. 27, p. 401.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
 Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held, Wednesday, April 21, 1999, 2:00 p.m., Senate Appropriations Room, Capitol Building

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

Excused: Senator Emerson

Scheduled Meetings

Families, Mental Health and Human Services Committee - Wednesday, April 28, at 3:00 p.m., Room 100, Farnum Building (3-3543).

Financial Services Committee - Wednesday, April 28, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-3760).

Human Resources, Labor, Senior Citizens and Veteran Affairs Committee - Thursday, April 29, at 1:00 p.m., Room 210, Farnum Building (3-2420).

Judiciary Committee - Wednesday, April 28, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Local, Urban and State Affairs Committee - Monday, May 3, at 1:00 p.m., Presbyterian Village, 17383 Garfield, Redford and Wednesday, May 5, at 3:00 p.m., Room 405, Capitol Building (3-1707).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:37 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, April 28, at 10:00 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate.

