

No. 46
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 20, 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—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

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

Pastor Eric Kilmer of Our Savior Lutheran Church of Marlette offered the following invocation:
Let us pray, in the name of God the Father, Son and Holy Spirit. Amen.

Merciful Father, You have instituted government amongst men in order to bless us with peace, order, the approval of good conduct, the curbing and punishment of evil; to these ends, dear Father, we pray. Bless all who serve You here in this Senate and in all branches of our government. Grant them wisdom in the fulfilling of their duties to You and the citizens of this state. Bless them that in all their work they be strengthened and led by the Holy Spirit to legislate in the light of Your truth and after Your holy will. May Your peace and protection rest also upon their families and loved ones. With these gathered here may with quiet hearts and minds minister as You have called them. In Jesus' name we pray. Amen.

Motions and Communications

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:04 a.m.

12:08 p.m.

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

During the recess, Senators Hoffman, Goschka, McManus and Leland entered the Senate Chamber.

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

Senators DeGrow, Cherry, Peters and Emmons asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator DeGrow's statement is as follows:

For the members' knowledge, yesterday it had been the intent of the body to take the CCW legislation and run it all the way. For a number of reasons we're not going to do that today. When I conclude, our distinguished floor leader will make a motion to discharge the Green bill from committee. It is our intent to keep that on the floor and to do the issue next week. A majority of our caucus feels strongly, including myself, that we need to move forward on this bill.

Our hearts go out to what happened in Atlanta. I personally don't believe there's any connection with that, but I do think it would not be appropriate to run that today. But I think it's also important that we send the message that we do believe the current law is hopelessly flawed, and that there are changes that need to be made, and that we can have a system in this state that works far better than what we have now. And what we're doing has no connection to some of the tragic things that are going on in this state. And quite frankly, more than anyone in this room, I'm probably closer to that. For those of you who don't know, I'm sure everyone does, I live in Port Huron, about 1.1 miles from the Holland Woods Middle School. But I do think that we can allow outside events to dictate our activities. They are very tragic. I have spoken to people who were involved in that, who had kids at that school. My own daughter was scared to go to school and still is! But I don't believe there is a connection to what we are doing, but I think it is appropriate that we wait.

I also think that the bill needs a little work. The caucus isn't quite ready to go forward, and we have to work out some details with the House in terms of what goes with each bill. So the commitment for myself, on behalf of the caucus, as leader, is that we had promised the House to move forward. I do like to believe I am a man of my word. I told Speaker Perricone that we will discharge that Green bill to show action. I will, along with other members, work with the House to resolve some of the differences in terms of who gets what in what bill. And we'll try to work out some of the differences internally in our caucus that I believe keeps us from being ready to go forward on that bill today.

We are moving on the bill next week. I believe it is the right thing to do. Again, the current law is hopelessly flawed and many of us in the chamber, I believe a strong majority, campaigned on that position, and I believe we need to go forward and keep our commitment to that.

Senator Cherry's statement is as follows:

It's my pleasure to announce to the body that today is the last session day for one of the employees of the Senate Democratic Caucus. Mike Griffith, who joined us back in 1995, I believe, will be leaving his position on Friday, heading west hopefully for better and brighter pastures and opportunities.

I want to take this time—and Mike, would you please come forward—to present Mike with a tribute offered by the Senate Democratic Caucus because Mike has done an absolutely fabulous job for us as a caucus, particularly for the members of our Finance Committee. I know that he works very hard, does a great job, is very knowledgeable, and I believe has been able to work with members from the other side of the aisle and is respected for the job that he has done.

Mike, as a token of our appreciation, we want to present you with this tribute, say thank you and offer you our best wishes.

Senator Peters' statement is as follows:

I'd like to join the Minority Leader in commending the work that Mike Griffith has done for the caucus. I've served on the Finance Committee and worked closely with Mike over the years. In fact, I believe he joined us just shortly after being elected my first term. Within a couple of months, I started working with Mike and always found him to be an outstanding member of our central staff—articulate, bright.

Oftentimes, I put him through the wringer with a lot of challenges in writing amendments with a short amount of notice, and Mike was always able to draft those amendments. He was also smart enough, though, after he drafted those 20 or 30 amendments, to put them in a file so anytime we had a tax bill, I could always call up the usual suspects and debate them again, over and over again. He always provided the insight I needed to make the argument.

I know many people here on the floor know that I'm somewhat bashful in getting up and talking at the microphone. But I'll say that it's Mike who always told me, "Now, get up there and debate those issues. Give 'em a hard time on those tax issues, Gary." So I followed Mike's advice over these last four years, and I just hope I continue to have someone prodding me to get up here to the microphone and make a debate every now and then.

But seriously, Mike, I'm really going to miss you. You've been an outstanding addition to the staff. I know wherever you go in your life, you'll always have a bright future and career ahead of you because you truly are an exceptional young man. I wish you all the best.

Senator Emmons' statement is as follows:

As chairman of the Senate Finance Committee, I have worked with Mike very closely. Now, he isn't as pretty as his predecessor, and I charge you Democrats to find a pretty one next time.

Mike has done an outstanding job in communicating. One of the things that I've found is so important is at least if we can talk together and understand our differences, sometimes they disappear. Sometimes they don't, but to do that without anger and acrimony is particularly refreshing; Mike and the members of the committee have worked very hard to do that.

And so, Mike, we wish you all the very best as you grow and change in your vocation. We will always look forward to seeing you back saying, "Hi."

Senator Rogers moved that the Committee on Hunting, Fishing and Forestry be discharged from further consideration of the following bill:

House Bill No. 4530, entitled

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

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

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

The motion prevailed.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, May 19, for his approval the following bills:

Enrolled Senate Bill No. 7 at 3:38 p.m.

Enrolled Senate Bill No. 117 at 3:40 p.m.

Enrolled Senate Bill No. 420 at 3:42 p.m.

Enrolled Senate Bill No. 335 at 3:44 p.m.

The Secretary announced the printing and placement in the members' files on Wednesday, May 19 of:
House Bill Nos. 4689 4696 4704

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

Senate Bill No. 438

Senate Bill No. 405

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 182, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7208, 7220, and 7227 (MCL 333.7208, 333.7220, and 333.7227) and by adding section 7339.

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. 264

Yeas—36

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

Nays—0

Excused—2

Murphy

Schwarz

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

Senate Bill No. 182

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 492, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

1. Amend page 12, line 24, after “Sec. 604.” by inserting “(1)”.
2. Amend page 13, following line 8, by inserting:

“(2) SUBSECTION (1) DOES NOT APPLY TO CMRS SERVICE SUPPLIERS UNLESS A DISCLAIMER SIMILAR TO THE FOLLOWING DISCLAIMER APPEARS ON CMRS CUSTOMER BILLING NOTICES AT LEAST ONCE PER YEAR AND ON EACH CUSTOMER’S NEW OR RENEWED CONTRACT:

“THIS PHONE OPERATES BY USING RADIO SIGNALS, CELLULAR AND LANDLINE NETWORKS, AS WELL AS USER-PROGRAMMED FUNCTIONS THAT CANNOT GUARANTEE CONNECTION IN ALL CONDITIONS AND IN ALL GEOGRAPHIC LOCATIONS. THEREFORE, YOU SHOULD NEVER RELY UPON ANY CELLULAR PHONE FOR ESSENTIAL COMMUNICATIONS, INCLUDING MEDICAL EMERGENCIES.

FURTHER, THIS SERVICE SUPPLIER IS NOT LIABLE FOR CIVIL DAMAGES TO ANY PERSON AS A RESULT OF AN ACT OR OMISSION ON THE PART OF THE SERVICE SUPPLIER, PUBLIC AGENCY, OFFICER, AGENT, EMPLOYEE OF A SERVICE SUPPLIER, PUBLIC AGENCY, AN OWNER, OR LESSEE IN COMPLYING WITH ANY PROVISION OF THE EMERGENCY TELEPHONE SERVICE ENABLING ACT, 1986 PA 32, MCL 484.1101 TO 484.1604, UNLESS THE ACT OR OMISSION AMOUNTS TO A CRIMINAL ACT OR TO GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Byrum to Senate Bill No. 492.

Senator Emmons’ statement is as follows:

If I’m in trouble on the side of the road, I hope they pick up anything they can get their hands on and use it. Mechanicals fail but, by golly, I’m going to use my cell phone, and I don’t want to discourage anybody else from using theirs.

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. 265

Yeas—34

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

Nays—1

Peters

Excused—2

Murphy

Schwarz

Not Voting—1

Bullard

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senator Rogers moved that Senator Bullard be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Bullard entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 493, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 401, 403, 404, 405, 406, and 505 (MCL 484.1401, 484.1403, 484.1404, 484.1405, 484.1406, and 484.1505), sections 401, 403, and 405 as amended and section 406 as added by 1994 PA 29.

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. 266**Yeas—36**

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

Nays—0**Excused—2**

Murphy

Schwarz

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 496, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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. 267

Yeas—36

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

Nays—0

Excused—2

Murphy	Schwarz
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 587, entitled

A bill to provide for the creation of public employee health care funds; to provide for the administration of the funds; to authorize the investment of the assets of the funds; and to prescribe the powers and duties of investment fiduciaries and certain public officers and employees.

The question being on the passage of the bill,

Senator Bullard offered the following amendments:

1. Amend page 1, line 6, after "person" by inserting "or persons".
2. Amend page 2, line 11, after "fund" by inserting "or trust".
3. Amend page 2, line 11, after the first "of" by striking out "providing" and inserting "accumulating funds to provide".
4. Amend page 2, line 11, after the second "the" by striking out "payment" and inserting "funding".
5. Amend page 2, line 15, after "person" by inserting "or persons".
6. Amend page 2, line 15, after "fund's" by inserting "or the trust's".
7. Amend page 2, line 17, after "fund" by inserting "or trust".
8. Amend page 2, line 20, after "fund" by inserting "or trust".
9. Amend page 2, line 22, after "fund" by inserting "or trust".
10. Amend page 2, line 23, after "fund" by inserting "or trust".
11. Amend page 2, line 27, after "withdrawn" by inserting "from the fund".

12. Amend page 3, line 3, by striking out all of subdivision (e).
13. Amend page 3, line 6, after “fund” by inserting “or trust”.
14. Amend page 3, line 6, after the second “the” by striking out “investment limitation”.
15. Amend page 3, line 10, after “The” by striking out “public corporation” and inserting “investment fiduciary”.
16. Amend page 3, line 11, after “fund” by inserting “or trust”.
17. Amend page 3, line 14, after “fund” by inserting “or trust”.

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. 268

Yeas—36

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

Nays—0

Excused—2

Murphy	Schwarz
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 269

Yeas—30

Bennett	Emmons	Leland	Sikkema
Bullard	Gast	McCotter	Smith, V.
Byrum	Gougeon	McManus	Steil
Cherry	Hammerstrom	North	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter

Dingell
Dunaskiss
Emerson

Jaye
Johnson
Koivisto

Schuette
Shugars

Vaughn
Young

Nays—6

DeBeaussaert
Goschka

Hart
Miller

Peters

Smith, A.

Excused—2

Murphy

Schwarz

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 270

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
McManus
Miller
North
Peters
Rogers
Schuette

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

Nays—0

Excused—2

Murphy

Schwarz

Not Voting—0

In The Chair: Hoffman

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4405, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 306, 308, 310e, and 320a (MCL 257.306, 257.308, 257.310e, and 257.320a), sections 306 and 308 as amended and section 310e as added by 1996 PA 387 and section 320a as amended by 1999 PA 21.

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. 271

Yeas—36

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

Nays—0

Excused—2

Murphy

Schwarz

Not Voting—0

In The Chair: Hoffman

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and

operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 157, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 803j, 803k, 803l, 803n, and 803o (MCL 257.803j, 257.803k, 257.803l, 257.803n, and 257.803o), as amended by 1998 PA 68.

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. 272

Yeas—36

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

Nays—0

Excused—2

Murphy

Schwarz

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 554, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 248 (MCL 257.248), as amended by 1998 PA 384.

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. 273

Yeas—36

Bennett	Emmons	Koivisto	Shugars
Bullard	Gast	Leland	Sikkema

Byrum	Goschka	McCotter	Smith, A.
Cherry	Gougeon	McManus	Smith, V.
DeBeaussaert	Hammerstrom	Miller	Steil
DeGrow	Hart	North	Stille
Dingell	Hoffman	Peters	Van Regenmorter
Dunaskiss	Jaye	Rogers	Vaughn
Emerson	Johnson	Schuetz	Young

Nays—0

Excused—2

Murphy

Schwarz

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

House Concurrent Resolution No. 29.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

Senator Rogers moved that consideration of the following concurrent resolution be postponed for today:

Senate Concurrent Resolution No. 8

The motion prevailed.

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

Senate Resolution No. 58

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 58.

A resolution to recognize the 17th Annual Metro Detroit Youth Day on July 14, 1999.

Whereas, The 17th Annual Metro Detroit Youth Day is sponsored by such companies as the Michigan Food & Beverage Association, Detroit newspapers, WDIV-TV 4, Pepsi-Cola Company, Detroit Recreation Department, Spartan Stores, Inc., Fairlane Town Center, K-Mart Corp., Ameritech Telephone Pioneers, Blue Cross/Blue Shield and Blue Care Network, WWJ Newsradio 950, Kroger Food Stores, Detroit Lions, WJLB-FM, Comcast Cablevision, Sibley Shoes, Compuware, Fraternal Order of Police, General Motors, NBD Bank, MichCon, Mexican Industries, Detroit Edison, many other food and beverage firms, and over 90 community and youth organizations that recognize that leisure and recreation are basic human needs and that youth must use this time to improve the quality of life and life's disciplines. Metro Detroit Youth Day will be held on July 14, 1999, at Belle Isle's Athletic Field in Detroit; and

Whereas, Metro Detroit Youth Day emphasizes the need for physical education facilities and fitness with the need for good sportsmanship. It is acknowledged that youth and young people are a valuable asset to our communities and the foundation of our future. Metro Detroit Youth Day is intended to bring together the community and the private sector to enhance relationships and improve cooperation and harmony in our communities. It also provides an opportunity for youth to participate in constructive activities outside their immediate home areas, working with other youngsters and numerous volunteers; and

Whereas, Many community groups such as New Detroit, Inc., NAACP, Detroit Urban League, Salvation Army, Boys and Girls Clubs, Boy Scouts, Girl Scouts, YMCA, YWCA, Focus: HOPE, United Way Community Services, Special Olympics, Detroit Police Cadets, and many others are participating as co-sponsors. Outstanding and dedicated community leaders including Edward Deeb of the Michigan Food & Beverage Association; Sharon Williams of the Detroit Medical Center; Benny Napoleon, Detroit Police Chief; Ernest Burkeen, Detroit Recreation Department; Sergeant Curtis Perry, Detroit Police Cadets; and Keith Bennett of Starr Commonwealth Schools are co-chairing the event, along with over 800 volunteers supervising over 16,000 youth expected to attend; now, therefore, be it

Resolved by the Senate, That in recognition of the 17th Annual Metro Detroit Youth Day on July 14, 1999, and to acknowledge the positive contributions the private sector has made to our area youth and the community, we hereby salute the organizers of this event; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event in appreciation of their diligent community service and for the high esteem we have for them.

Introduction and Referral of Bills

Senators Bennett, North, Steil, McManus, Goschka and Shugars introduced

Senate Bill No. 609, entitled

A bill to amend 1925 PA 352, entitled "An act to provide for the purchase and condemnation of private property for public highway purposes," (MCL 213.171 to 213.199) by adding section 194a.

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

Senators Bennett, North, Steil, McManus, Goschka and Shugars introduced

Senate Bill No. 610, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding subpart 17 to part 21.

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

Senators Bennett, North, Steil, McManus, Goschka and Shugars introduced

Senate Bill No. 611, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 1251a.

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

Committee Reports

The Committee on Judiciary reported

House Bill No. 4355, entitled

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

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4356, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 110a (MCL 750.110a), as added by 1994 PA 270.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4466, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as added by 1998 PA 317.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4580, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4581, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4582, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 2 of chapter VI (MCL 66.2), as amended by 1996 PA 41.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4583, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4584, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4585, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1998 PA 353.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4648, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904d (MCL 257.904d), as added by 1998 PA 358.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, May 19, 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

The Committee on Farming, Agribusiness and Food Systems reported
House Concurrent Resolution No. 27.

A concurrent resolution to memorialize the Congress of the United States to investigate the issue of apple juice concentrate from other countries being sold in the American market at prices below cost.

(For text of resolution, see Senate Journal No. 39, p. 582.)

With the recommendation that the concurrent resolution be adopted.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum
Nays: None
The concurrent resolution was placed on the order of Resolutions.

The Committee on Farming, Agribusiness and Food Systems reported
House Bill No. 4464, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 1992 PA 257.

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 and Byrum
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, May 19, 1999, at 1:00 p.m., Room 405, Capitol Building
Present: Senators McManus (C), Stille, Gougeon and Byrum
Excused: Senator Hart

The Committee on Technology and Energy reported
House Bill No. 4418, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 1997 PA 183.

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

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

Mat Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Rogers and Dingell

Nays: Senator Byrum

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

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Wednesday, May 19, 1999, at 2:00 p.m., Room 404, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Rogers, Byrum, Leland and Dingell

Excused: Senator Schuette

The Committee on Appropriations reported

House Concurrent Resolution No. 20.

A concurrent resolution to change the scope of the Department of Agriculture—Geagly Laboratory project.

(For text of resolution, see Senate Journal No. 38, p. 568.)

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, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Concurrent Resolution No. 31.

A concurrent resolution to change the scope of the Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings/Construction of new Student Services Building project at Western Michigan University.

(For text of resolution, see Senate Journal No. 38, p. 569.)

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, DeBeaussaert and Emerson

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

House Bill No. 4300, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; 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, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, 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

House Bill No. 4301, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, 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 Tuesday, May 18, 1999, at 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, DeBeaussaert and Emerson

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held Wednesday, May 19, 1999, at 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, DeBeaussaert and Emerson

Scheduled Meetings

Agriculture Preservation Task Force (SR 52) - Friday, May 21, at 9:00 a.m., Lowell Township Hall, 2910 Alden Nash S.E., Lowell Township; Monday, May 24, at 1:00 p.m., Oaklane Golf Course Conference Room, 800 N. Main Street, Webberville; Friday, June 18, at 1:00 p.m., Marlette Middle School Media Center, 6230 Euclid Street, Marlette; and Tuesday, June 29, at 11:00 a.m., Michigan State University Livestock Pavilion, East Lansing (3-1725).

Legislative Retirement Board of Trustees - Wednesday, June 2, at 4:00 p.m., House Conference Room, 1st Floor, Capitol Building (3-0575).

School Aid Appropriations Subcommittee - Monday, May 24, at 3:00 p.m., Traverse Bay Area Intermediate School District Career Technical Center - Interactive Room, 800 Parsons, Traverse City (3-1635).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 1:00 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, May 25, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.