

No. 50
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, June 1, 1999.

12:00 Noon.

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 not 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—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 Thaddeus G. McCotter of the 9th District offered the following invocation:

Lord, as we start today to help govern the affairs of this state, let us remember the words that You spoke to Daniel. But the wise will shine brightly like this wonder of the firmament, and those who lead the many to justice shall be as the stars forever. Please help guide us through today. Thank you.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 12:03 p.m.

12:18 p.m.

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

During the recess, Senators Young, Miller, Van Regenmorter, DeGrow, Emmons, Hoffman, Bennett, Jaye, Sikkema, Johnson, Stille, Steil, Bullard, McManus, Hammerstrom, Goschka, Schwarz, Schuette, Gougeon, North, Shugars, A. Smith and V. Smith entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

The following communication was received:
State Court Administrative Office

March 22, 1999

Please find enclosed the 1998 Annual Grievance Report to the Legislature.

Michigan law provides a grievance process for Friend of the Court constituents who wish to address concerns about Friend of the Court operations or employees. Friend of the Court constituents exercise this statutory procedure by using a form to describe their problem or concern and request resolution (the form is developed by the State Court Administrative Office, see attachment A). The Friend of the Court is required to respond to the grievance. If the grievant is not satisfied with the response, he or she may request review by the chief circuit judge. At any time during the proceedings, a grievant may file a grievance regarding office operations with the appropriate local citizens advisory committee (see attachment B for the statute describing the grievance process).

In addition to preparing this Annual Grievance Report, the Friend of the Court Bureau of the State Court Administrative Office regularly responds to constituent concerns and provides education services regarding the functions of Circuit Courts. Part of this educational effort has been and continues to be providing clients with information about this grievance process.

We welcome any suggestions or questions regarding the grievance procedure and the Annual Grievance Report to the Legislature.

Sincerely,
John D. Ferry, Jr.
State Court Administrator

The communication was referred to the Secretary for record.

The following communication was received:
South Central Michigan Works!

May 24, 1999

In accordance with Sections 105 (a)(1) and (a)(2) of the Job Training Partnership Act (JTPA), enclosed please find South Central Michigan Works! Title IIA, Title IIA-5%, Title IIB, Title IIC, and Title III proposed plans for review and comment.

If you have any questions, please contact me at our toll free number 1-888-MI WORKS or (517) 437-0990 extension 108. Thank you.

Sincerely,
Scott A. Menzel
Executive Director

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

May 25, 1999

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Selected Community Colleges' Reporting of Activities Classification Structure Data, July 1, 1997, through June 30, 1998.

May 25, 1999

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Year 2000 Issues for Information Systems, Year 2000 Project Office, Department of Management and Budget, May 1999.

May 28, 1999

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the International Registration Plan, Department of State, May 1999.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, May 27:
House Bill No. 4640

The Secretary announced that the following House bill was received in the Senate and filed on Friday, May 28:
House Bill No. 4431

The Secretary announced the enrollment printing and presentation to the Governor on Friday, May 28, for his approval the following bill:
Enrolled Senate Bill No. 374 at 2:38 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, May 27 of:
House Bill No. 4733

The Secretary announced the printing and placement in the members' files on Friday, May 28 of:
Senate Bill Nos. 612 613 614 615 616 617 618 619 620 621 622 623 624 625
House Bill Nos. 4726 4727 4728 4729 4730 4731 4732 4744 4745

Messages from the Governor

The following messages from the Governor were received:

Date: May 26, 1999
Time: 1:16 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 335 (Public Act No. 29), being

An act to amend 1949 PA 300, entitled "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,” by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 1990 PA 90 and section 710e as amended by 1991 PA 25.

(Filed with the Secretary of State on May 26, 1999, at 3:08 p.m.)

Date: May 26, 1999

Time: 5:30 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 420 (Public Act No. 30), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 20129a (MCL 324.20129a), as amended by 1997 PA 61.

(Filed with the Secretary of State on May 27, 1999, at 10:37 a.m.)

Respectfully,
John Engler
Governor

The following message from the Governor was received on May 29, 1999, and read:

EXECUTIVE ORDER

No. 1999 - 3

**Michigan Solid Waste Importation Task Force
Michigan Department of Environmental Quality**

Whereas, Michigan has a finite amount of landfill capacity available and uncontrolled imports of solid waste will require the siting of additional, unnecessary disposal capacity with the potential to negatively impact Michigan’s many unique natural resources; and

Whereas, Michigan needs to have the ability to regulate the importation of solid waste to ensure that landfill capacity is available for disposal of Michigan’s waste; and

Whereas, out-of-state imports of solid waste total over twelve percent of all solid waste disposed of in Michigan landfills; and

Whereas, Michigan’s counties have engaged in long-term comprehensive solid waste planning to ensure that the long-term disposal needs of their citizens can be met in an environmentally sound, cost effective manner; and

Whereas, many communities in Michigan have made significant commitments to waste reduction, recycling, and composting programs as part of their solid waste planning efforts that will be undermined by significant, uncontrolled imports of waste from out-of-state; and

Whereas, the United States Constitution’s Commerce Clause (US Const, art I, § 8, cl 3, hereafter “Commerce Clause”) reserves to the United States Congress the authority to regulate commerce between the states and with foreign countries; and

Whereas, since 1992, Michigan and other states have worked with Congress to seek federal legislation that would authorize states and affected local governments to regulate imports of solid waste from other states and countries; and

Whereas, given the limitations of states to address this issue, it is essential that solid waste imports be addressed through federal legislation.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby establish the Michigan Solid Waste Importation Task Force (“Task Force”) within the Michigan Department of Environmental Quality.

The Task Force is charged with the following responsibilities:

1. Identify trends, causes, and consequences of the importation of solid waste;
2. Meet with members of the Michigan Congressional Delegation and other members of Congress to encourage passage of federal legislation to allow Michigan to control the importation of solid waste; and

3. Provide recommendations to the Governor and the Director of the Michigan Department of Environmental Quality concerning the control of interstate and international waste imports.

The members of the Task Force shall serve at the pleasure of the Governor. The Governor shall appoint one member of the Task Force as Chairperson and such member shall serve as Chairperson at the pleasure of the Governor. The Michigan Department of Environmental Quality shall staff the Task Force.

The Task Force shall consist of members as follows: six members shall be appointed by the Governor, two members representing each of the following: environmental organizations, local government, and the business community.

Additionally, two members may be appointed by the Speaker of the House of Representatives, and two members may be appointed by the Senate Majority Leader.

All state departments, agencies, boards, commissions, or officers of the state shall cooperate and provide any necessary assistance required by the Task Force, or any member or representative thereof, in the performance of its duties. This shall include free access to any books, records, or documents in the custody of the department, agency, board, commission, or officer that is within the scope of the inquiry, study, or review of the Task Force.

Members of the Task Force shall not receive compensation, but may receive reimbursement for necessary travel and expenses for the performance of Task Force functions, based on existing state rates.

The Task Force may adopt rules of procedure, not inconsistent with Michigan law and with this Executive Order, governing its organization and operations. A majority of the serving members constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of one (1) or more vacancies. Voting upon actions taken by the Task Force shall be conducted by a majority vote.

Unless extended by the Governor, the Task Force shall complete its work and issue a final report and recommendations to the Governor and the Director of the Michigan Department of Environmental Quality by December 1, 1999.

The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 28th day of May, in the Year of our Lord, One Thousand Nine Hundred Ninety-nine.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Secretary for record.

The following messages from the Governor were received and read:

May 26, 1999

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

Construction Code Commission

Mr. Gary A. Shripka, 5048 Pheasant, Waterford, Michigan 48327, county of Oakland, as a member representing municipal building inspectors, succeeding Mr. Jeffrey Dixon Bowdell of Novi, whose term has expired, for a term expiring on January 31, 2001.

May 26, 1999

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

Board of Health and Safety Compliance and Appeals

Mr. Edward G. Ratzenberger, 140 Kalhaven, Rochester Hills, Michigan 48063, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on March 18, 2003.

May 26, 1999

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

Self-Insurers' Security, Second Injury, Silicosis, and Logging Industry Board of Trustees

Mr. Edward L. Gallagher, Jr., 9885 Bridge Lake Road, Clarkston, Michigan 48348, county of Oakland, as a member representing employers, succeeding Ms. Eleanor Powell of Lansing, who has resigned, for a term expiring on April 30, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to Committee on Government Operations.

Messages from the House

Senate Bill No. 381, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10205. Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,
Senator Stille offered the following amendment to the substitute:

1. Amend page 2, following line 21, by inserting:

"Enacting section 1. This amendatory act takes effect September 1, 1999." and renumbering the remaining enacting section.

Senators Cherry, Gast and Dunaskiss entered the Senate Chamber.

The amendment to the substitute was adopted.

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

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

Roll Call No. 308

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Murphy

In The Chair: President

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

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

Senate Bill No. 68

Senate Bill No. 357

Senate Bill No. 361

Senate Bill No. 368

Senate Bill No. 369

Senate Bill No. 371

The motion prevailed.

Senate Bill No. 155, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15d of chapter IV (MCL 764.15d), as added by 1987 PA 256.

(For text of amendment, see Senate Journal 48, p. 807.)

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

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

Roll Call No. 309**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	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetten	Vaughn
Emerson	Koivisto	Schwarz	Young

Nays—0**Excused—1**

Murphy

Not Voting—1

Hoffman

In The Chair: President

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

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

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 155

The motion prevailed.

Senate Bill No. 79, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and amended the title to read as follows:

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

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.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 365, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services 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 provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and amended the title to read as follows:

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 1999 and 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 provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Senate Bill No. 366, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2000; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 370, entitled

A bill to make appropriations for the department of natural resources 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.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1).

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

Senate Bill No. 372, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2000; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and amended the title to read as follows:

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2000; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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

Senate Bill No. 556, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 219, 233, 258, 303, 310d, 321a, 323, 602a, 605, 625, 625g, 625h, 732, 904, 904c, 904d, and 904e (MCL 257.204a, 257.219, 257.233, 257.258, 257.303, 257.310d, 257.321a, 257.323, 257.602a, 257.605, 257.625, 257.625g, 257.625h, 257.732, 257.904, 257.904c, 257.904d, and 257.904e), sections 204a, 219, 233, and 323 as amended by 1998 PA 346, sections 258 and 602a as amended by 1998 PA 347, section 303 as amended by 1998 PA 351, sections 310d and 321a as amended by 1998 PA 343, section 625 as amended by 1998 PA 350, section 625g as amended by 1994 PA 450, section 625h as amended by 1996 PA 59, section 732 as amended by 1999 PA 21, section 904 as amended by 1998 PA 342, section 904c as added by 1998 PA 359, and sections 904d and 904e as added by 1998 PA 358.

The House of Representatives has amended the bill as follows:

1. Amend page 54, following line 8, by inserting:

"Sec. 727c. (1) As used in this act, "citation" means a complaint or notice upon which a police officer shall record an occurrence involving 1 or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, be in a form as determined by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police and shall consist of the following parts:

(a) The original which shall be a complaint or notice to appear by the officer and shall be filed with the court in which the appearance is to be made.

(b) The first copy which shall be retained by the local traffic enforcement agency.

(c) The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor.

(d) The third copy which shall be delivered to the alleged violator if the violation is a civil infraction.

(2) With the prior approval of the state officials enumerated in subsection (1), the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of this citation for other than moving violations is optional.

(3) For purposes of this act, a complaint signed by a police officer shall be treated as made under oath if the violation alleged in the complaint is either a civil infraction or a ~~minor offense as defined in section 1 of chapter I of Act No. 175 of the Public Acts of 1927, being section 761.1 of the Michigan Compiled Laws~~ MISDEMEANOR OR ORDINANCE VIOLATION FOR WHICH THE MAXIMUM PERMISSIBLE PENALTY DOES NOT EXCEED 93 DAYS IN JAIL OR A FINE, OR BOTH, and occurred or was committed in the signing officer's presence or under circumstances permitting the officer's issuance of a citation under section ~~625~~ 625A or 728(8), and if the complaint contains the following statement immediately above the date and signature of the officer:

"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

2. Amend page 70, line 12, by striking out all of section 904d.

3. Amend page 76, following line 10, by inserting:

"(k) House Bill No. 4648."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled "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," by amending sections 204a, 219, 233, 258, 303, 310d, 321a, 323, 602a, 605, 625, 625g, 625h, 727c, 732, 904, 904c, and 904e (MCL 257.204a, 257.219, 257.233, 257.258, 257.303, 257.310d, 257.321a, 257.323, 257.602a, 257.605, 257.625, 257.625g, 257.625h, 257.727c, 257.732, 257.904, 257.904c, and 257.904e), sections 204a, 219, 233, and 323 as amended by 1998 PA 346, sections 258 and 602a as amended by 1998 PA 347, section 303 as amended by 1998 PA 351, sections 310d and 321a as amended by 1998 PA 343, section 625 as amended by 1998 PA 350, section 625g as amended by 1994 PA 450, section 625h as amended by 1996 PA 59, section 727c as amended by 1983 PA 172, section 732 as amended by 1999 PA 21, section 904 as amended by 1998 PA 342, section 904c as added by 1998 PA 359, and section 904e as added by 1998 PA 358.

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

Senate Bill No. 559, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 9f of chapter IV (MCL 764.9f), as amended by 1998 PA 264.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 1 of chapter I and sections 1e, 9c, and 9f of chapter IV (MCL 761.1, 764.1e, 764.9c, and 764.9f), section 1 of chapter I as amended by 1998 PA 520, section 1e of chapter IV as added by 1980 PA 506, section 9c of chapter IV as amended by 1984 PA 366, and section 9f of chapter IV as amended by 1998 PA 264; and to repeal acts and parts of acts.

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

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.

Senator Murphy entered the Senate Chamber.

The following bill was read a third time:

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.

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. 310**Yeas—37**

Bennett
Bullard
Byrum
Cherry

Gast
Goschka
Gougeon
Hammerstrom

McCotter
McManus
Miller
Murphy

Shugars
Sikkema
Smith, A.
Smith, V.

DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hart
Hoffman
Jaye
Johnson
Koivisto

North
Peters
Rogers
Schuette
Schwarz

Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Leland

In The Chair: President

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

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

“An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 311

Yeas—38

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; and to prescribe penalties and provide remedies,”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 312**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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 government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies,”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 313

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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 authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies,”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 314

Yeas—38

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

Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto
Leland

Murphy
North
Peters
Rogers
Schuette
Schwarz

Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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 title of the bill.

The following bill was read a third time:

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.

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. 315

Yeas—38

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendments:

1. Amend page 2, line 19, after “(B)” by inserting “EXCEPT AS PROVIDED IN SUBDIVISIONS (C) AND (D).”.
2. Amend page 2, line 20, by striking out “WITH NOT MORE THAN 1 SUSPENSION UNDER SECTION 904”.

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. 316

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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. 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.

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. 317

Yeas—37

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

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: President

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. 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.

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. 318

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The President pro tempore, Senator Schwarz, assumed the Chair.

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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties,

and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4018, entitled

A bill to amend 1917 PA 138, entitled “An act to authorize the creation of county libraries; to authorize the contracting by the board of supervisors of any county for library service; to authorize the contracting by the board of supervisors of any county or the board of trustees of any regional library with any other municipality for the furnishing of such service; and to provide for a tax for the purposes of this act,” by amending section 2 (MCL 397.302), as amended by 1994 PA 77.

The question being on the passage of the bill,

Senator Rogers moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4025, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 10204 and 16215 (MCL 333.10204 and 333.16215), section 10204 as amended by 1988 PA 63 and section 16215 as amended by 1990 PA 279.

The question being on the passage of the bill,

Senator Rogers moved that Senators DeGrow and Emmons be excused from the balance of today’s session.

The motion prevailed.

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

Roll Call No. 319

Yeas—36

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

Nays—0

Excused—2

DeGrow

Emmons

Not Voting—0

In The Chair: Schwarz

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bullard, Jaye, Steil, Shugars and Goschka introduced

Senate Bill No. 626, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4a (MCL 205.54a), as amended by 1998 PA 490.

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

Senators North, Koivisto, McManus, Gougeon, Bullard, McCotter and Steil introduced

Senate Bill No. 627, entitled

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

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

Senators Dingell and Bennett introduced

Senate Bill No. 628, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40102 (MCL 324.40102), as amended by 1998 PA 86, and by adding section 40115a.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Steil introduced

Senate Bill No. 629, entitled

A bill to amend 1977 PA 289, entitled “An act to provide for payments to municipalities for fire protection services received by state facilities; to prescribe the powers and duties of certain state and local agencies and officials; and to authorize the proration of certain appropriations,” by amending sections 1 and 4 (MCL 141.951 and 141.954).

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

Senators Koivisto, North, McManus, McCotter, Dingell and Gougeon introduced

Senate Bill No. 630, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 4 and 4k (MCL 205.94 and 205.94k), section 4 as amended by 1998 PA 491 and section 4k as amended by 1996 PA 477.

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

House Bill No. 4431, 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

sections 1, 2, and 9 (MCL 28.421, 28.422, and 28.429), section 1 as amended by 1992 PA 219, section 2 as amended by 1994 PA 338, and section 9 as amended by 1996 PA 169.

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

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

House Bill No. 4640, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 34 of chapter IX and sections 31, 43, 46, and 48 of chapter XVII (MCL 769.34, 777.31, 777.43, 777.46, and 777.48), section 34 of chapter IX as amended and sections 31, 43, 46, and 48 of chapter XVII as added by 1998 PA 317.

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

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

Committee Reports

The Committee on Government Operations reported

House Bill No. 4666, entitled

A bill to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship trust fund commission and prescribe the powers and duties of the commission; and to provide for the Michigan merit award scholarship program.

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.

Bill Bullard, Jr.

Chairperson

To Report Out:

Yeas: Senators Bullard, Hammerstrom, Sikkema and Miller

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 Government Operations submits the following:

Meeting held on Thursday, May 27, 1999, at 9:30 a.m., Room 110, Farnum Building

Present: Senators Bullard (C), Hammerstrom, Sikkema and Miller

Excused: Senator V. Smith

The Committee on Judiciary reported

House Bill No. 4544, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 357b (MCL 750.357b), as added by 1990 PA 321.

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. 4641, entitled

A bill to amend 1970 PA 202, entitled "Explosives act of 1970," by amending sections 5 and 15 (MCL 29.45 and 29.55).

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. 4642, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 528a (MCL 750.528a), as added by 1986 PA 113.

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. 4643, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 209a and 212a (MCL 750.209a and 750.212a), section 209a as added by 1998 PA 206 and section 212a as added by 1998 PA 207.

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. 4669, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 25a and 25b (MCL 764.25a and 764.25b), section 25a as amended by 1983 PA 92 and section 25b as amended by 1996 PA 418.

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 Thursday, May 27, 1999, at 1:00 p.m., Rooms 425 and 426, Capitol Building

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

Scheduled Meetings

Agriculture Preservation Task Force (SR 52) - Friday, June 18, at 1:00 p.m., Marlette Middle School Media Center, 6230 Euclid Street, Marlette; Saturday, June 19, at 9:00 a.m., Southwest Michigan Research and Extension Center, 1791 Hillandale, Benton Harbor; and Tuesday, June 29, at 11:00 a.m., Michigan State University Livestock Pavilion, East Lansing (3-1725).

Appropriations Committee - Wednesday, June 2, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960). (CANCELED)

Capital Outlay Joint Appropriations Subcommittee - Wednesday, June 2, at 3:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building (3-6960).

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

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 1:05 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, June 2, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.