

No. 4
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, January 26, 2000.

10:00 a.m.

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

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

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

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
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—excused
Young—present

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

Our Father, Who art in heaven, we give You praise and thanks for giving us the opportunity to come together in a true spirit of public service. We ask that You continue to provide us with Your guidance. We ask this in Your name. Amen.

Senators McManus and Emmons entered the Senate Chamber.

Motions and Communications

Senator Rogers moved that Senators DeGrow, Schuette and Johnson be temporarily excused from today's session. The motion prevailed.

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

Senator Emerson moved that Senator Vaughn be excused from today's session. The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, January 25:
House Bill Nos. 4021 4591 5014

The Secretary announced the printing and placement in the members' files on Tuesday, January 25, of:
Senate Bill No. 937
House Bill No. 5228

Senators Schuette, DeGrow and Johnson entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received and read:

January 25, 2000

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

Michigan Bean Commission

Ms. Frances Kaye Carlson, 4795 Reed Road, Howard City, Michigan 49329, county of Montcalm, as a member representing growers from District 8, succeeding herself, for a term expiring on December 31, 2002.

Mr. Michael J. Sahr, 9121 E. Washington Road, Saginaw, Michigan 48601, county of Saginaw, as a member representing growers from District 3, succeeding himself, for a term expiring on December 31, 2002.

January 25, 2000

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

International Bridge Authority

Mr. Francis M. Mansfield, 4116 Bermuda Avenue, Sault Ste. Marie, Michigan 49783, county of Chippewa, as a member representing Independents, succeeding Mr. John D. Peacock of Sault Ste. Marie, who has resigned, for a term expiring on June 30, 2003.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Rogers moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4187

House Bill No. 4524

The motion prevailed.

Senators Murphy, V. Smith and Cherry entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4187, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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. 1

Yeas—37

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

Nays—0

Excused—1

Vaughn

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act, 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. 4524, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5805 (MCL 600.5805), as amended by 1988 PA 115.

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. 2

Yeas—37

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

McManus
Miller
Murphy
North
Peters
Rogers
Schuette

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

Nays—0

Excused—1

Vaughn

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act, and to repeal acts and parts of acts”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bullard, McCotter, Young, Jaye, Steil, Hammerstrom, Goschka and Shugars introduced

Senate Bill No. 939, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 39d. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Van Regenmorter and Hoffman introduced

Senate Bill No. 940, entitled

A bill to amend 1951 PA 35, entitled “An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts,” by amending section 3 (MCL 124.3).

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

Senators Hoffman and Van Regenmorter introduced

Senate Bill No. 941, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 4f (MCL 117.4f). The bill was read a first and second time by title and referred to the Committee on Technology and Energy.

Senators Hoffman, McCotter and Young introduced

Senate Bill No. 942, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.202 to 791.283) by adding section 69b.

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

Senators Stille and Gast introduced

Senate Bill No. 943, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1310a and 1311a (MCL 380.1310a and 380.1311a), section 1310a as added by 1999 PA 102 and section 1311a as added by 1999 PA 104.

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

Senators Stille and Gast introduced

Senate Bill No. 944, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1310 (MCL 380.1310), as added by 1999 PA 102.

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

Senators Stille and Gast introduced

Senate Bill No. 945, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 1998 PA 459.

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

House Bill No. 4021, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 9216 and 9217.

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 Health Policy.

House Bill No. 4591, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

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

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

House Bill No. 5014, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 1996 PA 92.

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

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

Scheduled Meetings

Appropriations Committee, Joint Senate and House - Thursday, January 27, at 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Transportation and Tourism Committee - Tuesday, February 1, at 3:00 p.m., Room 110, Farnum Building (3-1758).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:14 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, January 27, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.