

No. 35
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, May 1, 2001.

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
DeBeaussiaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Garcia—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
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Martha G. Scott of the 2nd District offered the following invocation:

Good morning, Heavenly Father. We thank You for this wonderful, beautiful day. We thank You for the opportunity to serve in this wonderful Senate. Father, we thank You that the people from our districts have entrusted in us to be able to vote for the people of this state. First of all, that we would love a little more and that we will understand that all of these people all over this state are Your people, Father, and when we deliberate, let us keep that mind.

And, Father, we just want to thank You for all of us legislators. We want to thank You for the staff. We thank You, O Heavenly Father, for this wonderful day. In God's name. Amen.

Senators Dingell, Hart, Leland, Miller, Young and Murphy entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senator Bullard be temporarily excused from today's session.
The motion prevailed.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:
Economic Development, International Trade and Regulatory Affairs - Senator Steil as an interim member replacing Senator Jaye.

The standing committee appointment was approved, a majority of the members serving voting therefor.

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

The following communications were received:
Department of State

Administrative Rules Notices of Filing

April 16, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:18 p.m. this date, administrative rule (01-04-02) for the Department of Consumer and Industry Services, Liquor Control Commission, entitled "*Off-Premises Licenses*," effective 7 days hereafter.

April 18, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:40 a.m. this date, administrative rule (01-04-03) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 7. Plumbing Code*," effective July 31, 2001.

April 18, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:42 a.m. this date, administrative rule (01-04-04) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 7a. Mechanical Code*," effective July 31, 2001.

April 18, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:45 a.m. this date, administrative rule (01-04-05) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 4. Building Code*," effective July 31, 2001.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

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, April 26:
House Bill No. 4254

The Secretary announced the enrollment printing and presentation to the Governor on Friday, April 27, for his approval the following bill:

Enrolled Senate Bill No. 1 at 1:00 p.m.

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

Senate Bill Nos. 418 419 420 421 422 423 424

House Bill Nos. 4672 4673

The Secretary announced the printing and placement in the members' files on Friday, April 27, of:

Senate Bill Nos. 425 426 427 428 429 430 431 432

House Bill Nos. 4674 4675 4676

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senators Schuette and Peters admittance to the Senate floor, including the center aisle.

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

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:05 a.m.

10:36 a.m.

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

During the recess, Senator Schuette introduced to the Senate Michael Kergin, Canadian Ambassador to the United States.

Ambassador Kergin responded briefly.

Senators DeGrow and Cherry presented Ambassador Kergin with a state seal and a book on the state of Michigan.

Senator Peters introduced to the Senate the Pontiac Northern High School Boys Basketball Team, Class A State Champions; Head Coach Robert Rogers; Athletic Director Tarlton Small; Ricky Morgan, team captain; and Mattie Hatchett, team "mother."

Mr. Morgan and Ms. Hatchett responded briefly.

During the recess, Senator Bullard entered the Senate Chamber.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.

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

11:24 a.m.

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

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

Senator Emmons moved that consideration of the following bill be postponed for today:

Senate Bill No. 29

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 395, entitled

A bill to establish the Michigan days of remembrance of the Armenian genocide.

The question being on the passage of the bill,

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

Roll Call No. 74

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 351, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2411 and 2412 (MCL 339.2411 and 339.2412), section 2411 as amended by 1991 PA 166 and section 2412 as amended by 1980 PA 496.

The question being on the passage of the bill,

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

Roll Call No. 75

Yeas—37

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott

Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 48

The resolution consent calendar was adopted.

Senator Peters offered the following resolution:

Senate Resolution No. 48.

A resolution of tribute for the Pontiac Northern Huskies Boys Basketball Team, Michigan High School Class A State Champions.

Whereas, The members of the Michigan Senate offer their recognition and congratulations for the triumphant victory of the Pontiac Northern Huskies over the Kalamazoo Central Maroon Giants in the state boys basketball Class A championship tournament game—by a score of 87-71; and

Whereas, To win a state championship requires courage, tenacity, endurance, and determination. The Pontiac Northern Huskies demonstrated all of these qualities in a dream season to bring home to Pontiac the first-ever state boys basketball championship; and

Whereas, Throughout a long season where the Pontiac Northern Huskies compiled a final record of 23-4, it was the inspiration of their coach, Robert Rogers, that drove the Huskies on through the long, demanding season to the state final game; and

Whereas, The Huskies played in the Oakland Activities Association, one of the toughest conferences in the state and were the Division I champions; and

Whereas, The Huskies built a 45-37 halftime lead on the solid rebounding of junior Lester Abram, the precision shooting of junior Derrick Ponder, and senior guard and high scorer Ricky Morgan. Not to forget the other starters, Romel Murray and Bates Gay also played important roles. The bench provided a spark as well, particularly with George Walton contributing solid rebounds. The entire Huskies team had a role in this historic victory:

Lester Abram
Antonio Bonds
John Cantrell
Bryan Curington

Ricky Morgan
Michael Morris
Romel Murray
Edward Osborne III

Bates Gay
Dominique Hardiman
Debon Johnson
Sean Moore

Derrick Ponder
David Stephens
Anthony Terry
George Walton

; and

Whereas, The city of Pontiac, the community as a whole, and the state of Michigan are proud to have a fine group of young men crowned as Class A basketball champions. We offer our congratulations and best wishes to the Pontiac Northern Huskies. We hope this moment of victory forever remains in their hearts as an example of a team knowing no limits to the possibilities of dreams, and the journey they take in life is filled with endless possibilities of victories great and small that know no bounds, except those of their imagination; now, therefore, be it

Resolved by the Senate, That the Pontiac Northern Huskies be commemorated as Class A State Champions for the 2000-2001 boys basketball season. May the parents of the team members, Pontiac Northern student body, Pontiac School District, and all the rest of the fans of the Huskies know of our admiration and best wishes for the continued success of the team members; and be it further

Resolved, That a copy of this resolution be transmitted to Head Coach Robert Rogers and all the team members, managers, assistant coaches, and parents of the team members of the 2000-2001 Huskies.

Senator Stille offered the following resolution:

Senate Resolution No. 47.

A resolution to expel Senator David Jaye of the Twelfth Senatorial District, State of Michigan.

Whereas, Article IV, Section 16 of the Constitution of the State of Michigan states, in relevant part:

“...Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member....”

; and

Whereas, Senate Rule 1.301 states:

“Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.”

; and

Whereas, Senate Rule 1.309 states

“a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes but is not limited to, telephones, telecopy machines, computers, postage, and copy machines....”

; and

Whereas, Senate Rule 1.311 states, in relevant part:

“...A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled....”

; and

Whereas, Senator David Jaye of the Twelfth Senatorial District has been involved in a recurring pattern of personal misconduct, as described below, consisting of multiple criminal convictions, including jail time; a record of abusive, intimidating, and violent behavior, including two physical altercations, which resulted in police intervention; and misuse of his position as State Senator to intimidate legislative staff members and to misuse Senate staff members and resources; and

Whereas, On May 7, 1985, Senator David Jaye was convicted of operating a motor vehicle while impaired; and

Whereas, On April 12, 1993, Senator David Jaye was convicted of operating a motor vehicle while under the influence of alcohol or with an unlawful blood content; and

Whereas, During the Winter 1997-1998, after being elected to the Senate, Senator David Jaye engaged in a pattern of verbal abuse of Senate staff members, particularly female staff members, including the use of swearing, profanity, and demeaning language; and

Whereas, On February 10, 1998, a complaint was made against Senator David Jaye by a female staff member that he was verbally abusive to her, including the use of swearing; and

Whereas, In the Summer of 1998, Senator David Jaye required potential employees to work in a two-week unpaid volunteer status before he would offer them a job; and

Whereas, On September 21, 1998, a complaint was made against Senator David Jaye by a female staff member that he was verbally abusive to her, including the use of profanity; and

Whereas, On February 23, 1999, Senator David Jaye made inappropriate, degrading, and humiliating comments to a female employee of the Michigan Legislature; and

Whereas, On February 24, 1999, Senator David Jaye was advised by the Senate Majority Leader that his verbal abuse of staff, including the use of profanity, was unacceptable and would not be tolerated; and

Whereas, On March 9, 1999, Senator David Jaye was advised by the Senate Majority Leader in a letter that, due to his continued verbal abuse of staff, including the use of profanity, any request he has of central staff must be directed to the director of the respective office and that any further such verbal abuse would result in the elimination of his access to central staff; and

Whereas, On June 12, 2000, in the 41A District Court for the County of Macomb, State of Michigan, Senator David Jaye pled guilty to a charge of operating a motor vehicle with an unlawful blood alcohol content - second offense, in violation of MCL § 257.625(1) and (8)(b), for an offense that occurred on March 5, 2000, resulting in serving 35 days of a 45-day jail sentence; and

Whereas, On November 19, 2000, as a result of a citizen's complaint, Senator David Jaye was stopped by a Michigan State Police trooper while driving in violation of the restrictions placed on his driver's license resulting from his June 12, 2000, conviction for operating a motor vehicle with an unlawful blood alcohol content - second offense; and

Whereas, On November 19, 2000, Senator David Jaye was involved in a public physical altercation with his fiancée in Bay County, Michigan; and

Whereas, On November 29, 2000, Senator David Jaye had sexually explicit material on his Senate-owned laptop computer, to which Senate staff members were exposed in the performance of their official duties; and

Whereas, Senator David Jaye has repeatedly used Senate staff to assist in the installation of personal software and hardware peripherals on his Senate-owned computer, which interfered with the proper functioning of Senate-standard applications and has constantly tied up a disproportionate amount of the time of Senate computer personnel; and

Whereas, On April 11, 2001, Senator David Jaye was involved in a physical altercation with his fiancée and as a result was arrested in Ft. Myers, Florida, for having assaulted and injured her; and

Whereas, The advice and counsel of the Senate leadership and other members of the Senate have failed to cause Senator Jaye to change his behavior; and

Whereas, Steps by Senate leadership to discipline Senator David Jaye, including the removal of committee assignments, the taking over of the supervision of his staff while he was in jail, suspension of his non-SOCC travel, suspension of his stamp and mass mailing privileges, and requiring that his contact with central staff be only through the directors, have failed to cause Senator Jaye to change his behavior; and

Whereas, By willfully and repeatedly committing serious personal transgressions, Senator David Jaye has violated the Senate Rules, failed to maintain the integrity and responsibility of his office, and seriously undermined the confidence and trust of the citizenry in the institutions of their government; and

Whereas, Public trust and confidence in government are prerequisites to the functioning of a democratic society; now, therefore, be it

Resolved by the Senate, That a copy of this resolution be transmitted to Senator David Jaye and that he be given reasonable opportunity to appear before a Senate select committee and be represented by counsel; and be it further

Resolved, That, in accordance with the above-cited provisions of the Constitution of the State of Michigan and Senate Rules, Senator David Jaye is hereby expelled by the Michigan Senate.

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

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Select Committee to Examine Qualifications of Senator Jaye.

The motion prevailed.

Introduction and Referral of Bills

Senators Emmons, Bullard, Garcia, Peters and Byrum introduced

Senate Bill No. 433, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; and to prescribe certain powers and duties of state departments.

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

Senators Hammerstrom, Bullard, Garcia, North, Schwarz and Stille introduced

Senate Bill No. 434, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

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

Senators North and Koivisto introduced

Senate Bill No. 435, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 603 (MCL 257.603), as amended by 1996 PA 587.

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

Senators North and Bullard introduced

Senate Bill No. 436, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 733 (MCL 257.733), as amended by 1994 PA 50.

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

Senator Bullard introduced

Senate Bill No. 437, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4x (MCL 205.54x), as added by 2000 PA 204.

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

Senators Steil, Hammerstrom, Bennett, McManus, Shugars and Sikkema introduced

Senate Bill No. 438, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 11a, 503, 613, 616, 617, 661, 681, 687, 690, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 931, 932, 945, 1212, 1216, 1351, 1361, 1451, 1722, and 1732 (MCL 380.4, 380.5, 380.6, 380.11a, 380.503, 380.613, 380.616, 380.617, 380.661, 380.681, 380.687, 380.690, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.931, 380.932, 380.945, 380.1212, 380.1216, 380.1351, 380.1361, 380.1451, 380.1722, and 380.1732), section 5 as amended by 1999 PA 23, sections 6, 503, 687, and 690 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, sections 681, 705, and 1451 as amended by 1994 PA 258, section 703 as amended by 1981 PA 87, sections 857 and 858 as amended by 1992 PA 263, section 945 as added by 1984 PA 154, section 1212 as amended by 1993 PA 312, section 1216 as amended by 1992 PA 236, and section 1351 as amended by 1997 PA 152, and by adding sections 629a, 1206, and 1351c; and to repeal acts and parts of acts.

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

Senators Hammerstrom, Steil, Bullard, Bennett, McManus, Shugars and Sikkema introduced

Senate Bill No. 439, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 644.

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

Senators Steil, Hammerstrom, Bennett, McManus, Shugars and Sikkema introduced

Senate Bill No. 440, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 3, 321, 322, 358a, 370, 381, 382, 538, 635, 644b, 644c, 644e, 644g, 646a, 963, and 971 (MCL 168.3, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.538, 168.635, 168.644b, 168.644c, 168.644e, 168.644g, 168.646a, 168.963, and 168.971), section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 646a as amended by 1990 PA 7, and section 963 as amended by 1999 PA 220, and by adding sections 17 and 643b and chapter XIV; and to repeal acts and parts of acts.

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

Senators McManus, Hammerstrom, Bennett, Steil, Garcia, Shugars and Sikkema introduced

Senate Bill No. 441, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, and 117.26), section 3 as amended by 1999 PA 260 and section 25 as amended by 1982 PA 200.

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

Senators McManus, Hammerstrom, Bennett, Steil, Garcia, Shugars and Sikkema introduced

Senate Bill No. 442, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4, 7, 21, and 23 (MCL 78.4, 78.7, 78.21, and 78.23), section 23 as amended by 1999 PA 258.

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

Senators McManus, Hammerstrom, Bennett, Steil, Garcia, Shugars and Sikkema introduced

Senate Bill No. 443, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 1, 5, and 13 of chapter II, sections 1, 2, 3, and 7 of chapter III, section 23 of chapter IX, section 3 of chapter XII, and section 18a of chapter XIV (MCL 62.1, 62.5, 62.13, 63.1, 63.2, 63.3, 63.7, 69.23, 72.3, and 74.18a), sections 1, 5, and 13 of chapter II and sections 2 and 7 of chapter III as amended and section 3 of chapter III as added by 1998 PA 255 and section 3 of chapter XII and section 18a of chapter XIV as amended by 1998 PA 254.

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

Senators Bennett, Hammerstrom, Steil, McManus, Shugars and Sikkema introduced

Senate Bill No. 444, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 2, 17, 21, 32, 34, 34a, 36, 37, 38, 39, 42, 51, 52, 54, 55, 56, 57, 58, 59, 62, 83, 84, 86, 105, 107, 122, 144, and 152 (MCL 389.2, 389.17, 389.21, 389.32, 389.34, 389.34a, 389.36, 389.37, 389.38, 389.39, 389.42, 389.51, 389.52, 389.54, 389.55, 389.56, 389.57, 389.58, 389.59, 389.62, 389.83, 389.84, 389.86, 389.105, 389.107, 389.122, 389.144, and 389.152), section 2 as added by 1998 PA 153, sections 17, 21, 34, 37, 42, 54, 57, and 62 as amended and section 86 as added by 2000 PA 488, section 34a as amended by 1982 PA 381, section 83 as amended by 1992 PA 20, section 122 as amended by 1984 PA 148, section 144 as amended by 1990 PA 287, and section 152 as amended by 1990 PA 11; and to repeal acts and parts of acts.

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

Senator Van Regenmorter introduced

Senate Bill No. 445, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending section 11 (MCL 18.361), as amended by 1996 PA 519.

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

Senators Dunaskiss, Sikkema, Schuette and Hammerstrom introduced

Senate Bill No. 446, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10g (MCL 460.10g), as added by 2000 PA 141.

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

House Bill No. 4254, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2002; to make, supplement, and adjust appropriations for certain projects for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has passed the bill.

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

Committee Reports

The Committee on Education reported

Senate Bill No. 79, entitled

A bill to establish the board of trustees of the Michigan school for the deaf; to prescribe its duties and the duties of certain other state officials; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4384, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 622 (MCL 380.622), as amended by 1997 PA 47.

With the recommendation that the bill pass.

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

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 143, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951, 954, 955, and 971 (MCL 380.951, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147 and section 971 as amended by 1995 PA 289, and by adding section 957.

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.

Loren Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Stille, Peters and Leland

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 Education submits the following:

Meeting held on Wednesday, April 25, 2001, at 3:00 p.m., Room 810, Farnum Building

Present: Senators Bennett (C), Stille, Peters and Leland

Excused: Senator Johnson

The Committee on Judiciary reported

Senate Bill No. 389, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending sections 2 and 6 (MCL 28.172 and 28.176), section 2 as amended by 1996 PA 508 and section 6 as amended by 2000 PA 30.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Schuette, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 390, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33d (MCL 791.233d), as amended by 1996 PA 509.

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, Schuette, Bullard, Peters, Dingell and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 391, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 1996 PA 510.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Schuette, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 392, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 1998 PA 478.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Schuette, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 393, entitled

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending section 5a (MCL 803.225a), as amended by 1998 PA 521.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Schuette, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 394, entitled

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 7a (MCL 803.307a), as amended by 1998 PA 517.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Schuette, Bullard, Peters, Dingell and Scott

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 Judiciary submits the following:

Meeting held on Wednesday, April 25, 2001, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), Bullard, Schuette, Peters, Dingell and Scott

Excused: Senator McCotter

The Committee on Farming, Agribusiness and Food Systems reported

Senate Joint Resolution Q, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to restrict the assessment of agricultural real property used in agricultural operations.

With the recommendation that the joint resolution be adopted.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Gougeon

Nays: None

The joint resolution was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, April 25, 2001, at 1:00 p.m., Room 405, Capitol Building

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

Excused: Senator Hart

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Wednesday, April 24, 2001, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Gougeon (C), Schwarz and Smith

Excused: Senator Johnson and Murphy

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Environmental Quality submits the following:

Meeting held on Tuesday, April 24, 2001, at 3:05 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Bennett (C), Gast, North, Smith and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submits the following:

Meeting held on Wednesday, April 25, 2001, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators North (C), Hoffman and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Wednesday, April 25, 2001, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Hammerstrom, Byrum, Leland and Cherry

Excused: Senator Schuette

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Capital Outlay submits the following:

Meeting held on Thursday, April 26, 2001, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Gougeon, Johnson, Koivisto and Smith

Excused: Senator Young

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submits the following:

Meeting held on Thursday, April 26, 2001, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Goschka and Garcia

Excused: Senators Hart and Vaughn

Scheduled Meetings**Appropriations -****Subcommittees -**

Community Health - Tuesday, May 8, 1:00 p.m., Room 210, Farnum Building (373-1777)

Corrections - Wednesdays, May 2 and May 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Department of Education - Tuesday, May 8, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (CANCELED) and Wednesday, May 16, 9:15 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

Higher Education - Friday, May 4, 10:00 a.m., Concordia College, Student Union-Riverside Rooms A, B, and C, 4090 Geddes Road, Ann Arbor; Friday, May 11, 10:00 a.m., Lake Superior State University, Cisler Center, 650 W. Easterday Avenue, Sault Ste. Marie; and Tuesday, May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Natural Resources - Wednesday, May 2, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Education - Wednesday, May 2, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-7350)

Families, Mental Health and Human Services - Wednesday, May 2, 4:00 p.m., Room 100, Farnum Building (373-3543)

Judiciary - Wednesday, May 2, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Qualifications of Senator Jaye Select Committee (SR 42) - Thursday, May 3, 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1707)

Technology and Energy - Wednesday, May 2, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:35 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.