

No. 70
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, October 19, 1999.

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 Joe Young, Jr., of the 1st District offered the following invocation:

Dear Lord, You have shown definite lines between the warrior and the gatherer. What may be confusing for us, however, is what we do with each individual far and in between; as diverse, as smart, as handsome, as tall, as short, as round. Please give us the wisdom to provide all opportunities to all people, so that we may all prosper in Your name. Amen.

Motions and Communications

Senator Miller entered the Senate Chamber.

Senator Rogers moved that Senator Dunaskiss be temporarily excused from today's session.
The motion prevailed.

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

Senator V. Smith moved that Senator Vaughn be excused from today's session.
The motion prevailed.
Senator Vaughn has been hospitalized.

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

The motion prevailed.

Senator V. Smith's statement is as follows:

Mr. President, I'd like to get an excuse for Senator Vaughn for today. I'd like to put in the record that Senator Vaughn has been hospitalized and his family is with him. We wish Senator Vaughn a speedy recovery, and until his recovery, we will be getting an excuse for his absence on a daily basis.

The following communication was received:
Office of the Auditor General

October 14, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the D. J. Jacobetti Home for Veterans, Department of Military and Veterans Affairs, October 1999.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 14:
House Bill Nos. 4310 4708 4709 4710 4711 4712 4713 4714 4715 4716 4718 4719 4720

The Secretary announced the enrollment printing and presentation to the Governor on Monday, October 18, for his approval the following bills:

Enrolled Senate Bill No. 485 at 1:26 p.m.
Enrolled Senate Bill No. 419 at 1:28 p.m.
Enrolled Senate Bill No. 500 at 1:30 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, October 14 of:
Senate Bill Nos. 810 811 812 813 814

The Secretary announced the printing and placement in the members' files on Friday, October 15 of:
Senate Bill No. 796
House Bill Nos. 4974 4975 4976 4977 4978 4979 4980 4981 4982 4983 4984 4985 4986 4987
4988 4989 4990

House Joint Resolution L

The Secretary announced the printing and placement in the members' files on Monday, October 18 of:

Senate Bill Nos.	797	798	799	800	801	802	803	804	805	806	807	808	809	815
House Bill Nos.	4991	4992	4993	4994	4995	4996	4997	4998	4999	5000	5001	5002	5003	5004

Senator Dunaskiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Gougeon as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4764, entitled

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," (MCL 550.521 to 550.528) by adding section 4a.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 783, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care reform act," by amending section 207 (MCL 550.1207), as amended by 1993 PA 201.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5104 (MCL 500.5104), as added by 1993 PA 200.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

Senator Murphy entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Messages from the Governor

The following messages from the Governor were received and read:

October 14, 1999

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

Michigan Aeronautics Commission

Ms. Alice Shotwell Gustafson, 2392 Lake Angelus Lane, Auburn Hills, Michigan 48326, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on May 27, 2003.

Mr. Frederick C. Rakunas, P.O. Box 134, Eastport, Michigan 49627, county of Antrim, as a member representing the general public, succeeding Mr. John K. Boerema of Grand Rapids, whose term has expired, for a term expiring on May 27, 2003.

October 14, 1999

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

State Fire Safety Board

Mr. William G. Gruppen, 516 W. Lawrence, Zeeland, Michigan 49464, county of Ottawa, as a member representing organized Lower Peninsula fire departments, succeeding himself, for a term expiring on July 15, 2002.

Mr. Ronald Alan VanDenBerg, 977 Lee Street, Martin, Michigan 49070, county of Allegan, as a member representing flammable liquids industry, succeeding himself, for a term expiring on July 15, 2002.

Mr. Daune Smith, 1515 Pine Street, Covington, Michigan 49919, county of Baraga, as a member representing organized Upper Peninsula fire departments, succeeding himself, for a term expiring on July 15, 2002.

Mr. Scott Hill, 10345 Newburg Highway, Tecumseh, Michigan 49236, county of Lenawee, as a member representing the building trades, succeeding himself, for a term expiring on July 15, 2002.

Mr. James M. Geaman, 6014 Londonberrie, Midland, Michigan 48640, county of Midland, as a member representing the chemical industry, succeeding himself, for a term expiring on July 15, 2002.

Mr. Richard S. Gudkese, 2221 McKinley Avenue, Bay City, Michigan 48708, county of Bay, as a member representing hospital administrations, succeeding himself, for a term expiring on July 15, 2002.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

House Concurrent Resolution No. 44.

A concurrent resolution to change the scope of the Professional Studies and Classroom Building project at the University of Michigan-Flint.

(This concurrent resolution was received from the House on October 13, rules suspended and consideration postponed. See Senate Journal No. 68, p. 1452.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of House Concurrent Resolution No. 44.

The motion prevailed.

Senator Jaye's statement is as follows:

House Concurrent Resolution No. 44 was approved by the Senate. I didn't have a chance to record a "no" vote because there wasn't any record roll call vote on this expenditure of approximately \$2.5 million.

While the program might have some merit, this record roll call vote only occurred at the Joint Capital Outlay Subcommittee, not by the full Legislature. I believe it's important and prudent, and it's professional that on any kind of expenditure of taxpayer dollars that each legislator be on the public record of voting for or against it, whether it's university money, state money, or federal money. These are sacred taxpayer dollars, and that was the reason why I would like to have the record show that if there was a record roll call vote, I would have voted "no" on House Concurrent Resolution No. 44.

There's also a constitutional issue here, and that is the constitutional prohibition for this Legislature to delegate its authority to some other unit of government, the executive branch, the judiciary branch, or to a subunit. There are also court cases that say that the Legislature cannot delegate its authority to a subunit, and that's, in fact, what we've done. We, as the Senate, the upper house, and the Michigan House have delegated the authority, our defining authority as a Legislature, the power of the purse, the power to spend money, to a Joint Capital Outlay Subcommittee. While there was an affirmative vote, and probably the rest of my colleagues would have voted for this expenditure, I believe it's important for us to re-examine the Senate Rules, so any time the expenditure of taxpayer dollars occurs, it be done by a record roll call vote so that a public record and public accountability would be preserved.

House Concurrent Resolution No. 51.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority and Central Michigan University relative to the Central Michigan University Park Library Addition and Remodeling.

(This concurrent resolution was received from the House on October 13, rules suspended and consideration postponed. See Senate Journal No. 68, p. 1453.)

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 489**Yeas—36**

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

Nays—1

Jaye

Excused—1

Vaughn

Not Voting—0

In The Chair: President

House Concurrent Resolution No. 52.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority and Bay de Noc Community College relative to the Bay de Noc Community College General Campus Renovations and Additions.

(This concurrent resolution was received from the House on October 13, rules suspended and consideration postponed. See Senate Journal No. 68, p. 1454.)

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 490**Yeas—36**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Smith, V.
DeGrow	Hart	North	Steil

Dingell
Dunaskiss
Emerson

Hoffman
Johnson
Koivisto

Peters
Rogers
Schuette

Stille
Van Regenmorter
Young

Nays—1

Jaye

Excused—1

Vaughn

Not Voting—0

In The Chair: President

Senators Schuette, McManus, Stille, Gast, Gougeon, Steil, North, McCotter, Bennett, Shugars, Sikkema, Byrum, Goschka, Emmons and Van Regenmorter offered the following concurrent resolution:

Senate Concurrent Resolution No. 24.

A concurrent resolution to memorialize the Congress of the United States to investigate the issue and extent of foreign agricultural products being dumped on American markets.

Whereas, The opening of markets around the world holds many opportunities for our nation and for specific enterprises. The global nature of business offers rewards both for the American consumer and for those exporting goods to other countries; and

Whereas, With the opportunities of free trade comes damage that can result from trade that enjoys an unfair advantage due to prices that are not based on the quality of a product or the true costs of making that product. There have been several examples of unfair trade based on external factors, including subsidization by other countries of certain industries. When goods are subsidized by governments and these goods are, in effect, dumped in this country and sold at less than their true costs, American industries and interests can be seriously jeopardized; and

Whereas, There are several areas of the United States farm economy facing threats from foreign growers and producers that are possibly the result of foreign goods being dumped on American markets. Imported farm products that are suspected of enjoying an unfair advantage include many key crops for Michigan farm families, including vegetables, fruit products, and some grains. Other states across our country face similar threats from foreign goods being traded with an unfair advantage; and

Whereas, American agriculture is far too essential to our nation's future to ignore warnings and concerns of the impact of unfair foreign trade and goods dumped on our markets; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to investigate the issue and extent of foreign agricultural products being dumped on American markets; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Rogers moved that the concurrent resolution be referred to the Committee on Farming, Agribusiness and Food Systems.

The motion prevailed.

Senator Hoffman was named co-sponsor of the concurrent resolution.

Senators Byrum and Rogers offered the following resolution:

Senate Resolution No. 89.

A resolution to express to the United States Department of Energy our opposition to the transportation of weapons-grade plutonium through Michigan and across the waters of the Great Lakes.

Whereas, The Department of Energy and Canadian authorities have reached agreement on an experimental strategy to dispose of mixed oxide nuclear fuel. The plan involves the transportation of this material from Los Alamos, New Mexico, to a reactor at Chalk River, Ontario, where it would be used. As part of the preparation for this test, the Department of Energy reviewed seven routes for the transportation of the plutonium; and

Whereas, The current proposal calls for the material to be trucked from New Mexico through Michigan and across the International Bridge at Sault Ste. Marie into Canada. In passing through the heart of Michigan, the route runs through several of our largest cities. The material would be taken across the Straits of Mackinac. Virtually the entire route after passing south of Chicago runs through the Great Lakes Basin; and

Whereas, News of the planned transport of this material, scheduled for this fall, generated considerable concern. Many people, including members of Michigan's congressional delegation and public officials throughout the state, have expressed serious worries over the wisdom of hauling potentially deadly materials so near population centers and our most important source of fresh water. Reports indicate that the route is the second highest in risk and second longest in distance of the seven routes studied and considered; and

Whereas, The Department of Energy is receiving public comment on the decision to use this route; now, therefore, be it

Resolved by the Senate, That we oppose the transportation of weapons-grade plutonium through Michigan and across the waters of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Transportation and Tourism.

The motion prevailed.

Senators Young and Goschka were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Rogers and Shugars asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Rogers' statement is as follows:

On behalf of the Republican Caucus, we have a very distinguished member, Jackie Vaughn, who is in the hospital and, hopefully, going toward a speedy recovery.

We would like him to know that all of us here in the Senate—Republicans and Democrats—have him in our thoughts and in our prayers, and we do wish him a speedy recovery.

Senator Shugars' statement is as follows:

I would like to announce to my colleagues and staff that Sunday I completed The Detroit Free Press Flag Star Bank International Marathon. I just wanted to share a couple of my experiences with my colleagues. It took me 4 hours and 35 minutes to complete. We ran over the bridge into Canada, ran in Windsor for a while, and then came back under the tunnel; then we went to Belle Isle and finished at Tiger Stadium and came in through right field, which was really exciting.

We all are fans of the Tigers, Al Kaline, and things like that. We finished at the first baseline, and it was truly exciting.

I want to thank all of the authorities from Canada and the U.S. for letting us do that. I also want to thank Detroit and the police officers for providing a very safe route for all of us. About 4,300 individuals participated, and I thought it was a really exciting run. We really appreciate it. And anyone who turned in a computer chip got a medal like this.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

House Bill No. 4310, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2000; and to provide for the expenditure of the appropriations.

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.

Senator Rogers moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

Senator Koivisto introduced

Senate Bill No. 816, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 20I.

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

Senator Koivisto introduced

Senate Bill No. 817, entitled

A bill to make an appropriation for the national memorial for World War II veterans; and to prescribe duties of certain state officials.

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

Senator Koivisto introduced

Senate Bill No. 818, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241.

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

Senator Koivisto introduced

Senate Bill No. 819, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241, and by adding sections 48a and 48b.

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

Senator Jaye introduced

Senate Bill No. 820, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 222 (MCL 750.222), as amended by 1992 PA 217.

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

Senator Jaye introduced

Senate Bill No. 821, 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 section 12a (MCL 28.432a).

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

Senator Jaye introduced

Senate Bill No. 822, 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 section 2 (MCL 28.422), as amended by 1994 PA 338.

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

Senator Jaye introduced

Senate Bill No. 823, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 227, 227c, and 227d (MCL 750.227, 750.227c, and 750.227d), section 227 as amended by 1986 PA 8 and sections 227c and 227d as added by 1981 PA 103.

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

Senators North, Dunaskiss, Bennett, McCotter, Koivisto and Goschka introduced

Senate Bill No. 824, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 21508 (MCL 324.21508), as amended by 1995 PA 269.

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

Senators Byrum, Young, Hart, Miller, Emerson, Dingell, Cherry, Koivisto, Leland, V. Smith, Jaye and Goschka introduced

Senate Bill No. 825, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 136c.

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

Senators Bullard, McManus and Hammerstrom introduced

Senate Bill No. 826, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8031 and 804 (MCL 257.8031 and 257.804), section 8031 as amended by 1998 PA 68 and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; 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 Transportation and Tourism.

Senators Hammerstrom, Bullard, Rogers and McManus introduced

Senate Bill No. 827, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811j.

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

Senators Rogers, Bullard, McManus and Hammerstrom introduced

Senate Bill No. 828, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811m.

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

Senators Hammerstrom, Bullard, Rogers and McManus introduced

Senate Bill No. 829, entitled

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

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

Senators Sikkema, McManus, Emmons, Stille, Gougeon, Bullard, Hammerstrom and Hoffman introduced

Senate Bill No. 830, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 1996 PA 582.

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

House Bill No. 4708, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403, section 2950 as amended by 1998 PA 477, and section 2950a as amended by 1998 PA 476.

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 Judiciary.

House Bill No. 4709, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV (MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15 as amended by 1996 PA 490, section 15a as amended by 1996 PA 138, sections 15b and 15c as amended by 1998 PA 475, and section 15e as added by 1993 PA 52.

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 Judiciary.

House Bill No. 4710, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

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 Judiciary.

House Bill No. 4711, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411 (MCL 750.411).

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 Judiciary.

House Bill No. 4712, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 916 and 2950b (MCL 600.916 and 600.2950b), section 2950b as amended by 1994 PA 403, and by adding section 2950c.

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 Judiciary.

House Bill No. 4713, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA 65.

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 Judiciary.

House Bill No. 4714, 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 36 (MCL 791.236), as amended by 1998 PA 315.

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 Judiciary.

House Bill No. 4715, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services," by amending the title and section 1 (MCL 400.1501).

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 Judiciary.

House Bill No. 4716, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

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 Judiciary.

House Bill No. 4718, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1137a.

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 Judiciary.

House Bill No. 4719, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 746 (MCL 330.1746) and by adding section 747.

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 Judiciary.

House Bill No. 4720, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16290 and 20175a.

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 Judiciary.

Committee Reports

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 754, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 701.1 to 712A.32) by adding section 18/ to chapter XII.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 757, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 31 and 32 (MCL 552.631 and 552.632), as amended by 1996 PA 301.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Jaye, Johnson, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4132, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 115p.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Jaye, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Wednesday, October 13, 1999, at 3:10 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Jaye, Johnson, Goschka, Hart and Vaughn

The Committee on Education reported

Senate Bill No. 614, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 1995 PA 289.

With the recommendation that the bill pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 631, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1179.

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 N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille, Peters and Leland

Nays: None

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

The Committee on Education reported

Senate Bill No. 706, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1317.

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 N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, 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, October 13, 1999, at 2:00 p.m., Room 810, Farnum Building

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

The Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs reported

Senate Bill No. 762, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 836 and 837 (MCL 418.836 and 418.837), as amended by 1994 PA 271.

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.

Mike Rogers

Chairperson

To Report Out:

Yeas: Senators Rogers, Schuette, Steil and Dingell

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 Human Resources, Labor, Senior Citizens and Veterans Affairs submits the following:

Meeting held on Thursday, October 14, 1999, at 9:55 a.m., Elijah Myers Room, Capitol Building

Present: Senators Rogers (C), Schuette, Steil and Dingell

Excused: Senator Murphy

The Committee on Judiciary reported

Senate Bill No. 735, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411r.

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

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

William Van Regenmorter

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 736, entitled

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

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

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

William Van Regenmorter

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4352, entitled

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4354, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217*d*.

With the recommendation that the bill pass.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, 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. 4420, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 4 (MCL 691.1504), as added by 1986 PA 21.

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, 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 Wednesday, October 13, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submits the following:

Meeting held on Thursday, October 14, 1999, at 1:05 p.m., Room 210, Farnum Building

Present: Senators Steil (C), Shugars, Emmons, Rogers, Miller, Cherry and V. Smith

Scheduled Meetings

Administrative Rules Joint Committee - Thursday, October 21, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Banking and Financial Institutions Committee - Thursday, October 21, at 2:30 p.m., Room 210, Farnum Building (3-1801).

Community Health Appropriations Subcommittee - Tuesday, October 26, at 1:00 p.m., Room 110, Farnum Building (3-1777).

Families, Mental Health and Human Services Committee - Wednesday, October 20, at 3:00 p.m., Room 100, Farnum Building (3-3543).

Farming, Agribusiness and Food Systems Committee - Wednesday, October 20, at 1:30 p.m., Room 405, Capitol Building (3-1725).

Human Resources, Labor, Senior Citizens and Veterans Affairs Committee - Thursday, October 21, at 1:00 p.m., Room 210, Farnum Building (3-2420).

Reapportionment Committee - Wednesday, October 20, at 1:00 p.m., Room 110, Farnum Building (3-7946).

Transportation Appropriations Subcommittee - Tuesdays, October 26, at 2:00 p.m. and November 2, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:41 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, October 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

