

No. 77

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, November 3, 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—excused
North—present
Peters—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Philip E. Hoffman of the 19th District offered the following invocation:

Lord, on this cold fall day, we ask that You bless the proceedings in this chamber. Bless the members and their families. Amen.

Motions and Communications

Senator Rogers moved that Senators Bullard, DeGrow, Emmons, Jaye, Johnson and Sikkema be temporarily excused from today's session.

The motion prevailed.

Senators Emmons, Sikkema, Miller and Dunaskiss entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 2:
House Bill Nos. 4596 4742 4863

Messages from the Governor

The following message from the Governor was received:

Date: November 1, 1999
Time: 12:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 587 (Public Act No. 149), being

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

(Filed with the Secretary of State on November 1, 1999, at 3:40 p.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received and read:

November 2, 1999

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

Michigan Capitol Park Commission

Mr. Gary L. Randall, 11149 N. Pingree, Elwell, Michigan 48832, county of Gratiot, as a member representing the Speaker of the Michigan House of Representatives, succeeding himself, for a term expiring on February 17, 2003.

The Honorable John J.H. Schwarz, M.D., 251 Central Street, Battle Creek, Michigan 49017, county of Calhoun, as a member representing the Michigan Senate, succeeding himself, for a term expiring on February 17, 2003.

November 2, 1999

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

The Honorable Robert G. Bender, 2998 Wood School Road, Middleville, Michigan 49333, county of Barry, as a member representing the general public, succeeding Mr. Joseph M. Pietro of Gwinn, who has resigned, for a term expiring on May 27, 2000.

November 2, 1999

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

Mr. Martin G. Bandemer, 550 St. Clair Avenue, Detroit, Michigan 48214, county of Wayne, as a member representing peace officers, succeeding Mr. Larry E. Orłowski of Comstock Park, whose term has expired, for a term expiring on September 27, 2001.

November 2, 1999

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

Michigan Truck Safety Commission

Ms. Mary Ellen Sheets, 2057 Hamilton Road, Okemos, Michigan 48864, county of Ingham, as a member representing the general public, succeeding Mr. Warren F. Lasch of Johns Island, who has resigned, for a term expiring on August 4, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

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 Dingell as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 831, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 23 (MCL 78.23), as amended by 1982 PA 373.

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. 832, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

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. 833, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 4 of chapter VI (MCL 66.4), as amended by 1998 PA 255.

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. 834, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 1993 PA 207.

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. 838, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 227g. 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. 839, entitled

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

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. 855, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 3 (MCL 28.243), as amended by 1999 PA 77.

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. 856, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 222, 233, 240, 319, 605, and 904d (MCL 257.219, 257.222, 257.233, 257.240, 257.319, 257.605, and 257.904d), sections 219, 233, and 605 as amended by 1999 PA 73, section 222 as amended by 1993 PA 300, section 319 as amended by 1999 PA 118, and section 904d as amended by 1999 PA 51.

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:
House Bill No. 4656, entitled

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

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.

During the Committee of the Whole, Senators Bullard, Gast, Jaye, Johnson and DeGrow entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senators Bennett and DeGrow admittance to the Senate floor.

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

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

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:22 a.m.

10:26 a.m.

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

During the recess, Senators DeGrow and Bennett introduced the Port Huron Northern High School Girls Varsity Tennis Team, 1999 Division I State Champions, and presented them with a special tribute.

Messages from the House

Senate Bill No. 106, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535a (MCL 750.535a), as amended by 1988 PA 140.

(Substitute H-2).

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

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

Roll Call No. 561

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

McManus

Murphy

In The Chair: President

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

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

DeBeaussaert
Dingell
Emerson

Hoffman
Jaye

Miller
Peters

Vaughn
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hammerstrom
Johnson
McCotter

North
Rogers
Schuette
Schwarz
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—2

McManus

Murphy

Not Voting—0

In The Chair: President

Senator Miller moved that he be named co-sponsor of the following bill:

Senate Bill No. 838

The motion prevailed.

House Bill No. 4486, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052b.

(For text of amendments, see Senate Journal No. 76, p. 1683.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 564

Yeas—16

Byrum
Cherry
DeBeaussaert
Dingell

Goschka
Hart
Hoffman
Jaye

Koivisto
Leland
Miller
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hammerstrom
Johnson
McCotter

North
Rogers
Schuette
Schwarz
Shugars

Sikkema
Steil
Stille
Van Regenmorter

A bill to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

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

Senate Bill No. 717, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38e (MCL 208.38e), as added by 1996 PA 593.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senate Bill No. 809, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending the title and section 14 (MCL 205.14), the title as amended and section 14 as added by 1998 PA 368.

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

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

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

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

Senate Bill No. 157, entitled

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

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 657, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16348 and part 185; and to repeal acts and parts of acts.

The above bill was read a third time.

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. 566**Yeas—35**

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

Nays—1

Jaye

Excused—2

McManus

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 755, entitled

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 290.422), as amended by 1992 PA 135.

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. 567**Yeas—35**

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

Nays—0

Excused—2

McManus

Murphy

Not Voting—1

Leland

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 1999 PA 63.

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. 568**Yeas—36**

Bennett

Emmons

Koivisto

Shugars

Bullard

Gast

Leland

Sikkema

Byrum

Goschka

McCotter

Smith, A.

Cherry

Gougeon

Miller

Smith, V.

DeBeaussaert

Hammerstrom

North

Steil

DeGrow

Hart

Peters

Stille

Dingell

Hoffman

Rogers

Van Regenmorter

Dunaskiss

Jaye

Schuette

Vaughn

Emerson

Johnson

Schwarz

Young

Nays—0**Excused—2**

McManus

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4632, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan

transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 15b (MCL 247.665b), as added by 1997 PA 79.

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. 569

Yeas—36

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

Nays—0

Excused—2

McManus	Murphy
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Not Voting—0

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 378, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 174a.

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. 570**Yeas—36**

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

Nays—0**Excused—2**

McManus	Murphy
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 597, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 571**Yeas—36**

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

Nays—0**Excused—2**

McManus	Murphy
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

November 3, 1999

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the Conference Committee on Senate Bill 463:

Senator McCotter (Chair)
Senator Stille
Senator Dingell

Sincerely,
Dan L. DeGrow
Senate Majority Leader

The communication was referred to the Secretary for record.

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. 96

The resolution consent calendar was adopted.

Senators Goschka, Shugars, Schuette, North, Steil, Van Regenmorter, Gougeon, McManus, Johnson, Sikkema, McCotter, Stille, Bennett, Emmons, Gast, Schwarz, Dunaskiss, Hammerstrom, Rogers, Jaye, Hoffman and Bullard offered the following resolution:

Senate Resolution No. 96.

A resolution honoring Judge Robert S. Gilbert.

Whereas, It is with great appreciation for his excellent efforts and service for the people of the Great Lakes State that we commend the Honorable Robert S. Gilbert. On behalf of the people of Saginaw County, colleagues, and family, we offer our thanks and appreciation for all of his accomplishments; and

Whereas, Judge Gilbert entered the U.S. Army Air Forces in March 1946, rising to the rank of sergeant. Upon leaving the service, he obtained a bachelor's degree from the University of Michigan and earned his juris doctorate at the University of Michigan Law School. Judge Gilbert took and passed the bar exam in April 1953, before graduating from law school in June of that year; and

Whereas, After law school, Judge Gilbert entered private practice with his father, former Senator Donald W. Gilbert, for seven years, concentrating on general and civil law. He was later appointed as an assistant prosecuting attorney and practiced 2 1/2 years; and

Whereas, First elected to the Michigan House of Representatives in 1956, Judge Robert S. Gilbert brought valuable experiences to the Capitol. He introduced a bill to create a third circuit court judgeship for the county of Saginaw. His insights proved to be of vital significance; and

Whereas, After two terms of service in the Michigan House of Representatives, Judge Gilbert was elected to the probate court bench and assigned to the juvenile division in 1967. In 1980, he was elected to the circuit court bench and later elevated to the position of chief judge of the circuit court in 1989, where he served until he retired in 1991; now, therefore, be it

Resolved by the Senate, That members of this legislative body join with the citizens of Saginaw County in saluting Judge Robert S. Gilbert in acknowledgment of his outstanding years in legal service; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable Robert S. Gilbert as evidence of our appreciation and respect, as well as a reflection of our deepest esteem.

Senate Resolution No. 68.

A resolution to memorialize the Congress of the United States to end tobacco subsidies and to redirect this support to food-producing agricultural activities.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Rogers, Steil, Gougeon, Schwarz and Hart offered the following concurrent resolution:

Senate Concurrent Resolution No. 26.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide for the establishment of a national cemetery in the Detroit metropolitan area.

Whereas, Providing the singular dignity and respect of a special final resting place for the men and women who have served our country in the military is a fitting acknowledgment of the lasting esteem our country holds for these heroes. For those among us who know the cost of our freedoms, there are few more moving experiences than a quiet walk amid the markers of veterans at national cemeteries in Arlington or near Battle Creek; and

Whereas, With the aging of our World War II generation, there is well-documented need for additional national cemetery facilities. The Veterans Administration has projected that deaths of veterans in our country will reach 1,700 per day within the next ten years. Michigan, which has a veteran population of nearly 900,000, will have similar needs for burial space; and

Whereas, Two reports by the Veterans Administration to the Congress in the past twelve years have identified the Detroit region as one of the areas of the country with the most need for national cemetery burial space; and

Whereas, Congress is presently considering legislation, S. 695, to require the United States Secretary of Veterans Affairs to establish national cemeteries at various locations around the country. This bill provides that one of these is to be in the Detroit metropolitan area to meet the needs of area veterans and their families; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to provide for the establishment of a national cemetery in the Detroit metropolitan area; 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.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Introduction and Referral of Bills

Senators Schuette, McCotter, A. Smith and Sikkema introduced

Senate Bill No. 880, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

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

Senators Johnson, Gougeon, A. Smith, Hammerstrom and Schwarz introduced

Senate Bill No. 881, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

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

House Bill No. 4596, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917; and to repeal acts and parts of acts.

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. 4742, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5205 (MCL 333.5205), as amended by 1997 PA 57.

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. 4863, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4u. 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 Finance.

Committee Reports

The Committee on Finance reported

Senate Bill No. 48, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

Senate Bill No. 734, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 1992 PA 267.

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.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

Senate Bill No. 773, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

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.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

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.

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.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters 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 Finance submits the following:

Meeting held on Tuesday, November 2, 1999, at 1:00 p.m., Room 810, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Meeting held on Monday, November 1, 1999, at 10:00 a.m., Sacred Heart Major Seminary, Bishop Gallagher Room, 2701 West Chicago, Detroit, Michigan

Present: Senators McCotter (C) and Murphy

Excused: Senators Shugars, Van Regenmorter and Miller

Scheduled Meetings

Banking and Financial Institutions Committee - Thursday, November 4, at 2:30 p.m., Room 210, Farnum Building (3-1801).

Economic Development, International Trade and Regulatory Affairs Committee - Tuesday, November 9, at 1:00 p.m., Room 110, Farnum Building (3-7946).

Families, Mental Health and Human Services Committee and Family Independence Agency Appropriations Subcommittee (Joint meeting with House Family and Children Services Committee and House Appropriations Subcommittee on Family Independence Agency) - Thursday, November 4, at 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-3543/3-1760).

Government Operations Committee - Thursday, November 4, at 1:00 p.m., Room 405, Capitol Building (3-1707).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 11:04 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, November 4, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

