

**No. 82**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, October 30, 1997.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present  
Berryman—present  
Bouchard—present  
Bullard—present  
Byrum—present  
Cherry—present  
Cisky—present  
Conroy—present  
DeBeussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present  
Emmons—present

Gast—present  
Geake—present  
Gougeon—present  
Hart—present  
Hoffman—excused  
Koivisto—present  
McManus—present  
Miller—present  
North—present  
O'Brien—present  
Peters—present  
Posthumus—present

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

Reverend Barbara Frey of All Saints Episcopal Church in Pontiac offered the following invocation:

O God and Creator of the universe, we thank You for Your endless love and endless grace to which we are called to seek and serve all people. We give You thanks for the opportunity to serve You with compassion and to serve Your people with responsibility. Open up the endless possibilities to bring about justice, peace and integrity of Your creation. Keep us ever mindful of the balance of equality for all and the needs, wants and desires for a healthy, safe and productive balance of this world. Grant us the wisdom to be leaders in creating a just and safe environment for the children in our care. All this we ask in Your grace. Amen.

### **Motions and Communications**

Senator DeGrow moved that Senator Schuette be temporarily excused from today's session.  
The motion prevailed.

Senator DeGrow moved that Senator Hoffman be excused from today's session.  
The motion prevailed.

A moment of silence was observed in honor of the passing of former Senator Basil Brown.

Senator DeGrow moved that rule 3.507 be suspended to allow statements to be made regarding former Senator Basil Brown under the order of Motions and Communications.

The motion prevailed, a majority of members serving having voted therefor.

Senators V. Smith, Miller, O'Brien, Stallings, Gast and Conroy asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator V. Smith's statement is as follows:

Madam President, I have disappointing news to give to the chamber, sorrowful news, dreadful news even. For myself, I wanted to let this body know that a former member of this body, and my mentor—he practically handed me this Senate seat that I have now—has passed. I heard it this morning on the radio on the way up—Senator Basil Brown. Older members of this body know Basil, know him well, probably know him a lot better than I do. He served in this chamber for 31 years. He was a brilliant man, absolutely brilliant. I used to come over from the House to listen to him speak and he just amazed me. He had such a wealth of history about this body.

For those who ever tangled with Basil, I know that they didn't want to tangle with him again. I watched him dress down members of this body and members of the House. I remember when he dressed me down when I first appeared in front of his committee—probably the best lesson I've ever had because I came in here with some bill I had and he began to ask questions, and by the time he got to the question, I started getting very uncomfortable because I realized that I had not done my homework. Now, for those who appear in front of Basil Brown, the one thing that you have to learn is don't come in front of him if you haven't done your homework. Basil tore me up that day. Of course, my bill didn't get reported out of committee and I went back and worked very hard to try to meet some of the concerns he raised and tried to get some of the answers to the questions he posed and clean up some of the problems that he saw. I guess after 31 years of being in this body, he knew the rules better than the Secretary of the Senate. He would have the Secretary digging through the rule book dealing with the questions he posed or the arguments that he made. Constitutionally, you couldn't touch him. There is not a lawyer I know who could touch Basil Brown in a Constitutional argument. A brilliant man—never really reached his potential—and that's the tragedy, that's the tragedy of Michigan, that's the tragedy of America. The man was brilliant. There should have been no limit to what he would have been able to accomplish and give back to the citizens of Michigan or even the citizens of this country. His narrowing, his pivot, his non-ability to rise was primarily based on color—and that's the tragedy of America. We are so caught by color in this country. We always claim that it doesn't matter, but it's been right there in the forefront. Since the inception of this country, we always want to run away from it and the tragedy is that it holds a person down like Basil Brown.

I'm going to miss him. I can't say enough about him. My fullest condolence to his beautiful wife, to his daughter, to his grandchild. I was touched by the man in a way that few are able to be touched by another person. He eventually wrapped his arms around me and I guess that's why I'm here today. I'm going to miss him. I know all the people who knew him will miss him and I wanted to let the body know.

Senator Miller's statement is as follows:

I also rise and I echo the comments of my colleague and good friend Senator V. Smith who had the unduly task to replace the good Senator from Detroit and Highland Park. I want to tell you that he touched on something that is really,

really important here. Even though the good Senator is gone from this good earth, many of his deeds are going to be felt by tens of thousands of people across Michigan because Senator Basil Brown was a man of extraordinary talents here.

And I look back over the years that I've had the privilege to serve here, I've had the privilege to meet people from all points of this great state. When I first arrived here, I had the privilege to meet Senator Basil Brown and he was a man of extreme talent and he also was a man who brought about a lot of controversy. The reason he brought that controversy was because he was a man who would get out there in the forefront, where a lot of times on issues, he was all by himself. And he spoke not only very, very eloquently with the master of the English language, but he also could debate any particular issue here. When Basil Brown was at this microphone, you could hear a pin drop. And that's the point that I want to remember.

It is so fitting today that we're going to take Senate Bill No. 280, I believe it is, the 650 lifer bill, because Basil Brown spent four decades in this chamber struggling for people who didn't have the opportunity either to have a lawyer fighting for them or have a hired lobbyist outside the chamber fighting for them. Basil Brown spoke for people who really didn't have a lot of people have the opportunity to speak for. He was very colorful and I remember, I look back now, the caucuses that I went to—I wish I could express and tell some of the stories from those days of those Caucuses back in the 70s and 80s because, I'll tell you, they were very descriptive. But he got his point across.

And I tell you, he touched this body here and sometimes we read about some mishaps in our personal lives that really don't reflect the total picture of what we work here for—the public. He took on issues—you have to remember back in the 50s when he first came here—this state and this country had some ugly, ugly blinders on for racism and opportunity. This man stood forward here and pushed—was a catalyst—for open housing in this state, was a catalyst for equal rights in this state, long before it became popular in the 60s, 70s and 80s. I'm just glad that I had the opportunity to serve with him. I wish that every member in this body had the opportunity to serve with Basil Brown because sometimes he was repugnant and a little abrasive, but down inside he had a heart that would reach out and help anyone.

Besides the public scrutiny sometimes he had, he had a fond love of the outdoors and natural resources and things you really would not picture that man to have—his love and dreams about being out there fishing and chasing those morel mushrooms down in the forest.

He was a man whom I'll always remember that no matter what the odds were or what the position was, if he felt that he could just offer some suggestion that might help make life better for not only his constituents, but for all Michigan residents; he was a leader out there. Believe me, a lot of times he was there by himself, but when he got done with the debate, he changed the issue and he brought people forward that made this a better state. I just want to say that this body and this state was a better place because of Senator Basil Brown.

Senator O'Brien's statement is as follows:

There are times when silence is golden. I truly believe that the passing of Basil Brown personifies the adage, silence is golden. We as humans need to express our grief. By no means, with the mere words that we use here, or that I use here today, can you ever approach Basil Brown. He was a unique man. I will miss him greatly. If anything and all that it implies, he was a man's man. He cared for people greatly and I certainly do not presume to be able to express the mixed emotions I have in his passing. I would simply ask you to remember one thing and take it for the wisdom that it implies. Silence is truly golden as it relates to Basil Brown, because that is the kind of man he was.

Senator Stallings' statement is as follows:

I rise to offer words on behalf of the Brown family.

I did not have the privilege of serving in this legislative body with Basil Brown, but I can tell you that he was my Senator for over two decades. He served with distinction. One of the things that made Basil Brown an important icon in my life was that he was a person who represented our Senate district with such tenacity, as the Senator from the 3rd District has eloquently stated, that no one could stand up against him whenever there was a constitutional argument, whether it was a debate on an issue on human rights or an issue regarding welfare or an issue regarding school aid; issues regarding anything that would impact the constituents in that Senatorial district.

Senator Smith and I came from an area called Conant Gardens, which was kind of a small bastion in Senator Brown's district, but we were surrounded by an oasis of poverty—the Highland Park and the other parts of the district. Senator Brown was a person who was always concerned about the least of us. He was a champion for human rights. I had an opportunity to meet him through my father; they were very good friends. My father and his brothers always were on the campaign trail to assure that the large margin of victory that Senator Brown would historically win by would contribute to the Smiths and the Stallingses going out on the campaign trail making sure that we re-elected our Senator. I can even recall that when he left the legislature and the Senator from the 3rd District, who was then in the House, was embraced by Senator Brown. It was our family and our friends who, in the cold of winter, walked door-to-door to make sure that his prodigy, the Senator from the 3rd District, would ultimately rise to the occasion and be seated to fulfill the goals and objectives that had been brought forth by Senator Brown.

I rise today to offer condolences to his wife and to his daughter, Lisa, who is a dear friend of mine. Senator Smith talked about how eloquently he would set out his remarks in the Senate Chambers. I was privy to those same remarks in his home in Highland Park. Whenever I would visit there, there would not be a moment when he wouldn't come and pontificate on a number of issues. Those who knew him personally knew that at the drop of a dime, he could engage in dialog that would literally just blow your mind because he would encompass all the issues in such a succinct method that it would force you to think in terms of life in a much more broader perspective and begin to care about where you were in your economic status. But those persons who are the least of us. It has been his mentorship that has even provoked me in this Senate Chamber to always be concerned about those persons who are on the bottom of the state's economy. I think he will go down in history as a champion for the little person.

Senator Gast's statement is as follows:

Probably, as one of the longer serving members here, yes, I knew Basil Brown very well. He was a real good guy to have on your side. Heck of a lot better friend than if he were your enemy—there's no question of that. But there was one little thing that shows the other side of this man with which I had an experience that shows the compassion he also had.

Basil knew that I came from a farming community and had a farm. He would ask me, "Hey, would you bring me up a half a bushel or a bushel basket full of ear corn? I like to feed my squirrels." I did that on occasion. I'd bring up a half a bushel every other week or something. One time he asked me, "I'm about out of corn. Can you bring me some more?" And I forgot it. He said, "Harry, I've got the fattest squirrels in Highland Park, and I want to keep them that way."

I thought that was a character of a man who had a degree of compassion for other creatures, as well as his fellow man. So, all the stories about him being a very tough, rough and rowdy sort of a character—while some of them may have been true, there was also an inner side to Basil Brown and one that I got to know quite well.

Senator Conroy's statement is as follows:

Basil Brown was clearly one the characters of this institution, and was beloved by many people throughout this state. He was well respected by intellectuals. It was always my impression that Basil was not in it to deliver 20 votes; he was in it to change somebody's mind who he thought needed some changing. So, it was never, "I'd like to get this employee into this position and this department." He never thought about those kinds of things. He was a issue person, an idea person, and he fought terrifically hard to get his point of view across.

I remember when I came over to the Senate from the House some 15 years ago. I could not believe the caucuses of the Democratic side. To have Basil Brown, Joe Mack and Gil DiNello signed up in order to speak in the caucus was something that I really didn't relish every day. But, that's what happened every day—all three of them. And they would not only speak once, but maybe four or five times.

We do have a little more of a plain group than what we've had in years past. I think there was not only a death that occurred in terms of individually, but a changing of the times as well. He clearly was an emotional, intellectual and driven person who was down here not to make dollars; he was down here to make a difference. I believe he made that difference, and we will miss him.

The President of the Senate made a statement and requested that it be printed in the Journal.

The President's statement is as follows:

As I look over the chambers this morning, I see only about six of us who served with Senator Brown in these chambers, but the story I would like to relate happened when I was a fledgling Representative in the House of Representatives. I think it illustrates what Senator V. Smith had to say about Basil Brown and his constitutional love of the constitutional law.

I had introduced the first domestic violence bills and, of course, I got them out of the House and they were sent to the Judiciary Committee, which Basil chaired. So I came before that committee and I found that I was rather unprepared for the grilling that I got on the fact that it was an invasion of privacy on the part of the way the legislation was written. He was very convincing that no matter what the cause was, the invasion of the privacy of a person's home should not be violated. It took several meetings and several months and some revisions of the bill before it ever passed. So, Senator, you were very right on how he did take us to task on the constitutionality of any legislation we brought before either the House or the Senate when it came to his committee or the floor of the Senate.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, October 29:  
**House Bill No. 5018**

The Secretary announced the printing and placement in the members' files on Wednesday, October 29 of:  
**Senate Bill No. 775**

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senator DeGrow moved that consideration of the following resolution be postponed for today:

**Senate Resolution No. 71**

The motion prevailed.

Senator Schuette entered the Senate Chamber.

**Senate Concurrent Resolution No. 49.**

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 Western Michigan University relative to the Western Michigan University Science Facility.

The question being on the adoption of the concurrent resolution,

The Assistant Secretary of the Senate made the following statement:

Madam 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 concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 552**

**Yeas—35**

Bennett	DeGrow	Miller	Smith, A.
Berryman	Dunaskiss	North	Smith, V.
Bouchar	Emmons	O'Brien	Stallings
Bullard	Gast	Peters	Steil
Byrum	Geake	Posthumus	Stille
Cherry	Gougeon	Rogers	Van Regenmorter
Cisky	Hart	Schuette	Vaughn
Conroy	Koivisto	Schwarz	Young
DeBeaussaert	McManus	Shugars	

**Nays—1**

Dingell

**Excused—1**

Hoffman

**Not Voting—0**

In The Chair: President

**Senate Concurrent Resolution No. 50.**

A concurrent resolution approving an increase in the total project cost and a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Power Plant Project.

The question being on the adoption of the concurrent resolution,

The Assistant Secretary of the Senate made the following statement:

Madam 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 concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 553**

**Yeas—35**

Bennett	DeGrow	Miller	Smith, A.
Berryman	Dunaskiss	North	Smith, V.
Bouchard	Emmons	O'Brien	Stallings
Bullard	Gast	Peters	Steil
Byrum	Geake	Posthumus	Stille
Cherry	Gougeon	Rogers	Van Regenmorter
Cisky	Hart	Schuette	Vaughn
Conroy	Koivisto	Schwarz	Young
DeBeaussaert	McManus	Shugars	

**Nays—1**

Dingell

**Excused—1**

Hoffman

**Not Voting—0**

In The Chair: President

**Senate 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 Wayne State University relative to the Wayne State University Undergraduate Library.

The question being on the adoption of the concurrent resolution,

The Assistant Secretary of the Senate made the following statement:

Madam 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 concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 554**

**Yeas—35**

Bennett	DeGrow	Miller	Smith, A.
Berryman	Dunaskiss	North	Smith, V.

Bouchard	Emmons	O'Brien	Stallings
Bullard	Gast	Peters	Steil
Byrum	Geake	Posthumus	Stille
Cherry	Gougeon	Rogers	Van Regenmorter
Cisky	Hart	Schuette	Vaughn
Conroy	Koivisto	Schwarz	Young
DeBeaussaert	McManus	Shugars	

**Nays—1**

Dingell

**Excused—1**

Hoffman

**Not Voting—0**

In The Chair: President

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

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

**House Bill No. 4509**

**House Bill No. 4939**

The motion prevailed.

Senator DeGrow moved that the following bill be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 280**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 280, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 1996 PA 249.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 5, line 18, after "ING" by striking out the balance of the line through "CERTIFICATION" on line 19.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Van Regenmorter offered the following amendment:

1. Amend page 6, line 7, after "ORGANIZED" by striking out the balance of the subparagraph and inserting "OR MAINTAINED AN ILLEGAL DRUG ENTERPRISE OF 2 OR MORE PERSONS."

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 555****Yeas—30**

Berryman	Dingell	Peters	Smith, V.
Bullard	Gast	Posthumus	Stallings
Byrum	Geake	Rogers	Steil
Cherry	Hart	Schuette	Stille
Cisky	Koivisto	Schwarz	Van Regenmorter
Conroy	McManus	Shugars	Vaughn
DeBeaussaert	Miller	Smith, A.	Young
DeGrow	O'Brien		

**Nays—6**

Bennett	Dunaskiss	Gougeon	North
Bouchard	Emmons		

**Excused—1**

Hoffman

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Bouchard, Emmons, Dunaskiss, North, Bennett and Gougeon, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 280.

Senator Bouchard's statement, in which Senators Emmons, Dunaskiss, North, Bennett and Gougeon concurred, is as follows:

I rise to state the reasons for my "no" vote on this bill and the rest of this package. First, I would like to state, and I would be remiss if I didn't, that I would commend Senator Van Regenmorter for his hard work and diligence and all of his efforts on this issue. I think certainly his goals are very laudable and he deserves to be thanked regardless of how each member voted on this particular issue.

But, now, the reasons for my vote and the first point I wish to make is, it's often said why should a first-time offender be so severely punished. I guess I want to make people understand that I also have heard some of the anecdotal stories that are discussed and I am empathetic to their families but I think we need to be clear on a few points. First of all, as a former police officer, I know the low percentage for someone actually caught and convicted and then sentenced for a crime is extremely, extremely low. A first-time offender label, I believe, is more accurately replaced with the label first-time convicted. Secondly, the amount, 650 grams, is no small quantity. It's street value, depending on the strength, is anywhere from \$65,000 to \$200,000. A first-time mule, meaning a carrier of drugs, is unlikely to be handed that amount of anything, be it drugs, electronics or anything, unless they are trusted in known quantity to their associates. The Oakland County prosecutor in charge of the drug unit reviewed the cases they've handled since 1991, and he concluded, "I have not come across anyone who is a low-level player or a mule or a carrier and I wouldn't characterize any of the ones from Oakland County as low-level people." I would also note there has been more convictions for this in Oakland County than any place in the state, including Wayne County. In fact, 33 percent of all those convicted were convicted in Oakland County.



Secondly, it's known in the drug networks how severe Michigan's law is. In fact, the raid of a drug house yielded petitions the drug dealers had seeking the repeal of this very law. The fact a person is carrying this quantity of drugs in disregard for the very knowledge of this very severe penalty shows they took the risk as one of doing business. And quite frankly, as I said, it's not a very high risk. The Lifer Law has been in place now since 1978. In 1976, there were 34,001 arrests for drug offenses. Extrapolate that over 19 years and you have approximately 646,000 drug arrests, and yet, in the same time frame, we average about 10 a year sentenced under this law equal to .003 of 1 percent. There's a great deal of discussion how these changes will be used as leverage to get people to cooperate. Well, in fact, that is done today under current law. A prosecutor tells an arrested individual that if they don't cooperate, they will be charged with 650. If they do, they could be charged with a lower amount and with that current discretion they already have, that's precisely what they do—some of the proposed changes that are encouraged.

Now, a couple other brief statistics. Yesterday's front page article had a discouraging article that said drug use among junior high school students is increasing and the current use is reported at its highest level in ten years. The drug cited with the largest increase in that same report are the same drugs that are dealt with in this bill. The package we just discussed reduces the mandatory penalty from mandatory life all the way down to parolable in 15 years, which, in fact, is below the second tier, 225-650, which has a 20-year minimum. In speaking with prosecutors, I find a few other concerns. Once certified by the prosecution as cooperating, the prosecution loses any power to see that an individual serves an appropriate sentence. The decision is left entirely to the parole board, which is, in part, precisely why mandatory sentences were enacted 19 years ago. For those reasons, I voted "no."

Senator Emmons' statement, in which Senator North concurred, is as follows:

I as a mother/father and as a Senator feel very strongly that we need to send the message that this kind of crime is so destructive to our children that we must do everything in our power to say that this is wrong—and that's what I think the 650 lifer law did. So, I voted "no".

Senators A. Smith and Cisky asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator A. Smith's statement is as follows:

I find myself in a position where some of us occasionally find ourselves and that's voting for a bill because it improves what we have, but it's only marginally better. We're still looking at legislation in this bill and the next bill that leave the prosecutors in charge of the system. They are the accusers, they are the triers, they are the people in control of the sentence. They are the people who will also sit with the judge and make a decision on parole and will have that opportunity to override a judge's decision because the prosecutor needs to make the recommendation.

We have eliminated an opportunity here or squandered an opportunity to institute judicial discretion, to give to the public what they think they have when they elect a judge—somebody who is in the position of making the sentences after hearing the facts of a case and after understanding the ins and outs, having heard the prosecution and the defense. I think we've squandered an opportunity, but we have made a marginal and symbolic change. I recommend the bill to the House for significant improvement.

Senator Cisky's statement is as follows:

I rise to support Senate Bill No. 280. As an individual who spent almost 30 years in the criminal justice system as a police officer, a teacher and now as a lawmaker, I believe I have some perspective to share. I think the Legislature made a mistake 17 years ago. Their intention was proper, they wanted to put major drug dealers away. But the evidence does not support that. Because we made a mistake in the Legislature 17 years ago doesn't mean we have to continue it. It's good public policy and I applaud the sponsor of the bill, Senator Van Regenmorter, for having the courage to take this bill up and do the right thing. I also especially like the portion of the bill which provides the prosecutor, who is the chief law enforcement officer in your county, of providing them with the hammer to make decisions. No one is closer in the judicial system to the issue and to the case than the prosecutor.

Senator Miller makes a good point when he talks about the size of our prisons and how many people were incarcerated. A few years ago, the average sentence served for murder was 14 years. The evidence indicates that many of these people that we've incarcerated for the rest of their natural life have never been convicted of anything ever. That doesn't necessarily mean that they've never been next to it or near it, but I don't think it warrants the rest of their natural life. I strongly support this bill and urge its adoption.

The following bill was read a third time:

**Senate Bill No. 281, 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 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 sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

The question being on the passage of the bill,

Senators Peters and DeBeaussaert offered the following amendment:

1. Amend page 6, line 27, after "PAROLE." by inserting "IF A PAROLED PRISONER IS CHARGED WITH COMMITTING A FELONY, THE PAROLE BOARD SHALL RESCIND HIS OR HER PAROLE AND ORDER THE PRISONER PLACED IN A SECURE FACILITY PENDING DISPOSITION OF THE CHARGE. IF THE PRISONER IS CONVICTED OF THE FELONY, THE PRISONER IS NOT ELIGIBLE FOR PAROLE FOR EITHER VIOLATION."

The amendment was adopted, a majority of the members serving voting therefor.

Senators Peters and Steil offered the following amendment:

1. Amend page 9, following line 6, by inserting:

"(11) A PAROLE ORDER SHALL CONTAIN A CONDITION REQUIRING THE PAROLEE TO UNDERGO RANDOM DRUG TESTING. THE DEPARTMENT SHALL PROVIDE ADEQUATE DRUG TESTING MATERIALS TO PAROLE AGENTS TO PERMIT SUCH RANDOM DRUG TESTS. SUCH DRUG TESTING MATERIALS SHALL BE DESIGNED TO DETECT THE PRESENCE OF ANY ONE OF SEVERAL DIFFERENT TYPES OF CONTROLLED SUBSTANCES IN ONE SAMPLE." and renumbering the remaining subsections.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 556**

**Yeas—30**

Berryman	Dingell	Peters	Smith, V.
Bullard	Gast	Posthumus	Stallings
Byrum	Geake	Rogers	Steil
Cherry	Hart	Schuette	Stille
Cisky	Koivisto	Schwarz	Van Regenmorter
Conroy	McManus	Shugars	Vaughn
DeBeaussaert	Miller	Smith, A.	Young
DeGrow	O'Brien		

**Nays—6**

Bennett	Dunaskiss	Gougeon	North
Bouchard	Emmons		

**Excused—1**

Hoffman

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Gougeon and Bennett moved that their names be removed as co-sponsors of the following bills:

**Senate Bill No. 280**

**Senate Bill No. 281**

The motion prevailed.

Senators Gast, Stille, Conroy, Young and Hart moved that they be named co-sponsors of the following bills:

**Senate Bill No. 280**

**Senate Bill No. 281**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 613, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217 and 222 (MCL 257.217 and 257.222), section 217 as amended by 1996 PA 59 and section 222 as amended by 1993 PA 300.

The question being on the passage of the bill,

Senator North offered the following amendment:

1. Amend page 12, following line 16, by inserting:

"Sec. 698. (1) A motor vehicle may be equipped with not more than 2 side cowl or fender lamps which shall emit an amber or white light without glare.

(2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side which shall emit a white or amber light without glare.

(3) Backing lights of red, amber, or white may be mounted on the rear of a motor vehicle if the switch controlling the light is so arranged that the light may be turned on only if the vehicle is in reverse gear. The backing lights when unlighted shall be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of a driver of a vehicle approaching from the rear.

(4) Unless both covered and unlit, a vehicle driven on the highways of this state shall not be equipped with a lamp or a part designed to be a reflector unless expressly required or permitted by this chapter or that meets the standards prescribed in 49 C.F.R. 571.108. A lamp or a part designed to be a reflector, if visible from the front, shall display or reflect a white or amber light; if visible from either side, shall display or reflect an amber or red light; and if visible from the rear, shall display or reflect a red light, except as otherwise provided by law.

(5) The use or possession of flashing, oscillating, or rotating lights of any color is prohibited except as otherwise provided by law, or under the following circumstances:

(a) A police vehicle shall be equipped with flashing, rotating, or oscillating red or blue lights, for use in the performance of police duties.

(b) A fire vehicle or ambulance available for public use or for use of the United States, the state, or any unit of the state, whether publicly or privately owned, shall be equipped with flashing, rotating, or oscillating red lights and used as required for safety.

(c) An authorized emergency vehicle as defined in section 2 may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if when in use the flashing, rotating, or oscillating red lights are mounted on the roof section of the vehicle, either as a permanent installation or by means of suction cups or magnets and are clearly visible in a 360 degree arc from a distance of 500 feet when in use. A person operating lights under this subdivision at any time other than when responding to an emergency call is guilty of a misdemeanor.

(d) Flashing, rotating, or oscillating amber lights, placed in a position as to be visible throughout an arc of 360 degrees, shall be used by a state, county, or municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow.

(e) A vehicle used for the cleanup of spills or a necessary emergency response action taken pursuant to state or federal law or a vehicle operated by an employee of the department of natural resources that responds to a spill, emergency response action, complaint, or compliance activity may be equipped with flashing, rotating, or oscillating amber lights. Such lights shall not be activated unless the vehicle is at the scene of a spill, emergency response action, complaint, or compliance activity.

(f) A vehicle to perform public utility service, a vehicle owned or leased by and licensed as a business for use in the collection and hauling of refuse, an automobile service car or wrecker, a vehicle engaged in authorized highway repair or maintenance, a vehicle of a peace officer, a vehicle operated by a rural letter carrier or a person under contract to deliver newspapers or other publications by motor route, a vehicle utilized for snow removal, a private security guard vehicle as authorized in subsection (7), ~~a hearse or funeral coach~~, a motor vehicle while engaged in escorting or transporting an oversize load that has been issued a permit by the state transportation department or a local authority with respect to highways under its jurisdiction, a vehicle owned by the national guard or a United States military

vehicle while traveling under the appropriate recognized military authority, a motor vehicle while towing an implement of husbandry, or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. However, a wrecker may be equipped with flashing, rotating, or oscillating red lights which shall be activated only when the wrecker is engaged in removing or assisting a vehicle at the scene of a traffic accident or disablement. The flashing, rotating, or oscillating amber lights shall not be activated except in those circumstances that the warning produced by the lights is required for public safety.

(G) A VEHICLE ENGAGED IN LEADING OR ESCORTING A FUNERAL PROCESSION OR ANY VEHICLE THAT IS PART OF A FUNERAL PROCESSION MAY BE EQUIPPED WITH FLASHING, ROTATING, OR OSCILLATING PURPLE OR AMBER LIGHTS WHICH SHALL NOT BE ACTIVATED EXCEPT DURING A FUNERAL PROCESSION.

(H) ~~(g)~~ An authorized emergency vehicle may display flashing, rotating, or oscillating white lights in conjunction with an authorized emergency light as prescribed in this section.

(I) ~~(h)~~ A private motor vehicle of a physician responding to an emergency call may be equipped with and the physician may use flashing, rotating, or oscillating red lights mounted on the roof section of the vehicle either as a permanent installation or by means of magnets or suction cups and clearly visible in a 360 degree arc from a distance of 500 feet when in use. The physician shall first obtain written authorization from the county sheriff.

(J) A PUBLIC TRANSIT VEHICLE MAY BE EQUIPPED WITH A FLASHING, OSCILLATING, OR ROTATING LIGHT MOUNTED ON THE ROOF OF THE VEHICLE APPROXIMATELY 6 FEET FROM THE REAR OF THE VEHICLE WHICH DISPLAYS A WHITE LIGHT TO THE FRONT, SIDE, AND REAR OF THE VEHICLE, WHICH LIGHT MAY BE ACTUATED BY THE DRIVER FOR USE ONLY IN INCLEMENT WEATHER SUCH AS FOG, RAIN, OR SNOW, WHEN BOARDING OR DISCHARGING PASSENGERS, FROM 1/2 HOUR BEFORE SUNSET UNTIL 1/2 HOUR AFTER SUNRISE, OR WHERE CONDITIONS HINDER THE VISIBILITY OF THE PUBLIC TRANSIT VEHICLE. AS USED IN THIS SUBDIVISION, "PUBLIC TRANSIT VEHICLE" MEANS A MOTOR VEHICLE, OTHER THAN A STATION WAGON OR PASSENGER VAN, WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN 10,000 POUNDS.

(K) ~~(i)~~ A person engaged in the manufacture, sale, or repair of flashing, rotating, or oscillating lights governed by this subsection may possess the lights for the purpose of employment, but shall not activate the lights upon the highway unless authorized to do so under subsection (6).

(6) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light designed primarily for installation on an authorized emergency vehicle to a person except a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant of the state, a county or municipality within the state, a person engaged in the business of operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization which owns and operates an emergency support vehicle used exclusively for emergencies. This subsection does not prohibit an authorized vehicle, equipped with flashing, rotating, or oscillating blue or red lights, from being operated by a person other than a person described in this section if the person receives authorization to operate the emergency vehicle from a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant, a person operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization which owns and operates an emergency support vehicle used exclusively for emergencies, except that the authorization shall not permit the person to operate lights as described in subsection (5)(a), (b), (c), ~~(g), or (h)~~, OR (I), or to exercise the privileges described in section 603. A person who operates an authorized emergency vehicle in violation of the terms of an authorization is guilty of a misdemeanor.

(7) A private motor vehicle of a security guard agency or alarm company licensed pursuant to the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, may display flashing, rotating, or oscillating amber lights. The flashing, rotating, or oscillating amber lights shall not be activated on a public highway when a vehicle is in motion.

(8) This section shall not be construed to prohibit, restrict, or limit the use of lights authorized or required under sections 697, 697a, and 698a.

(9) A person who violates subsection (1), (2), (3), or (4) is responsible for a civil infraction."

The question being on the adoption of the amendment,

Senator O'Brien offered the following amendment to the amendment:

1. Amend Senator North's Amendment No. 1, page 12, following line 6, by striking out all of subdivision (G) and relettering the remaining subdivisions.

The amendment to the amendment was adopted.

The amendment, as amended, was adopted, a majority of the members serving voting therefor.

Senator Cisky offered the following amendment:

1. Amend page 12, following line 16, by inserting:

"Sec. 725. (1) Upon receipt of a written application and good cause being shown, a jurisdictional authority may issue a written special permit authorizing an applicant to operate upon or remove from a highway maintained by that jurisdictional authority a vehicle or combination of vehicles that are any of the following:

(a) Of a size, weight, or load exceeding the maximum specified in this chapter.

(b) Otherwise not in conformity with this chapter.

(2) The application for a special permit shall be on a form prescribed by the jurisdictional authority and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.

(3) A jurisdictional authority may issue a special permit authorizing the operation of the following upon a highway:

(a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.

(b) Other farm machinery otherwise prohibited under this chapter.

(4) A special permit shall specify the trip or trips and date or dates for which it is valid and the jurisdictional authority granting the special permit may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to ensure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as that jurisdictional authority determines necessary to compensate for damages caused by the movement. A special permit may be issued on an annual basis. ~~THE~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE fee charged by a jurisdictional authority for an intrastate or an out-of-state vehicle for a single trip shall be \$50.00 and for multiple trips or on an annual basis shall be \$100.00. However, the fee for a special permit issued by a jurisdictional authority under subsection (3) or for a vehicle hauling farm machinery, to or from a farm, of a size or weight otherwise prohibited under this chapter, shall not exceed the administrative costs incurred by the jurisdictional authority in issuing the permit.

(5) THE FEE CHARGED BY THE STATE TRANSPORTATION DEPARTMENT FOR AN INTRASTATE OR AN OUT-OF-STATE VEHICLE OR COMBINATION OF VEHICLES THAT EXCEED THE MAXIMUM SIZE SPECIFIED IN THIS CHAPTER BUT DO NOT EXCEED THE MAXIMUM WEIGHT OR LOAD SPECIFIED IN THIS CHAPTER OR ARE OTHERWISE NOT IN CONFORMITY WITH THIS CHAPTER SHALL BE \$15.00 FOR A SINGLE TRIP AND \$30.00 FOR MULTIPLE TRIPS OR ON AN ANNUAL BASIS. THE FEES CHARGED UNDER THIS SUBSECTION MAY BE INCREASED NOT MORE THAN ONCE EACH YEAR BASED ON THE PERCENTAGE INCREASE IN THE UNITED STATES CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD ROUNDED TO THE NEAREST WHOLE DOLLAR.

(6) THE FEE CHARGED BY A JURISDICTIONAL AUTHORITY OTHER THAN THE STATE TRANSPORTATION DEPARTMENT FOR AN INTRASTATE OR AN OUT-OF-STATE VEHICLE OR COMBINATION OF VEHICLES OF A SIZE EXCEEDING THE MAXIMUM SPECIFIED IN THIS CHAPTER SHALL NOT EXCEED THE AMOUNT OF THE FEE CHARGED BY THAT JURISDICTIONAL AUTHORITY AS OF SEPTEMBER 30, 1997. ANY INCREASE TO THE FEE MUST BE SUBJECT TO A PRIOR PUBLIC HEARING WITH REASONABLE NOTICE HELD BY THE JURISDICTIONAL AUTHORITY PROPOSING THE INCREASE.

(7) ~~(5)~~ A person may transport telephone, telegraph, or electric poles of a greater length than otherwise authorized over the highways in the construction, maintenance, or repair of telephone, telegraph, or electric lines pursuant to a special permit issued under this section.

(8) ~~(6)~~ A person may transport concrete pipe of a greater width than otherwise authorized over highways pursuant to a special permit issued under this section.

(9) ~~(7)~~ A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of ~~an~~ A JURISDICTIONAL authority granting the special permit. A person shall not violate any of the terms or conditions of the special permit.

(10) ~~(8)~~ A person who violates this section is responsible for a civil infraction.

(11) ~~(9)~~ A jurisdictional authority issuing a special permit to move a mobile home under this section and a person who is issued a special permit to move a mobile home under this section are subject to section 719a.

(12) ~~(10)~~ As used in this section, "jurisdictional authority" means the state transportation department, a county road commission, or a local authority having jurisdiction over a highway upon which a vehicle is proposed to be moved pursuant to a permit required under this section."

The question being on the adoption of the amendment,

Senator Berryman requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

**Roll Call No. 557**

**Yeas—20**

Bennett  
Bouchard

Dunaskiss  
Emmons

McManus  
North

Schwarz  
Shugars

Bullard  
Cisky  
DeGrow

Gast  
Geake  
Gougeon

Posthumus  
Rogers  
Schuette

Steil  
Stille  
Van Regenmorter

**Nays—16**

Berryman  
Byrum  
Cherry  
Conroy

DeBeaussaert  
Dingell  
Hart  
Koivisto

Miller  
O'Brien  
Peters  
Smith, A.

Smith, V.  
Stallings  
Vaughn  
Young

**Excused—1**

Hoffman

**Not Voting—0**

In The Chair: President

Senator Berryman offered the following amendment:

1. Amend page 12, following line 16, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4813 of the 89th Legislature is enacted into law.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

**Protest**

Senator Emmons, under her constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator Berryman to Senate Bill No. 613.

Senator Emmons' statement is as follows:

The bill that was supposedly tie-barred does not raise the diesel tax, regardless of what you read in the newspaper. They did the wrong tax in the bill that the House sent over here and we are trying to sort out their mess.

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. 558**

**Yeas—20**

Bennett  
Bouchard  
Bullard  
Cisky  
DeGrow

Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon

McManus  
North  
Posthumus  
Rogers  
Schuette

Schwarz  
Shugars  
Steil  
Stille  
Van Regenmorter

**Nays—16**

Berryman  
Byrum

DeBeaussaert  
Dingell

Miller  
O'Brien

Smith, V.  
Stallings

Cherry  
Conroy

Hart  
Koivisto

Peters  
Smith, A.

Vaughn  
Young

**Excused—1**

Hoffman

**Not Voting—0**

In The Chair: President

Senator North offered to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, 698, and 725 (MCL 257.217, 257.222, 257.698, and 257.725), section 217 as amended by 1996 PA 59, section 222 as amended by 1993 PA 300, section 698 as amended by 1997 PA 8, and section 725 as amended by 1997 PA 80.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

**Protests**

Senators Cherry, Peters, Berryman, Conroy, O'Brien and Young, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 613.

Senator Cherry moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Cherry's statement, in which Senators Peters, Berryman and Conroy concurred, is as follows:

I'm rising to speak against passage, although quite frankly I thought that the basic bill that was here before the adoption of the Cisky amendment was a fairly good bill. One that I could support. But now, with the adoption of the Cisky amendment, what we find is that the bill will actually reduce the revenue that goes towards that transportation fund that is used to repair Michigan's roads and highways.

If I think back to the beginning of this year and how much my constituents and I assumed the constituents of every other member of this body, were concerned about the state of Michigan roads. As I recall that public outcry and then look at what we had done in the way of attempting to put additional revenue into the system. Part of that whole debate was a notion, I think an appropriate notion, that everybody ought to pay their fair share. That their was a public concern that trucks actually caused more damage to Michigan roads and were not paying their fair share. I heard a number of members say that they would not support a gas tax until trucks did then pay their fair share. To accomplish that we raised fees on trucks. One of those fees was a fee on oversized trucks. People voted for it at the time, because it was part of the revenue package. Now what we are hearing is that debate begins to quiet down. We are going to start coming back and reducing the fees on trucks. That seems to me hardly fair given what we were saying earlier this year.

Now I know that some of these fees are a burden to people who operate trucks. It costs them money. It raises the cost of their product. None of us want to have an additional tax burden. But the same thing applies to the individual citizen. They have to pay an additional gas tax. They have to drive to work everyday. As they drive, they pay more in gas tax and that is a burden to them. It is a burden to their families. If given the choice, they probably would rather not pay that. It seems to me that we are going to have to make a decision here. If we are going to start rolling back transportation fees, is it not appropriate to treat the average citizen with the same courtesy that we are going to provide this business person? Maybe roll back their gas tax? I think we ought to stick with what we did. But if we are going to start rolling back fees, we are going to start rolling back taxes, I think we ought to take care of the average Michigan citizen first. We ought not be looking at a special interest here or a special there. We ought to take care of the average Michigan citizen.

This bill now, as it is amended, gives a special tax reduction to a special group and, on that basis, I intend to vote "no." I would hope others would as well, so that we can maintain that same commitment we made to Michigan citizens that was expressed earlier this year that trucks would be required to pay their fair share before gas taxes went up. Instead, I think, the bill as it stands now breaks that promise and, on that basis, I intend to vote "no."

Senator O'Brien moved that the statements he made during the discussion of the amendment offered by Senator Cisky be printed as his reasons for voting "no."

The motion prevailed.

Senator O'Brien's first statement is as follows:

I think the decrease that you're looking at takes 50 to 15 and moves the \$100 fee to \$30. I guess that looks good and sounds good and everything else, but I think the big problem that I have with that is what is it going to cost? What's the impact of that reduction going to be and where is it going to hit? Having survived the transportation arguments of this past year—I question that also—you're looking at \$3.5 million simply put; \$3.5 million that will not go in to repair roads.

Now, if we can take that hit, then great. But I don't know how we continue to strip money out of an area as critical as our road needs are. Everybody's trying to put the roads back together and yet you want us to take some more out and it doesn't make any sense. Quite frankly, earlier this morning we had a little meeting and we were talking about the Durant decision and apparently everybody misjudged that extra \$240 million they thought they were going to have left. It's down into the 140s now, so we're short there. They missed in their overview a couple of tax decreases that apparently weren't originally factored in that take effect in '99. So we're going to be short a whole lot of money on that side. We're also going to short the roads \$3.5 million. We still haven't handled the diesel fuel tax and in good conscience knowing what these roads look like, I think we all should realize that we should not and we cannot afford to do this. It's simply about paying a fair share and if you haven't heard that at home, I know I have, we need the money for the roads. It's that simple. To take another \$3.5 million out for the sake of looking good is not a good idea and I would suggest it would not play well at home and I don't think it plays very well with a number of people here. So I would urge you to defeat the Cisky amendment and allow that money to continue to flow into the fund so we can continue to repair our roads, such as they are.

Senator O'Brien's second statement is as follows:

One of the things that I've talked to a number of people about within the industry itself is that nobody wants to pay any more than they have to. But, you know, there was a time here in the way of history, and I think I said this during one of our debates on transportation, they decided sometime in the late '30s that we're going to run 160s and I know that's on weight, but we also decided what kind of roads we're going to build in 1944-45. Obviously, they've factored that in and said we're going to run the big ones. We're going to continue. Michigan, Louisiana, everybody else is by permit. And they run them all over the place. Part of the problem is, if we could go back into the early 70s and have our roads be in the conditions they were then, we would not have a problem because there wasn't a problem. The roads were good. They were well maintained. The way it ran, everybody was happy. No problems.

There is no question. Once we return our roads to that condition, we're in good shape. But when you take even a 10- or 20- or 30- or 50- or 80- or 160,000-pounder and run it down the road, there's a problem. Every time that wheel hits a chuck hole or hits a bump in the road, I don't have the nerve to stand here and say that's not like a hand grenade dropping in every chuck hole. It beats them to death. When you and I hit them, \$200 for a wheel, \$100 or so for a tire. You know, the repair shops are glorifying our roads as making them wealthy. And I realize that \$3.5 million in the overall scheme of things is not a lot of money. But it's something. I don't disagree that it's the right thing to do.

The good Senator who offered the amendment, in his heart, and I respect him greatly, believes this is the way to go. But the other issue, and it's the right thing to do. I don't know that I necessarily disagree with him but the one thing I do know, until we get back to that point where we are maintaining. When we built the roads, we had a 90/10 match. Repair was 70/30. That's why we quit repairing our roads. We had to put up 70 percent to repair as opposed to 10 percent to build. So, yeah, we've got a lot of great roads in a short period of time but as costs escalated, the problem became money. Three and a half million dollars simply represents a very, very small portion of those dollars. When it cost \$1 million a mile, to pour an expressway, we're not talking about a lot of miles here. God forbid if we're only talking three-lane miles, we're talking one mile of road and a few feet for the other half a million. It's not a lot. It's really insignificant. I can't argue that point, but it's three miles more and a couple of feet that we wouldn't have done. It's three miles more that are restored and the problem lies not only within the state purview, it's truly out of perspective in the local units of government.

Those roads that are state roads that run through cities, for example, are terrible. Seven Mile Road, Eight Mile Road's not too bad. Seven Mile Road I'm not so sure you want to get caught on. I mean, we truly have some terrible roads within the city and the argument has simply been, we need a little money into the local units. I mean, if we were to send this into any one of the local units, not just Detroit, you've got some state roads that are maintained under contract at that local unit. In some of the smaller towns, and I'm fortunate enough to where I only have to deal with one local unit of government and I welcome that, but the other part of the problem is, give it to some of the small ones, at least. We'd be able to handle a whole bunch of them, probably, given the length of some of their roads that may be maintained by that small local unit of government. I hate to say it, maybe we'll give it to the Senators from up north. They could get a few more things done up there. But the problem is, is roads and the holes, and my God, if we haven't heard that comment long enough to turn around and do what we did and say, look, we just spent \$2 billion plus, great.



Let's give them \$3.5 million more. I truly believe we should take it.

I'm sorry. We know the trucks are doing more damage than they used to, not necessarily their fault, it's our fault because we did fall down since the '70s on our repair and maintenance. We are culpable in that action, but so are they. And once we get back to square one, I'd be willing—once we get back to where we were in the late '60s or '70s where we had and were known for impeccable roads—I certainly would be willing to sponsor the amendment to reduce the fees. Don't have a problem with that. But until that problem gets fixed, I think we need all we can get and that's why I would ask that we do this and reject that amendment.

Senator Young's statement is as follows:

I found it very difficult to vote in favor of Senate Bill No. 613, as amended, due to the fact that it speaks to \$3.5 billion that ought to be used to provide an opportunity for everyone to drive on safe, repaired roads. I think at the same time, it makes it difficult to hear statements that would suggest that \$3.5 billion is a lot of money. Quite frankly, I think those of us who look at how moneys are utilized—it's not the big dollars that you have to watch—it's the small amounts. So if \$3.5 is small, we'd better watch it.

Senator Cisky asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cisky's first statement is as follows:

This amendment amends a well-intended but late night vote where we inadvertently placed an onerous fee on truck widths and lengths. We meant to put fees on heavy trucks and everyone agrees that the heavy trucks contribute to the deterioration of our roads. However, what happened was is we also extended it to widths and lengths that have no bearing on the road weights. Let me give you an example of what we did: For single permits, we went from \$7 to \$50, which is a 750% increase. On double permits we went from \$10 to \$100, which is a 1,000% increase. The one company that I am familiar with, their total fees in one year went from \$1,900 a year to over \$15,000 per year. My amendments will move the fees from \$7 to \$15 and it doubles from \$10 to \$30. I urge the body's adoption.

Senator Cisky's second statement is as follows:

The transportation budget is \$2,428,611,500. We raised \$43 million and we are looking roughly around \$3 million that we should give back. The question in everybody's mind ought to be whose money is it anyway? The fact that we in the middle of the night raised fees 1,000%, and just like a few bills ago when we made a mistake on the 650 lifer law, we realize now that we made a mistake and we need to do the right thing. I urge the adoption of my amendment.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators V. Smith, O'Brien, Vaughn and Peters introduced

#### **Senate Bill No. 776, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 107 (MCL 211.107), as amended by 1982 PA 539.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators A. Smith, Byrum, Schwarz, Peters, V. Smith, Cherry and DeBeaussaert introduced

#### **Senate Bill No. 777, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21051a and 21051b.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Senior Citizens.

Senators V. Smith, O'Brien, Vaughn and Peters introduced

#### **Senate Bill No. 778, entitled**

A bill to authorize municipalities to collect delinquent property taxes and other delinquent assessments and charges by selling the liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to establish procedures for collecting delinquent taxes and enforcing tax liens; to authorize the imposition of fees, charges, interest, and penalties upon delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to create certain entities or to utilize certain existing entities to facilitate the

sale and purchase of liens related to delinquent property taxes and other delinquent assessments and charges; to authorize municipalities to issue certain obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; to provide for the issuance of, and terms and conditions for, obligations secured by liens related to delinquent property taxes and other delinquent assessments and charges; and to exempt the property, income, operation bonds, notes, and interest on bonds and notes of certain entities from certain taxes.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators V. Smith, O'Brien, Vaughn and Peters introduced

**Senate Bill No. 779, entitled**

A bill to amend 1943 PA 202, entitled "Municipal finance act," by amending sections 20, 21, 22, 23, and 24 of chapter IV (MCL 134.20, 134.21, 134.22, 134.23, and 134.24), as added by 1988 PA 206.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Cherry, Van Regenmorter, Dingell, Peters, Young, V. Smith, Rogers, Cisky, Geake, McManus, O'Brien and Vaughn introduced

**Senate Bill No. 780, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1a and 3 of chapter IX (MCL 769.1a and 769.3), section 1a as amended by 1996 PA 560 and section 3 as amended by 1982 PA 470.

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

Senators Van Regenmorter, Cherry, Dingell, Byrum, Young, North, McManus, Steil and Shugars introduced

**Senate Bill No. 781, entitled**

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 16 and 76 (MCL 780.766 and 780.826), as amended by 1996 PA 562.

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

**House Bill No. 5018, entitled**

A bill to require certain consumer reporting agencies to disclose certain information to certain consumers.

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 Financial Services.

### Statements

Senators Bouchard, Shugars, Van Regenmorter and Stille asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bouchard's statement is as follows:

I will be giving some information to the members fairly soon, but I wanted to let you know that all over the country there are groups called coalitions and there are coalitions whose primary effort is to reduce drug use by working with parents and families and community activists. Troy Community Coalition was named the top coalition in the country and I will be bringing some more information about that to all of you. I just wanted to take the opportunity to congratulate them publicly as soon as I heard, and to thank them for all their efforts.

Senator Shugars' statement is as follows:

Just for an announcement, this week, October 26th through November 2nd is "White Ribbon Against Pornography Week" in Michigan. As you all know, we passed the Resolution No. 104 last week to signify this week and to raise the public awareness of the destruction of the nature of pornographic materials. On my desk today we have the white ribbons and pins if anyone would like to wear them.

Senator Van Regenmorter's statement is as follows:

I want to thank my colleagues on both sides of the aisle for their very bipartisan and strong support for Senate Bill Nos. 280 and 281. Those are the bills we passed this morning which finally target drug king pins; those dealers in death

statewide. The strong vote from both sides of the aisle demonstrates bipartisanship on an issue that is controversial and it took some courage to do that. I am most grateful to you for doing it. I want to particularly thank Senator Rogers, an FBI agent for many years—highly respected as such and highly respected for his law enforcement expertise—the sponsor of Senate Bill No. 281. I think his comments were particularly outstanding on the floor. I also want to thank Senator Cisky, who brings a long law enforcement history to this body and like Senator Rogers, a member of the Senate Judiciary Committee. I am most grateful for their membership and for the comments they made on the floor and for their work on what I think is a critical issue if we are going to protect our children in the years to come. I would also like to thank Senator Dingell who was very much a part of this process all a long, but also proposed an amendment today and supported an amendment today which is reflected in a bill that he has in the process. I think that was not only unselfish, but a very important and noble pursuit. Finally, I want to thank Senator V. Smith as well, a principle member of the Senate Judiciary Committee. He has been very, very supportive all along of what we are trying to do and his comments today I appreciate very much. This issue, which has been around for a while, has been recognized and finally we are putting in place a system that really does go after drug king pins. I believe it fulfills our elected responsibility to protect the citizens of this state.

Senator Stille's statement is as follows:

Earlier today in this process, there was a demonstration or display of disrespect and I want you to know as one member of this body, I neither condone that kind of disrespect nor would partake in it. I want you know as one member, that we highly regard you; your evenhandedness and your calm demeanor in running this body.

### Committee Reports

The Committee on Health Policy and Senior Citizens reported

**House Bill No. 4944, entitled**

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

With the recommendation that the bill pass.

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

Dale L. Shugars  
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Bullard, Byrum and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:

Meeting held on Tuesday, October 28, 1997, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Schwarz, Bullard, Byrum and O'Brien

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4049, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 518.

With the recommendation that the substitute (S-4) 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, Dunaskiss and DeBeaussaert

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 714, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, line 9, after "2," by striking out "& 3" and inserting "3, & 4".

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss and Hart

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 459, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30510 and 30512 (MCL 324.30510 and 324.30512), as added by 1995 PA 59.

With the recommendation that the bill pass.

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 460, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 20 (MCL 125.220).

With the recommendation that the bill pass.

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 461, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 20 (MCL 125.290).

With the recommendation that the bill pass.

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 462, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 5 (MCL 125.585), as amended by 1986 PA 191.

With the recommendation that the bill pass.

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

Leon Stille  
Chairperson

## To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 463, entitled**

A bill to amend 1950 (Ex Sess) PA 23, entitled "Motor vehicle sales finance act," by amending section 24 (MCL 259.454).

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.

Leon Stille

Chairperson

## To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett and Hart

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**House Bill No. 4814, entitled**

A bill to authorize the department of state police to convey certain state owned property in Iron county; to prescribe conditions for the conveyance; and to provide for the disposition of revenue derived from the conveyance.

With the recommendation that the bill pass.

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

Leon Stille

Chairperson

## To Report Out:

Yeas: Senators Stille, Dunaskiss and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 5079, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

With the recommendation that the bill pass.

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

Leon Stille

Chairperson

## To Report Out:

Yeas: Senators Stille, Dunaskiss and Hart

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, October 29, 1997, at 1:15 p.m., Room 100, Farnum Building

Present: Senators Stille (C), Dunaskiss, Bennett and Hart

Excused: Senator O'Brien

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**Senate Bill No. 611, entitled**

A bill to repeal 1935 PA 140, entitled "An act to prohibit endurance contests known as walkathons and similar endurance contests; to prescribe a penalty for the violation thereof, and to repeal Act No. 65 of the Public Acts of 1933," (MCL 752.161 to 752.162).

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

Bill Schuette  
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon and O'Brien  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported  
**Senate Bill No. 761, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," (MCL 125.2681 to 125.2696) by adding section 8a.

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

Bill Schuette  
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon and O'Brien  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:  
Meeting held on Wednesday, October 29, 1997, at 1:11 p.m., Room 210, Farnum Building  
Present: Senators Schuette (C), Shugars, Gougeon and O'Brien  
Excused: Senator Stallings

The Committee on Financial Services reported

**Senate Bill No. 775, entitled**

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending sections 2, 8, and 10 (MCL 450.222, 450.228, and 450.230), sections 2 and 10 as amended by 1990 PA 166.

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

Michael J. Bouchard  
Chairperson

To Report Out:

Yeas: Senators Bouchard, Bennett and Gougeon  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:  
Meeting held on Wednesday, October 29, 1997, at 1:00 p.m., 8th Floor Conference Room, Farnum Building  
Present: Senators Bouchard (C), Bennett, Gougeon and Miller  
Excused: Senator Berryman

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:  
Meeting held on Thursday, October 30, 1997, at 8:45 a.m., Senate Appropriations Room, Capitol Building  
Present: Senators Gast (C), DeGrow, Geake, Schwarz, McManus, Conroy, Koivisto and O'Brien

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submits the following:  
Meeting held on Tuesday, October 28, 1997, at 3:00 p.m., Senate Appropriations Room, Capitol Building  
Present: Senators McManus (C), Gast, Koivisto and A. Smith  
Excused: Senator Hoffman

**Scheduled Meetings**

Health Policy and Senior Citizens Committee - Tuesday, November 4, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Michigan Capitol Committee - Wednesday, November 12, at 12:00 noon, Room 405, Capitol Building (3-0289).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 1:01 p.m.

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

CAROL MOREY VIVENTI  
Secretary of the Senate.

