

No. 93
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, December 30, 1997.

11:45 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Senator Walter H. North of the 37th District offered the following invocation:

We thank You for the opportunity to assemble and do a formal sine die adjournment today.

May we have the wisdom in the future to deal with the unfinished business of the public. May we remind ourselves that we are 38 distinct individuals from different areas of the state and with different backgrounds. Give us the wisdom to not only look at things from our perspectives, but those of others and do things that are right. All of these things we ask in Thy name. Amen.

Motions and Communications

The following communications were received:

Office of the Auditor General

December 10, 1997

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

Performance Audit of the Law Enforcement Information Network and Criminal Justice Data Center, Michigan Department of State Police, December 1997.

December 10, 1997

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

Performance Audit of the Quality of Life Recreation Bond Program, Department of Natural Resources, December 1997.

December 17, 1997

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

Performance Audit of the Office of Highway Safety Planning, Michigan Department of State Police, December 1997.

December 18, 1997

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

Performance Audit of the Chippewa Correctional Institutions: Chippewa Correctional Facility and Chippewa Temporary Correctional Facility, Department of Corrections, December 1997.

December 18, 1997

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

Performance Audit of the Presentence Investigation Process, Department of Corrections, December 1997.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communications were referred to the Secretary for record.

The following communication was received:

Office of the Senate Majority Leader

December 11, 1997

Pursuant to Senate Rule 1.105, I hereby appoint the members below to the following Conference Committee:

SB 514 Senator John Schwarz

Senator Dale Shugars

Senator Dianne Byrum.

Please make this communication part of the official Senate record.

Sincerely,

Dick Posthumus

Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received:
Michigan Department of State

Administrative Rules
Notices of Filing

December 15, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:34 p.m. this date, administrative rule (97-12-2) for the Department of Consumer and Industry services, Director's Office, entitled "*Board of Pharmacy Licensure*," effective 15 days hereafter.

December 22, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:21 a.m. this date, administrative rule (97-12-4) for the Department of Consumer and Industry Services, Bureau of Workers' Disability Compensation, entitled "*General Rules*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Department of Consumer and Industry Services

December 19, 1997

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the interim licensing study report completed on Park Place Residential Care Center of Kalamazoo, Michigan. This approval study report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892 or Don Reichle at 335-1954.

Sincerely,
Roy Murry, Director
Finance and Administrative Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 10:

House Bill Nos.	4038	4060	4061	4065	4184	4195	4204	4259	4681	4682	4683	4684	4685	4686
	4786	4837	5113	5127	5211	5254	5261	5262	5280	5290	5301	5302	5316	5317

The Secretary announced the enrollment printing and presentation to the Governor on December 15, for his approval the following bills:

Enrolled Senate Bill No. 6 at 2:11 p.m.
Enrolled Senate Bill No. 546 at 2:13 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on December 19, for his approval the following bills:

Enrolled Senate Bill No. 490 at 2:50 p.m.
Enrolled Senate Bill No. 491 at 2:52 p.m.
Enrolled Senate Bill No. 492 at 2:54 p.m.
Enrolled Senate Bill No. 503 at 2:56 p.m.
Enrolled Senate Bill No. 504 at 2:58 p.m.
Enrolled Senate Bill No. 515 at 3:00 p.m.
Enrolled Senate Bill No. 516 at 3:02 p.m.
Enrolled Senate Bill No. 517 at 3:04 p.m.
Enrolled Senate Bill No. 543 at 3:06 p.m.
Enrolled Senate Bill No. 544 at 3:08 p.m.

Enrolled Senate Bill No. 133 at 3:10 p.m.
Enrolled Senate Bill No. 252 at 3:12 p.m.
Enrolled Senate Bill No. 340 at 3:14 p.m.
Enrolled Senate Bill No. 481 at 3:16 p.m.
Enrolled Senate Bill No. 487 at 3:18 p.m.
Enrolled Senate Bill No. 520 at 3:20 p.m.
Enrolled Senate Bill No. 566 at 3:22 p.m.
Enrolled Senate Bill No. 596 at 3:24 p.m.
Enrolled Senate Bill No. 600 at 3:26 p.m.
Enrolled Senate Bill No. 664 at 3:28 p.m.
Enrolled Senate Bill No. 682 at 3:30 p.m.
Enrolled Senate Bill No. 705 at 3:32 p.m.
Enrolled Senate Bill No. 716 at 3:34 p.m.
Enrolled Senate Bill No. 721 at 3:36 p.m.
Enrolled Senate Bill No. 727 at 3:38 p.m.
Enrolled Senate Bill No. 741 at 3:40 p.m.
Enrolled Senate Bill No. 788 at 3:42 p.m.
Enrolled Senate Bill No. 812 at 3:44 p.m.

The Secretary announced the printing and placement in the members' files on Tuesday, December 16 of:

House Bill Nos. 5418 5419 5420 5421 5422 5423 5424 5425 5426 5427 5428 5429 5430 5431
5432 5433 5434 5435 5436 5437 5438 5439

Messages from the Governor

The following messages from the Governor were received:

Date: December 22, 1997
Time: 10:50 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 6 (Public Act No. 159), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 217b.

(Filed with the Secretary of State on December 22, 1997, at 11:08 a.m.)

Date: December 29, 1997
Time: 11:48 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 520 (Public Act No. 160), being

An act to amend 1989 PA 24, entitled “An act to provide for the establishment and maintenance of district libraries; to provide for district library boards; to define the powers and duties of certain state and local governmental entities; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 397.173).

(Filed with the Secretary of State on December 29, 1997, at 1:48 p.m.)

Date: December 29, 1997
Time: 11:52 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 546 (Public Act No. 161), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought

in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending section 8117 (MCL 600.8117).

(Filed with the Secretary of State on December 29, 1997, at 1:50 p.m.)

Date: December 29, 1997

Time: 1:40 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 490 (Public Act No. 163), being

An act to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,” by amending the title and sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), the title as amended by 1982 PA 398, section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

(Filed with the Secretary of State on December 29, 1997, at 4:00 p.m.)

Date: December 29, 1997

Time: 1:42 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 491 (Public Act No. 164), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 6232.

(Filed with the Secretary of State on December 29, 1997, at 4:02 p.m.)

Date: December 29, 1997

Time: 1:44 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 492 (Public Act No. 165), being

An act to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts,” by amending the title and section 3a (MCL 722.113a), the title as amended by 1994 PA 209 and section 3a as added by 1986 PA 140, and by adding section 8b.

(Filed with the Secretary of State on December 29, 1997, at 4:04 p.m.)

Date: December 29, 1997

Time: 1:46 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 503 (Public Act No. 166), being

An act to amend 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 8 (MCL 722.628), as amended by 1997 PA 59.

(Filed with the Secretary of State on December 29, 1997, at 4:06 p.m.)

Date: December 29, 1997

Time: 1:48 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 504 (Public Act No. 167), being

An act to amend 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” (MCL 722.621 to 722.636) by adding section 7b.

(Filed with the Secretary of State on December 29, 1997, at 4:08 p.m.)

Date: December 29, 1997

Time: 1:50 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 515 (Public Act No. 168), being

An act to amend 1975 PA 238, entitled “An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding sections 8b, 8c, 17, and 18.

(Filed with the Secretary of State on December 29, 1997, at 4:10 p.m.)

Date: December 29, 1997

Time: 1:52 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 516 (Public Act No. 169), being

An act to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges

and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 17, 17c, and 19b of chapter XIA (MCL 712A.17, 712A.17c, and 712A.19b), section 17 as amended by 1996 PA 409, and sections 17c and 19b as amended by 1994 PA 264, and by adding section 22 to chapter XIA.

(Filed with the Secretary of State on December 29, 1997, at 4:12 p.m.)

Date: December 29, 1997

Time: 1:54 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 517 (Public Act No. 170), being

An act to amend 1984 PA 422, entitled "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties," by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74, and by adding section 7a.

(Filed with the Secretary of State on December 29, 1997, at 4:14 p.m.)

Date: December 29, 1997

Time: 1:56 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 543 (Public Act No. 171), being

An act to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 4 (MCL 400.204).

(Filed with the Secretary of State on December 29, 1997, at 4:16 p.m.)

Date: December 29, 1997

Time: 1:58 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 544 (Public Act No. 172), being

An act to amend 1994 PA 203, entitled "An act to establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators," by amending section 2 (MCL 722.952) and by adding sections 4a, 4b, 4c, and 4d.

(Filed with the Secretary of State on December 29, 1997, at 4:18 p.m.)

Respectfully,
John Engler
Governor

December 19, 1997

Today I am signing Senate Bill 6; however, I do so with concern over the effective date. This bill creates new felony penalties for impersonating an employee of a public utility with intent to gain access to a residence or other property or with intent to commit a crime. The effective date of this bill is January 1, 1998.

The Michigan Constitution, Article 4, Section 27, evidences a clear preference for not affording immediate effect, both by its express language and the requirement of a two-thirds vote by both houses. When there is a change in the

law that necessitates new obligations to be performed, whether they be in the private or public sector, sufficient time between enactment and effect must be given. Oftentimes, training that cannot be undertaken in a short time frame is necessary to enforce new laws. Further, when new criminal or civil penalties are created or increased, such as with this bill, due process concerns clearly warrant at least a 60 to 90 day notice period.

With this letter, I am informing the legislature that in the future I will consider bills inappropriately given immediate effect or insufficient notice a substantive reason for a veto. Allowing for sufficient notice is an important function of the legislature and should not be overlooked or taken lightly.

Sincerely,
John Engler
Governor

The following messages from the Governor were received and read:

December 11, 1997

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

Controlled Substances Advisory Commission

Mr. Jose G. Benavides, 11015 Dill Court, Sterling Heights, Michigan 48312, county of Macomb, as a member representing the general public, succeeding himself, for a term expiring on August 30, 1999.

Dr. William D. Ensminger, 2770 Parkridge Drive, Ann Arbor, Michigan 48103, county of Washtenaw, as a member representing healthcare professionals from the field of pharmacology, succeeding himself, for a term expiring on August 30, 1999.

Mr. Jerald S. De Weerd, 8763 Lindsey Lane, Byron Center, Michigan 49315, county of Kent, as a member representing the Board of Nursing, succeeding himself, for a term expiring on August 30, 1999.

Dr. Harold J. Sauer, 2601 Creekstone Trail, Okemos, Michigan 48864-2455, county of Ingham, as a member representing the Board of Medicine, succeeding himself, for a term expiring on August 30, 1999.

Dr. Donald R. Watson, 8496 Bush Hill Court, Grand Blanc, Michigan 48439, county of Genesee, as a member representing the Board of Veterinary Medicine, succeeding himself, for a term expiring on August 30, 1999.

Dr. Joseph Benjamin Harris, 1190 West Boston Boulevard, Detroit, Michigan 48202, county of Wayne, as a member representing Board of Dentistry, succeeding himself, for a term expiring on August 30, 1999.

Mr. Jan A. Koens, 143 Ruddiman Drive, North Muskegon, Michigan 49445, county of Muskegon, as a member representing the general public, succeeding himself, for a term expiring on August 30, 1999.

Mr. James M. Mullendore, Jr., 13337 Oakcrest NE, Gowen, Michigan 49326, county of Montcalm, as a member representing the general public, succeeding himself, for a term expiring on August 30, 1999.

Mr. Thomas F. Gahan, 7224 Peachtree Court, Canton, Michigan 48187, county of Wayne, as a member representing the Board of Pharmacy, succeeding himself, for a term expiring on August 30, 1999.

Dr. Tammy Lynn Geurkink-Born, 4580 Second Street, Caledonia, Michigan 49316, county of Kent, as a member representing Board of Osteopathic Medicine and Surgery, succeeding Dr. Susan M. Rose of Brighton, whose term has expired, for a term expiring on August 30, 1999.

Dr. Ghulam Qadir, 18181 Oakwood Boulevard, Suite 311, Dearborn, Michigan 48124, county of Wayne, as a member representing healthcare professionals from the field of psychiatry, succeeding himself, for a term expiring on August 30, 1999.

Dr. Terrence J. Emiley, 1852 Sherman, S.E., Grand Rapids, Michigan 49506, county of Kent, as a member representing the Board of Podiatric Medicine and Surgery, succeeding Dr. Geoffrey E. Clapp of Kalamazoo, whose term has expired, for a term expiring on August 30, 1999.

Ms. Mary Summers Ianni, 1815 Baldwin Street, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing pharmaceutical manufacturers, succeeding herself, for a term expiring on August 30, 1999.

December 11, 1997

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

Michigan Certificate of Need Commission

Dr. Charles J. Krause, M.D., 3100 Hunting Valley Drive, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing the public as an Independent, succeeding himself, for a term expiring on January 1, 2001.

Mr. Jack Smant, 1124 Colfax Street, Grand Haven, Michigan 49417, county of Ottawa, as a member representing the public as a Republican, succeeding himself, for a term expiring on January 1, 2001.

December 15, 1997

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

Michigan Employment Security Board of Review

Mr. Lester A. Owczarski, 5817 Glen Eagles Drive, Orchard Lake, Michigan 48323, county of Oakland, as a member representing employer interests, succeeding himself, for a term expiring on December 31, 2001.

December 19, 1997

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

Athletic Board of Control

Mr. Jerome P. Barney, 1361 Joliet Place, Detroit, Michigan 48207, county of Wayne, as a member representing professionals, succeeding Mr. Robert A. Every of Lansing, whose term has expired, for a term expiring on March 31, 2001.

December 19, 1997

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

Investment Advisory Committee

Mr. Samuel Valenti III, 255 Martell, Bloomfield Hills, Michigan 48013, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on December 15, 2000.

December 19, 1997

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

Michigan Board of Chiropractic

Mr. Jack L. Pettet, 993 Orchard Avenue, South Haven, Michigan 49090, county of Van Buren, as a member representing the general public, succeeding Mr. Lloyd F. Buhl of Deckerville, who has died, for a term expiring on December 31, 2001.

December 30, 1997

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

Michigan Dairy Market Program Committee

Mr. Elwood Kirkpatrick, 6201 Tomlinson Road, Kinde, Michigan 48445, county of Huron, as a member representing the Michigan Milk Producers Association, succeeding Mr. William J. Bamber of Howell, whose term has expired, for a term expiring on December 31, 1999.

Mr. Frank J. Lipinski, 11729 M-37, Buckley, Michigan 49620, county of Grand Traverse, as a member representing the Michigan Milk Producers Association, succeeding Ms. Gail L. Rubingh of Ellsworth, whose term has expired, for a term expiring on December 31, 1999.

Mr. Harold Cnossen, 6020 S. Nine Mile Road, Falmouth, Michigan 49632, county of Missaukee, as a member representing the Michigan Milk Producers Association, succeeding Mr. Harold K. Gremel of Sebawaing, whose term has expired, for a term expiring on December 31, 1999.

Mr. Dwight Howard Nash, 4717 N. Shepardsville Road, Elsie, Michigan 48831, county of Clinton, as a member representing Independent Cooperative Milk Producers Association, succeeding Mr. Elwayne J. Smith of Ionia, whose term has expired, for a term expiring on December 31, 1999.

December 30, 1997

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

Site Review Board

Dr. Allan M. Johnson, 1206 E. Eighth Street, Houghton, Michigan 49931, county of Houghton, as a member representing geologists, succeeding himself, for a term expiring on December 13, 2000.

Mr. Edward L. Haroutunian, 14926 Rosemont, Detroit, Michigan 48223, county of Wayne, as a member representing attorneys, succeeding himself, for a term expiring on December 13, 2000.

Mr. James Gordon Fuerstenau, 73901 Lowe Plank Road, Richmond, Michigan 48062, county of St. Clair, as a member representing the general public, succeeding himself, for a term expiring on December 13, 2000.

Dr. Michael Kamrin, 2030 Haslett Road, Haslett, Michigan 48840, county of Ingham, as a member representing toxicologists, succeeding himself, for a term expiring on December 13, 2000.

Ms. Eleanor Cecilia Dietrich, 1311 Wilson, Conklin, Michigan 49403, county of Ottawa, as a member representing the general public, succeeding herself, for a term expiring on December 13, 2000.

Ms. Sandra M. Cotter, 10820 W. Parks Road, Fowler, Michigan 48835, county of Clinton, as a member representing attorneys, succeeding herself, for a term expiring on December 13, 2000.

Ms. Gloria Jean Maichele, 12005 6 1/2 Mile Road, Battle Creek, Michigan 49014, county of Calhoun, as a member representing municipalities, succeeding herself, for a term expiring on December 13, 2000.

Mr. Wayne Eugene Winslow, 807 Coolidge Drive, Midland, Michigan 48686, county of Midland, as a member representing the manufacturing industry, succeeding himself, for a term expiring on December 13, 2000.

Mr. Sher M. Akhtar, W 755 W. Big Beaver Road, Suite 414, Troy, Michigan 48084, county of Oakland, as a member representing attorneys, succeeding himself, for a term expiring on December 13, 2000.

Mr. Brian Lee Warner, 5148 North Country Drive, Lake City, Michigan 49651, county of Missaukee, as a member representing the manufacturing industry, succeeding himself, for a term expiring on December 13, 2000.

Mr. David L. Moffitt, 37282 Fox Glen, Farmington Hills, Michigan 48331, county of Oakland, as a member representing attorneys, succeeding himself, for a term expiring on December 13, 2000.

Mr. David H. Walborn, 18552 W. Spring Lake Road, Spring Lake, Michigan 49441, county of Ottawa, as a member representing the manufacturing industry, succeeding himself, for a term expiring on December 13, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

December 15, 1997

Please be advised of the following corrections of term expiration dates:

Board of Marriage and Family Therapy

Dr. David G. Beighley, 3726 S. Court Street, Muskegon, Michigan 49444, county of Muskegon, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2001.

Ms. Terry Moorer, 16147 Wildemere, Detroit, Michigan 48221, county of Wayne, as a member representing the general public, succeeding herself, for a term expiring on June 30, 2001.

Sincerely,
John Engler
Governor

The message was referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 717, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 27, by striking out "1991" and inserting "1994".
2. Amend page 5, line 4, after "DECEMBER 31," by striking out "1991" and inserting "1994".

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

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

Introduction and Referral of Bills

Senators North and Hoffman introduced

Senate Bill No. 835, entitled

A bill to designate a highway on Beaver island as a continuation of highway M-66; and to prescribe the duties of the state transportation department.

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

Senators Bennett and Shugars introduced

Senate Bill No. 836, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86; and to repeal acts and parts of acts.

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

Senators Rogers and Shugars introduced

Senate Bill No. 837, entitled

A bill to prohibit the switching of a customer's telecommunications provider without the authorization of the customer; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Senators Bennett, Gougeon, Bullard, Gast, McManus and North introduced

Senate Bill No. 838, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 11a and 56 (MCL 791.211a and 791.256), as added by 1994 PA 93.

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

House Bill No. 4841, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending sections 12a and 22 (MCL 207.112a and 207.122), section 22 as amended by 1995 PA 52.

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.

House Bill No. 5002, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 43512 (MCL 324.43512).

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 Natural Resources and Environmental Affairs.

House Bill No. 5048, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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.

House Bill No. 5066, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2104 (MCL 324.2104), as added by 1995 PA 60.

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 Natural Resources and Environmental Affairs.

House Bill No. 5110, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 10e (MCL 211.10e), as added by 1986 PA 223.

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.

House Bill No. 5129, entitled

A bill to designate an official flag month of this state and to provide guidelines for display and handling.

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 Government Operations.

House Bill No. 5254, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 1996 PA 133.

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 Natural Resources and Environmental Affairs.

House Bill No. 5278, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 509 (MCL 324.509).

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 Natural Resources and Environmental Affairs.

Recess

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

The motion prevailed, the time being 11:56 a.m.

11:59 a.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

The following message was received and read:

December 30, 1997

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

Very respectfully,
Mary Kay Scullion, Clerk
House of Representatives

Committee Reports

The Committee on Agriculture and Forestry reported

Senate Bill No. 816, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 1993 PA 22.

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.

Walter North
Chairperson

To Report Out:

Yeas: Senators North, Gougeon, McManus, Byrum and Berryman

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 Agriculture and Forestry submits the following:

Meeting held on Tuesday, December 9, 1997, at 1:30 p.m., Elijah Myers Room, Capitol Building

Present: Senators North (C), Gougeon, McManus, Byrum and Berryman

COMMITTEE ATTENDANCE REPORT

The Trial Court Assessment Commission submits the following:

Meeting held on Thursday, December 4, 1997, at 3:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senator Van Regenmorter

Excused: Senator Dingell

Scheduled Meetings

Trial Court Assessment Commission - Fridays, January 16, at 9:00 a.m., and January 23, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

The hour of 12:00 Noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned without day.

CAROL MOREY VIVENTI
Secretary of the Senate.

