

No. 69

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, November 12, 1998.

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—excused
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—present
Jaye—present
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
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Jim Berryman of the 17th District offered the following invocation:

Having the opportunity to probably give my last invocation in the Michigan Senate, I wanted to take the opportunity to ask our Lord to continue to watch over each and everyone of you, to guide you in your decisions, and to the best of our abilities work in a most bipartisan fashion but also to take this time to thank God for allowing me to serve in this chamber with each and every one of you for the last eight years. It's been an honor and a privilege. It is something that each of us takes very seriously—no matter what side of the aisle we're on.

I would just ask You, God, to continue, with the new members coming into this body, working with the existing Senators. That you really do look at your work, the state's work, and knowing that each and every one of us in our hearts votes and speaks from the heart in trying to do the right thing.

With that, may God bless each and every one of us and our families in this up and coming holiday season. Thank you. Amen.

Motions and Communications

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

House Bill No. 5654

House Bill No. 4681

House Bill No. 4682

House Bill No. 4683

House Bill No. 4684

House Bill No. 4685

House Bill No. 4686

Senate Joint Resolution K

The motion prevailed.

Senator DeGrow moved that Senators Posthumus and Dunaskiss be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senator Bouchard be excused from today's session.

The motion prevailed.

The following communications were received:

Department of State

Administrative Rules Notice of Filing

November 4, 1998

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 1:50 p.m. this date, administrative rule (98-11-1) jointly for the Department of State and Department of Management and Budget, entitled "*Optical disks*," effective 15 days hereafter.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, November 10:

House Bill No. 5061

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, November 10, for his approval the following bills:

Enrolled Senate Bill No. 485 at 4:12 p.m.

Enrolled Senate Bill No. 1173 at 4:14 p.m.

The Secretary announced the printing and placement in the members' files on Tuesday, November 10 of:

Senate Bill Nos. 1346 1347 1348 1349 1350 1351 1353 1354 1355 1356 1357 1362

House Bill Nos.	6214	6215	6216	6218	6219	6220	6221	6222	6223	6224	6225	6226	6227	6228
	6230	6231	6232	6233	6234	6235	6236	6237	6238	6239	6240	6241	6242	6243
	6244	6245	6246	6247	6248	6249	6250	6251	6252	6253	6254	6255	6256	6257
	6258	6259	6260	6261	6262	6263	6264	6265	6266	6267	6268	6269	6270	6271
	6272	6273	6274	6275	6276	6277	6278	6279	6280	6281	6282			
House Joint Resolutions	II	JJ												

Messages from the Governor

The following message from the Governor was received:

Date: November 9, 1998
Time: 5:00 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 209 (Public Act No. 386), being

An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts.

(Filed with the Secretary of State on November 10, 1998, at 9:55 a.m.)

Respectfully,
John Engler
Governor

Messages from the House

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

- Senate Bill No. 386**
- House Bill No. 4259**
- House Bill No. 5261**
- House Bill No. 5317**
- Senate Bill No. 623**
- Senate Bill No. 728**

The motion prevailed.

Senate Bill No. 866, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2950a (MCL 600.2950a), as amended by 1997 PA 115.

(For text of amendments, see Senate Journal No. 43, p. 862.)

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

Senator Van Regenmorter offered the following amendment to the amendments:

1. Amend House Amendment No. 10, page 10, following line 4, after “effect” by striking out “September 1, 1998” and inserting “January 1, 1999”.

The amendment to the amendments was adopted.

Senators Posthumus and Dunaskiss entered the Senate Chamber.

The question being on concurring in the House amendments, as amended,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 755

Yeas—35

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.

Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille
Cisky	Hart	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeaussaert	Jaye	Schuetz	Young
DeGrow	Koivisto	Schwarz	

Nays—0

Excused—1

Bouchard

Not Voting—1

Gast

In The Chair: President

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

Senate Bill No. 874, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 1997 PA 115.

(For text of amendments, see Senate Journal No. 43, p. 862.)

The question being on concurring in the amendments made to the bill by the House,
Senator Van Regenmorter offered the following amendment to the amendments:

1. Amend House Amendment No. 10, page 11, following line 20, after "effect" by striking out "September 1, 1998" and inserting "January 1, 1999".

The amendment to the amendments was adopted.

The question being on concurring in the House amendments, as amended,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 756

Yeas—36

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

Nays—0

Excused—1

Bouchard

Not Voting—0

In The Chair: President

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

Senate Bill No. 1170, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 1996 PA 588.

The House of Representatives has amended the bill as follows:

1. Amend page 5, line 5, after "budget" by inserting "FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999 AND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2000".

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.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

The motion prevailed.

Senator Posthumus' statement is as follows:

Over the last four years, the Senate has accomplished a lot, and we, as Senators, get most of the credit for that publicly, but one of the things I think often is unrecognized is the work that's done by all of our staffs behind the scenes. Certainly without them, we couldn't accomplish all that gets done here. I know that we recognize the central staffs and our personal staffs, but today I'd like to take a special time to recognize all of the work that's done behind the scenes by the Secretary of the Senate's staff. They do so much that most of us never, ever see, and so I'd like to have them stand up as I call off their specific groups, and then at the end I'd like to have us recognize them. They're a group of hard-working men and women who make our work possible here.

First of all, the Finance and Human Resources staff as led by Pam Sedwick, then our own Session Staff led by Bettie Trice, the Physical Properties staff led by Dan Brocklehurst, and the General Services staff led by Mike Ferland. Now, I know that most of these are already standing—it's our security unit led by Kit Askin and our Information Services Unit led by Mike Desroschers. Finally, our general staff led by John Beutler, and of course, Ray Brennan and Carol Viventi, we really thank you as well.

This is our Secretary of the Senate staff that does so much for all of us, and I think it is important that we here as Senators, as well as the public through their recognition, see and recognize what they do. We, again, thank every single one of you for all of the hard work you do for us.

Senator Cherry's statement is as follows:

Madam President, this group is one that we never, hardly ever get a chance to see altogether, and it's fitting that on behalf of the Senate Democratic Caucus, I want to join with the Senate Majority Leader, Senator Posthumus, in saying thank you to the Secretary's staff. They do every bit as fine a job as Senator Posthumus has described. They make our lives easy. They make our work much easier than what we would let it be ourselves, and we owe a great deal to them. It's great to see them here today with us, and I want them to know that on this side of the aisle, we appreciate everything you've done. We are a better institution because of the work you do.

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

The motion prevailed.

The President of the Senate's statement is as follows:

The Lieutenant Governor would also like to recognize that we would never be able to accomplish what we do without these people who are behind the scenes and these who are in the scene all of the time. You do your work very well, and you are appreciated. Thank you for your service.

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of the Assistant Secretary of the Senate admittance to the Senate floor.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Cherry offered the following resolution:

Senate Resolution No. 239.

A resolution of tribute to Raymond G. Brennan, Assistant Secretary of the Senate.

Whereas, The retirement of Raymond G. Brennan from his position as the Assistant Secretary of the Senate is bringing to a close a long tenure of leadership and outstanding service. His dedication on behalf of the Michigan State Senate has contributed a great deal to the institution of the Senate as a whole; and

Whereas, A native of Chicago, Ray's early work experience included washing grocery carts with a steam cleaner at large grocery stores in the Chicago area, working as a teamster on the docks of Chicago, and working in an auto manufacturing plant. He served in the U.S. Army for two years in the early 1960s. Ray obtained his bachelor's degree and master's of divinity degree from Anderson University in Anderson, Indiana. Later, he also obtained a master's degree in public administration with honors from West Virginia University; and

Whereas, Following his dreams, Ray became a pastor of the Community Church of God in Pittsburgh, Pennsylvania, from 1969 to 1975; and

Whereas, Starting in 1976, Ray worked for 22 years in various positions in the Senate, including the office of Senator Gary Corbin (D-Clio), the Democratic Central Staff, serving as its Deputy Director, and as the Assistant Secretary of the Senate for the past 10 years; and

Whereas, In 1983, Ray married Sybil Joslyn. Celebrating their marriage and uniting their families into one were: Cynthia, Tom, Jeff, Jenny, and Tonya. They purchased Grosbeck Clubhouse in Lansing as their home where they have hosted many public gatherings and family celebrations; and

Whereas, As Ray looks back on his years serving the State Senate, he can take pride in his commitment, personal integrity, and many achievements. He assisted or made a significant impact in the following areas: served as Acting Secretary of the Senate on temporary occasions; performed functions of the Secretary of the Senate on the rostrum during Senate sessions; coordinated many administrative projects; increased professionalism and accountability of the staff of the office of the Secretary of the Senate; contributed to upgrading computerization, budgeting, and improved systems; participated in Secretary of the Senate staff interviews and selection; prepared and conducted new Senator and staff orientations; served as Acting Manager of various Secretary of the Senate staff units; assisted in salary and classification studies, including Secretary of the Senate staff and Page compensation systems; provided assistance on restoration of the Capitol Building, including the Senate Chamber; and extended his expertise in research, writing, review, and improvements to numerous policies and studies; and

Whereas, Ray's tireless and thorough approach to each and every undertaking will be sorely missed by those who came to rely on his advice and insights; now, therefore, be it

Resolved by the Senate, That we join with the citizens of Michigan in expressing our deep appreciation for Ray Brennan's many years of public service; and be it further

Resolved, That it is our sincerest wish that his future is filled with happiness for him, his wife, and their entire family. We look forward to his continued contributions to his community and state; and be it further

Resolved, That a copy of this resolution be transmitted to Ray as evidence of the respect and esteem held for him by this legislative body for his numerous contributions to the Michigan State Senate and the state of Michigan.

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

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be read.

The motion prevailed.

The resolution was adopted.

Senator Cherry moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator Cherry presented Ray Brennan with Senate Resolution No. 239 as a personal tribute to Ray Brennan's service to the Senate throughout the last 22 years.

As a tribute to Ray Brennan, Senator Posthumus presented Ray Brennan with a plaque in appreciation of his dedication.

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

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

- Senate Bill No. 256**
 - Senate Joint Resolution A**
 - Senate Bill No. 1196**
 - Senate Bill No. 1197**
 - Senate Bill No. 1150**
- The motion prevailed.

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

- House Bill No. 5400**
- The motion prevailed.

The following bill was read a third time:

House Bill No. 5400, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 10, 17, and 18 (MCL 431.310, 431.317, and 431.318).

The question being on the passage of the bill,
 Senator McManus offered the following substitute:
 Substitute (S-1).

The substitute 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. 757

Yeas—34

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

Nays—2

Jaye	Schuette
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Excused—1

Bouchard

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

A bill to amend 1995 PA 279, entitled "An act to license and regulate the conducting of horse race meetings in this state with pari-mutuel wagering on the results of horse races and persons involved in horse racing and pari-mutuel gaming activities at such race meetings; to create the office of racing commissioner; to prescribe the powers and duties of the racing commissioner; to prescribe certain powers and duties of the department of agriculture and the director of the department of agriculture; to provide for the promulgation of rules; to provide for the imposition of taxes and fees and the disposition of revenues; to impose certain taxes; to create funds; to legalize and permit the pari-mutuel method of wagering on the results of live and simulcast races at licensed race meetings in this state; to appropriate the funds derived from pari-mutuel wagering on the results of horse races at licensed race meetings in this state; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 10, 14, 17, and 18 (MCL 431.310, 431.314, 431.317, and 431.318) and by adding section 19a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 4875, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204e.

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. 758

Yeas—35

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

Nays—0

Excused—1

Bouchard

Not Voting—1

Emmons

In The Chair: President

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

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency;

to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senators Emmons, DeGrow, Conroy, Posthumus, Gast, Miller and Bennett asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Emmons’ first statement is as follows:

Doug Roberts came to understand the importance of public service at a very early age. Doug’s father was a Secret Service agent who offered his capable protection to five sitting Presidents and was for Doug a living example of selflessness to duty and honor. Doug has emulated this example during his 26 years which he has served the people of Michigan, and today we thank you for sharing those qualities with us.

I don’t know what Doug knew, if he knew, how far he would go in state government when he took his first job as a postal worker in Maryland. Since that time, he has held a variety of interesting positions ranging from professional duck-pin bowler to his most recent job as state Treasurer.

Personally, Doug has also achieved a great deal. He takes great pride in his two sons and his new daughter-in-law, and coming grandchildren, hopefully, and enjoys spending time with his growing family. He also is a history buff who enjoys Civil War battlefields, particularly ones located near golf courses. He is an enthusiastic cook, gardener, reader, and teacher, but first and foremost, he’s a devoted father, husband, and friend.

One of Doug’s heroes is Joshua Lawrence Chamberlain, a professor who decided to enlist in the Union Army during the Civil War. The school where he taught wouldn’t let him go, so he lied and said he was going on a sabbatical and travel to Europe. Instead, Mr. Chamberlain went off to war where he was wounded five times. And as Doug always said, “You’d think he would learn after the second or third time he was shot, this was not a good thing, but he kept going anyway.” Perhaps there’s a direct correlation between this story and Doug’s experience in Michigan politics.

In my position as chair of the Senate Finance Committee, I’ve come to know Doug well over the years. He’s friendly, capable, professional, who never lacks either for a solution to a difficult problem or a funny story to tell. He’s an enthusiastic leader, a faithful public servant.

Please join with me in wishing him well.

Senator Emmons’ second statement is as follows:

One thing that you ought to add as a postscript to Doug Roberts, though, he’s the most honest person that I’ve ever had in a bureaucrat. He’ll tell you the stuff that’s good for you, and he’ll tell you the stuff that’s bad for him, and that’s unusual.

Senator DeGrow’s statement is as follows:

We are going to miss Doug. When I first got elected to the House of Representatives, Doug at that time was the Deputy Director of DMB—during some very difficult times. He helped get us through those. He served as head of our Senate Fiscal Agency and during these years as Treasurer.

Doug is the one person in the administration who, whenever we had a problem, was always willing to try to work it out. We have had some tough ones in my office. I am sure that most of us in the Senate have had a number of problems. Doug has always been willing to try to find the middle ground to work it out.

As Treasurer, he has been in charge of all of our investments. I am sure he can take personal credit for the recent last eight year’s huge increases in the stock market that we have reaped.

He has been such a good state employee. He exemplifies everything positive about public service. If we only could clone him, maybe we can now—oh that’s right, we have prohibited that. He is the type of person we want in state government. He is the type of person who has made this state work. I am not sure he can be replaced. I realize he will be, and life will go on.

As I look over the years at all the times someone has helped me when I have needed help, this guy has been at the top of the list every time. He will be missed in ways we will only learn over the next several years when he is gone. He has earned this; he has earned the right to go out and make some money and not be a public servant any longer. I certainly wish him well. I cannot think of anyone I have enjoyed working more with. Good luck, Doug.

Senator Conroy’s statement is as follows:

I would like to join the previous speakers in praising Doug Robert’s service in the state of Michigan. He has served a myriad of roles from Fiscal Agency, to the Office of Management and Budget, to the Treasurer’s position. He has

always been available for inquiries that my office made and was quick to respond. A decent guy he is with good advice as well. We are glad that your health is good, that you are going out vibrantly, and that you have future horizons to conquer. We wish you well.

Senator Posthumus' offered the following statement:

I, too, would like to recognize Doug. I don't know whether I scared him out now that I'm leaving the Legislature and going to the Executive Branch, and he's leaving or why he's leaving us, but we are going to miss him.

He's certainly been in a number of battles working with a number of administrations, again crossing party lines, doing what's best for the state. I think two legacies that he leaves that he often won't get recognized for because he, too, works behind the scenes, is first the way we find ourselves today in terms of financial stability of this state. When he became state Treasurer, we had a significant deficit in this state, and today we have a significant amount of money put away for a rainy day, and I think Doug deserves credit for that to some extent, having played a major role. But even more importantly, I think the most important thing we've done policy-wise since the change of our Constitution was the change in the way we finance education. Doug was a leading advocate going all over the state on behalf of Proposal A and the work that we needed to do in order to create a fair, more equitable system of funding education, and certainly the Governor gets credit for it, but it was this guy right here who was a lot of the brains behind it and certainly went out and worked hard to make sure it was passed. So Doug, I think everybody will be thankful for many, many years for the role you played in that and in many other things.

Senator Gast's statement is as follows:

I would like to say that I think I was on board over in the House Taxation Committee when Doug first entered state government. He was hired by George Montgomery. Some interesting stories go back there, too, but I will not bother you with those. I have been with Doug all through his career as DMB Director, Senate Fiscal Agency Director, and now state Treasurer. So it has been a pleasure to have worked with Doug—for him, into him, by him, and every other direction—but I think I have one request for Doug that is still open. I will give this to the members for your thought process.

Senator Posthumus mentioned Proposal A that Doug was involved with. We created a problem with Proposal A, maybe more than one, but anyway one I am trying to address. All of you people recognize that on your tax bill today you have assessed value and taxable value. One is growing a heck of a lot faster than the other. How do we rectify those? Slow one down, let the other catch up, and so on. So I have put together suggestions and so on. Doug has commented on those suggestions, and he is working on the implementation of what I suggested. Now don't everybody hurry up and try to get a bill in to change the assessed value to a taxable value, because I already have my request in. My point is that it is a problem that Proposal A has created, and Doug thought it was a unique idea, something we should pursue, so I want to get Doug's promise that he will have an issue paper, not more than one page long, as to how this can be accomplished.

Other than that, it has been a pleasure to have been with Doug, worked with him, for all these years. Good luck, Doug.

Senator Miller's statement is as follows:

I just didn't want to have all of those great comments come from the other side of the aisle because in my dealings here in all the years that I've served here in the Legislature, I've known Mr. Roberts in many capacities. He's worn a few different hats, and he wore every hat with a lot of class and civility in this town. And I just wanted to say that whenever you had a problem, Mr. Roberts didn't ask you are you a Republican or are you a Democrat. The problem was, can we find a solution? And I'll tell you the people of Michigan have been blessed, and I hope that he enjoys his new adventures. I wish him the best of luck because I know the people in my district have had some complex problems, and he's gone the extra mile to make those lives and the quality of life in my Senate district a lot better. Thank you, Doug Roberts, and I wish you the best of luck in your future endeavors.

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

The President's statement is as follows:

Senator Gast, I remember those early days in the House of Representatives. I guess he had been aboard just a short time before I was elected, and Senator Montgomery used to have classes for the freshmen on Monday night after session to teach about taxation; most of the time it was Doug Roberts. I want you to know that he was such an excellent teacher; it wasn't that I was a slow learner, I don't think. With each new freshmen class that came in, I took advantage of going to the class that Doug Roberts was teaching because he had such a great teaching method. All through my career in government, whenever there was anything I didn't understand about taxation or finance, I would call on him, and he would come over, and I was able then to go out and explain it to other people. So he has great talent in finance, taxation, and treasurer, all of those things; but I think his strongest points are in the way that he can explain things and be a good teacher. Doug, whoever is getting you is very fortunate, and I am just glad you didn't leave ahead of me. I'm glad I am going at the same time. Congratulations!

Senator Bennett’s statement is as follows:

This is certainly the day for tributes. I probably would have presented this one a bit earlier, but the first one I signed befell a terrible accident in the framing process, so we had to do another one joyfully. We’re doing it for Carrie, who has been with us here for over a year. It’s very very important that we communicate with the people back home. Carrie has constantly been chasing us trying to make sure that we communicate with the folks back home, and we are very appreciative of that, and we want to thank you for your hard work.

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4884, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding section 204b.

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. 759

Yeas—35

Bennett	Dingell	Koivisto	Shugars
Berryman	Dunaskiss	McManus	Smith, A.
Bullard	Emmons	Miller	Smith, V.
Byrum	Gast	North	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuetz	Young
DeGrow	Jaye	Schwarz	

Nays—0

Excused—1

Bouchard

Not Voting—1

O’Brien

In The Chair: President

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

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create the legislative council; to prescribe its membership, powers, and duties; to create a legislative service bureau to provide staff services to the legislature and the council; to provide for operation of legislative parking facilities; to create funds; to provide for the expenditure of appropriated funds by legislative council agencies; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a Michigan capitol committee; to create a commission on intergovernmental relations; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator DeGrow moved that the Committee on Families, Mental Health and Human Services be discharged from further consideration of the following bills:

Senate Bill No. 1218, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 1001b and 1003b (MCL 330.2001b and 330.2003b), section 1001b as amended by 1995 PA 290 and section 1003b as amended by 1993 PA 252.

Senate Bill No. 1219, entitled

A bill to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," by amending section 4 (MCL 722.4), as amended by 1996 PA 412.

Senate Bill No. 1220, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 139, 193, and 231 (MCL 750.139, 750.193, and 750.231), section 139 as amended by 1991 PA 145, section 193 as amended by 1988 PA 167, and section 231 as amended by 1981 PA 103.

Senate Bill No. 1221, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 23 of chapter IV (MCL 764.23), as amended by 1988 PA 137.

Senate Bill No. 1222, 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 20g, 29, 34, 63, 63a, 65, 69a, and 70 (MCL 791.220g, 791.229, 791.234, 791.263, 791.263a, 791.265, 791.269a, and 791.270), section 20g as added by 1996 PA 164, section 34 as amended by 1994 PA 345, section 65 as amended by 1994 PA 217, section 69a as added by 1990 PA 42, and section 70 as added by 1993 PA 255.

Senate Bill No. 1223, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 41 (MCL 800.41).

Senate Bill No. 1224, entitled

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons and substances; to prohibit or limit the selling, giving, or furnishing of certain weapons and substances to prisoners; to prohibit the control or possession of certain weapons and substances by prisoners; and to prescribe penalties," by amending section 1a (MCL 800.281a), as added by 1982 PA 343.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator DeGrow moved that the rules be suspended and that the following bills now on the order of General Orders, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

- Senate Bill No. 1218**
- Senate Bill No. 1219**
- Senate Bill No. 1220**
- Senate Bill No. 1221**
- Senate Bill No. 1222**
- Senate Bill No. 1223**
- Senate Bill No. 1224**

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

Senator DeGrow moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on their immediate passage:

- House Bill No. 4779**
- House Bill No. 4780**

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

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

The following bill was read a third time:

Senate Bill No. 1218, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 1001b and 1003b (MCL 330.2001b and 330.2003b), section 1001b as amended by 1995 PA 290 and section 1003b as amended by 1993 PA 252.

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. 760

Yeas—35

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

Nays—1

Berryman

Excused—1

Bouchard

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1219, entitled

A bill to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," by amending section 4 (MCL 722.4), as amended by 1996 PA 412.

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. 761

Yeas—35

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

Nays—1

Berryman

Excused—1

Bouchard

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1220, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 139, 193, and 231 (MCL 750.139, 750.193, and 750.231), section 139 as amended by 1991 PA 145, section 193 as amended by 1988 PA 167, and section 231 as amended by 1981 PA 103.

The question being on the passage of the bill,

Senator Gougeon offered the following substitute:

Substitute (S-1).

The question being on the adoption of the substitute,

Senator Peters moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1221, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 23 of chapter IV (MCL 764.23), as amended by 1988 PA 137.

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. 762**Yeas—29**

Bennett	Gast	Miller	Schwarz
Bullard	Geake	North	Shugars
Byrum	Gougeon	O'Brien	Smith, V.
Cisky	Hoffman	Peters	Steil
DeBeaussaert	Jaye	Posthumus	Stille
DeGrow	Koivisto	Rogers	Van Regenmorter
Dunaskiss	McManus	Schuetz	Young
Emmons			

Nays—7

Berryman	Conroy	Hart	Vaughn
Cherry	Dingell	Smith, A.	

Excused—1

Bouchard

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1222, 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 20g, 29, 34, 63, 63a, 65, 69a, and 70 (MCL 791.220g, 791.229, 791.234, 791.263, 791.263a, 791.265, 791.269a, and 791.270), section 20g as added by 1996 PA 164, section 34 as amended by 1994 PA 345, section 65 as amended by 1994 PA 217, section 69a as added by 1990 PA 42, and section 70 as added by 1993 PA 255.

The question being on the passage of the bill,

Senator Gougeon offered the following amendments:

1. Amend page 7, line 10, by striking out all of section 34 and inserting:

"Sec. 34. (1) Except as provided in section 34a, a prisoner sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years other than a prisoner subject to disciplinary time is subject to the jurisdiction of the parole board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted, less good time and disciplinary credits, if applicable.

(2) Except as provided in section 34a, a prisoner subject to disciplinary time sentenced to an indeterminate sentence and confined in a state correctional facility with a minimum in terms of years is subject to the jurisdiction of the parole board when the prisoner has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted.

(3) If a prisoner other than a prisoner subject to disciplinary time is sentenced for consecutive terms, whether received at the same time or at any time during the life of the original sentence, the parole board has jurisdiction over the prisoner for purposes of parole when the prisoner has served the total time of the added minimum terms, less the good time and disciplinary credits allowed by statute. The maximum terms of the sentences shall be added to compute the new maximum term under this subsection, and discharge shall be issued only after the total of the maximum sentences has been served less good time and disciplinary credits, unless the prisoner is paroled and discharged upon satisfactory completion of the parole.

(4) If a prisoner subject to disciplinary time is sentenced for consecutive terms, whether received at the same time or at any time during the life of the original sentence, the parole board has jurisdiction over the prisoner for purposes of parole when the prisoner has served the total time of the added minimum terms. The maximum terms of the sentences shall be added to compute the new maximum term under this subsection, and discharge shall be issued only after the total of the maximum sentences has been served, unless the prisoner is paroled and discharged upon satisfactory completion of the parole.

(5) If a prisoner other than a prisoner subject to disciplinary time has 1 or more consecutive terms remaining to serve in addition to the term he or she is serving, the parole board may terminate the sentence the prisoner is presently serving at any time after the minimum term of the sentence has been served.

(6) A prisoner under sentence for life or for a term of years, other than a prisoner sentenced for life for murder in the first degree, or sentenced for life for a violation of chapter XXXIII of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a, who has served 10 calendar years of the sentence in the case of a prisoner sentenced for any other crime committed before October 1, 1992, or, except as provided in subsection ~~(4)~~ (9), who has served 20 calendar years of the sentence in the case of a prisoner sentenced to imprisonment for life for violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, who has another conviction for a serious crime, or, except as provided in subsection ~~(4)~~ (9), who has served 17-1/2 calendar years of the sentence in the case of a prisoner sentenced to imprisonment for life for violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, who does not have another conviction for a serious crime, or who has served 15 calendar years of the sentence in the case of a prisoner sentenced for any other crime committed on or after October 1, 1992, is subject to the jurisdiction of the parole board and may be released on parole by the parole board, subject to the following conditions:

(a) At the conclusion of 10 calendar years of the prisoner's sentence and every 5 years thereafter until the prisoner is paroled, discharged, or deceased, and in accordance with the procedures described in section 35(4) to (6), 1 member of the parole board shall interview the prisoner. The interview schedule prescribed in this subdivision applies to all prisoners to whom this subsection is applicable, regardless of the date on which they were sentenced.

(b) A parole shall not be granted a prisoner so sentenced until after a public hearing held in the manner prescribed for pardons and commutations in sections 44 and 45. Notice of the public hearing shall be given to the sentencing judge, or the judge's successor in office, and parole shall not be granted if the sentencing judge, or the judge's successor in office, files written objections to the granting of the parole within 30 days of receipt of the notice of hearing. The written objections shall be made part of the prisoner's file.

(c) A parole granted under this subsection shall be for a period of not less than 4 years and subject to the usual rules pertaining to paroles granted by the parole board. A parole ordered under this subsection is not valid until the transcript of the record is filed with the attorney general whose certification of receipt of the transcript shall be returnable to the office of the parole board within 5 days. Except for medical records protected under section 2157 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2157, the file of a prisoner granted a parole under this subsection is a public record.

(d) A parole shall not be granted under this subsection in the case of a prisoner who is otherwise prohibited by law from parole consideration. In such cases the interview procedures in section 44 shall be followed.

(7) In determining whether a prisoner convicted of violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, and sentenced to imprisonment for life before October 1, 1998 is to be released on parole, the parole board shall consider all of the following:

(a) Whether the violation was part of a continuing series of violations of section 7401 or 7403 of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, by that individual.

(b) Whether the violation was committed by the individual in concert with 5 or more other individuals.

(c) Any of the following:

(i) Whether the individual was a principal administrator, organizer, or leader of an entity that the individual knew or had reason to know was organized, in whole or in part, to commit violations of section 7401 or 7403 of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and whether the violation for which the individual was convicted was committed to further the interests of that entity.

(ii) Whether the individual was a principal administrator, organizer, or leader of an entity that the individual knew or had reason to know committed violations of section 7401 or 7403 of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and whether the violation for which the individual was convicted was committed to further the interests of that entity.

(iii) Whether the violation was committed in a drug-free school zone.

(iv) Whether the violation involved the delivery of a controlled substance to an individual less than 17 years of age or possession with intent to deliver a controlled substance to an individual less than 17 years of age.

(8) Except as provided in section 34a, a prisoner's release on parole is discretionary with the parole board. The action of the parole board in granting or denying a parole is appealable by the prisoner, the prosecutor of the county from which the prisoner was committed, or the victim of the crime for which the prisoner was convicted. The appeal shall be to the circuit court in the county from which the prisoner was committed, by leave of the court.

(9) If the sentencing judge, or his or her successor in office, determines on the record that a prisoner described in subsection (6) sentenced to imprisonment for life for violating or conspiring to violate section 7401(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401, has cooperated with law enforcement, the prisoner is subject to the jurisdiction of the parole board and may be released on parole as provided in subsection (6), 2-1/2 years earlier than the time otherwise indicated in subsection (6). The prisoner is considered to have cooperated with law enforcement if the court determines on the record that the prisoner had no relevant or useful information to provide. The court shall not make a determination that the prisoner failed or refused to cooperate with law enforcement on grounds that the defendant exercised his or her constitutional right to trial by jury. If the court determines at sentencing that the defendant cooperated with law enforcement, the court shall include its determination in the judgment of sentence.

(10) As used in this section: ~~—"serious"~~

(A) "SERIOUS crime" means violating or conspiring to violate article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545, that is punishable by imprisonment for more than 4 years, or an offense against a person in violation of section 83, 84, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.316, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, and 750.530.

(B) "STATE CORRECTIONAL FACILITY" MEANS A FACILITY THAT HOUSES PRISONERS COMMITTED TO THE JURISDICTION OF THE DEPARTMENT, AND INCLUDES A YOUTH CORRECTIONAL FACILITY OPERATED UNDER SECTION 20G BY THE DEPARTMENT OR A PRIVATE VENDOR."

2. Amend page 11, line 24, after "employed" by inserting "by".

3. Amend page 11, line 25, after "~~state~~" by inserting "THE DEPARTMENT OF CORRECTIONS".

4. Amend page 12, following line 14, by inserting:

"(2) SUBSECTION (1) ALSO APPLIES TO A PERSON WHO IS EMPLOYED BY THE DEPARTMENT OF CORRECTIONS WHO, WHILE PERFORMING HIS OR HER DUTIES IN A YOUTH CORRECTIONAL FACILITY, IS INJURED AS A RESULT OF AN ASSAULT BY A PRISONER HOUSED IN THE YOUTH CORRECTIONAL FACILITY OR IS INJURED DURING A RIOT IN THE YOUTH CORRECTIONAL FACILITY. HOWEVER, SUBSECTION (1) DOES NOT APPLY TO ANY PERSON EMPLOYED BY, OR RETAINED UNDER CONTRACT BY, A PRIVATE VENDOR THAT OPERATES A YOUTH CORRECTIONAL FACILITY." and renumbering the remaining subsection.

5. Amend page 12, line 15, after "section" by striking out the comma and inserting a colon.

6. Amend page 12, line 23, by striking out the balance of the subsection and inserting:

"(A) "CORRECTIONAL FACILITY" MEANS A FACILITY THAT HOUSES PRISONERS COMMITTED TO THE JURISDICTION OF THE DEPARTMENT, INCLUDING A COMMUNITY CORRECTIONS CENTER.

(B) "YOUTH CORRECTIONAL FACILITY" MEANS A FACILITY AUTHORIZED UNDER SECTION 20G."

The amendments were adopted, a majority of the members serving voting therefor.

Senator Schuette offered the following amendment:

1. Amend page 6, following line 23, by inserting,

"SEC. 20I. THE DEPARTMENT SHALL REIMBURSE TO WEBBER TOWNSHIP OR LAKE COUNTY AN AMOUNT NOT TO EXCEED \$293,900.00 FOR COSTS INCURRED BY WEBBER TOWNSHIP OR LAKE COUNTY TO IMPROVE ACCESS ROADS TO THE YOUTH CORRECTIONAL FACILITY AUTHORIZED UNDER SECTION 20G. THERE IS APPROPRIATED FROM THE GENERAL FUND AN AMOUNT NOT TO EXCEED \$293,900.00 FOR PURPOSES OF THIS SECTION."

The question being on the adoption of the amendment,

Point of Order

Senator Gast raised the Point of Order that the amendment deals with reimbursement to the local authority, making the amendment an appropriation issue, which should be dealt with in an appropriation bill.

The President, Lieutenant Governor Binsfeld, ruled that the amendment was not germane.

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. 763**Yeas—27**

Bennett	Dunaskiss	Koivisto	Schuette
Bullard	Emmons	McManus	Schwarz
Byrum	Gast	Miller	Shugars
Cisky	Geake	North	Steil
DeBeaussaert	Gougeon	Peters	Stille
DeGrow	Hoffman	Posthumus	Van Regenmorter
Dingell	Jaye	Rogers	

Nays—9

Berryman	Hart	Smith, A.	Vaughn
Cherry	O'Brien	Smith, V.	Young
Conroy			

Excused—1

Bouchard

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1223, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 41 (MCL 800.41).

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. 764**Yeas—29**

Bennett	Dunaskiss	Koivisto	Schuette
Bullard	Emmons	McManus	Schwarz
Byrum	Gast	Miller	Shugars
Cisky	Geake	North	Smith, V.
Conroy	Gougeon	Peters	Steil
DeBeaussaert	Hoffman	Posthumus	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell			

Nays—7

Berryman	Hart	Smith, A.	Young
Cherry	O'Brien	Vaughn	

Excused—1

Bouchard

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1224, entitled

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons and substances; to prohibit or limit the selling, giving, or furnishing of certain weapons and substances to prisoners; to prohibit the control or possession of certain weapons and substances by prisoners; and to prescribe penalties," by amending section 1a (MCL 800.281a), as added by 1982 PA 343.

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. 765**Yeas—28**

Bennett	Dunaskiss	Koivisto	Rogers
Bullard	Emmons	McManus	Schwarz
Byrum	Gast	Miller	Shugars
Cisky	Geake	North	Smith, V.
DeBeaussaert	Gougeon	O'Brien	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Posthumus	Van Regenmorter

Nays—7

Berryman	Conroy	Smith, A.	Young
Cherry	Hart	Vaughn	

Excused—1

Bouchard

Not Voting—1

Schuette

In The Chair: President

The Senate agreed to the title of the bill.

Senator Schuette stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

Senate Bill No. 1224

Senator Berryman moved that Senator V. Smith be temporarily excused from the balance of today’s session. The motion prevailed.

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

Senate Bill No. 1220, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 139, 193, and 231 (MCL 750.139, 750.193, and 750.231), section 139 as amended by 1991 PA 145, section 193 as amended by 1988 PA 167, and section 231 as amended by 1981 PA 103.

(The above bill was read a third time earlier today and substitute offered and consideration postponed. See p. 1946.)

The question being on the adoption of the substitute offered by Senator Gougeon,

Senator Gougeon offered the following amendment to the substitute:

1. Amend page 2, line 4, after “IN” by striking out the balance of the line through “OR” on line 6.

The amendment to the substitute was adopted.

The substitute, as amended, 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. 766

Yeas—27

Bennett	Dunaskiss	Koivisto	Schuette
Bullard	Emmons	McManus	Schwarz
Byrum	Gast	Miller	Shugars
Cisky	Geake	North	Steil
DeBeaussaert	Gougeon	Peters	Stille
DeGrow	Hoffman	Posthumus	Van Regenmorter
Dingell	Jaye	Rogers	

Nays—8

Berryman	Conroy	O’Brien	Vaughn
Cherry	Hart	Smith, A.	Young

Excused—2

Bouchard	Smith, V.
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Not Voting—0

In The Chair: President

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

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 139, 193, 197c, and 231 (MCL 750.139, 750.193, 750.197c, and 750.231), section 139 as amended by 1991 PA 145, section 193 as amended by 1988 PA 167, and section 231 as amended by 1981 PA 103.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator V. Smith entered the Senate Chamber.

Protest

Senator Berryman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 1218, 1219, 1220, 1221, 1222, 1223 and 1224.

Senator Berryman's statement is as follows:

On all of the children's prison privatization package, Senate Bill Nos. 1218 through 1224: If I could just use the same comment on all bills as a "no" vote explanation and simply say that I voted against these bills in philosophy. That number one, I don't believe in building a walled prison patterned after what I think is a failed adult correctional system for children, 14- to 18-year-old children. I think there are less expansive alternatives and ones that hopefully would have a better outcome when those children are released. I think under the current system what we're going to do is graduate them from a children's prison to the adult system. So I just don't think it's the right way to go. I certainly don't think it's right to privatize the children's prison. I believe that is the responsibility of the state and state government. The private sector did not sentence those kids to prison; state law did. We here in the Legislature passed those laws. I believe them, that they are the responsibility of the state and state employees and not a privatized system. And finally, I am certainly opposed to the use of deadly force on the escape from a children's prison. Giving the authority to the private sector to have policy of shoot to kill for 14- to 18-year-olds is bad policy, and for those reasons, I voted against the package of bills.

I think children, if we're ever to make a difference with children, Madam Governor, I don't think this is the way to go. I do believe that there are some bad kids out there that are sick 14- to 18- year-old kids. I just think there has to be a better way of trying to get to those kids at that point and certainly following your example, Madam Governor, of trying to get the kids before they ever get to that point. Having early intervention and prevention programs is a whole lot better than building a \$60 million children's prison.

Senator Shugars moved that he be named co-sponsor of the following bills:

Senate Bill No. 1218

Senate Bill No. 1219

Senate Bill No. 1220

Senate Bill No. 1221

Senate Bill No. 1222

Senate Bill No. 1223

Senate Bill No. 1224

The motion prevailed.

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

House Bill No. 5843, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending sections 6, 8, 9, 14, 15, and 17 (MCL 287.266, 287.268, 287.269, 287.274, 287.275, and 287.277).

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 767

Yeas—34

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

Nays—0

Excused—1

Bouchard

Not Voting—2

Jaye

Posthumus

In The Chair: President

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

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employes, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4779, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21053d.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute 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. 768**Yeas—35**

Bennett
Berryman
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0**Excused—2**

Bouchard

Posthumus

Not Voting—0

In The Chair: President

to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 3406m.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator DeGrow moved to reconsider the vote by which the following bill was given immediate effect:

House Bill No. 4779

The motion prevailed.

The question being on the motion that the bill be given immediate effect,

Senator DeGrow withdrew the motion.

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 241

Senate Resolution No. 242

The resolution consent calendar was adopted.

Senator Stille offered the following resolution:

Senate Resolution No. 241.

A resolution to congratulate Gretchen Stansell on her retirement from the Blue Lake Fine Arts Camp.

Whereas, It is a special honor and privilege to thank Gretchen Stansell for her exceptional dedication as founder of the Blue Lake Fine Arts Camp and director of its International Exchange Program. For 32 years, Gretchen Stansell has worked with diligence and integrity to make Blue Lake Fine Arts Camp one of the largest and most successful summer arts schools in the United States. We are grateful to have this opportunity to acknowledge her tireless efforts to promote music awareness and educational travel among students throughout the state, country, and world; and

Whereas, Gretchen is the daughter of a well-known musician who directed the Thirty-second (Red Arrow) Division Band in the South Pacific during World War II. She began her career as a teaching assistant with the North Muskegon High School Band and as a private flute teacher; and

Whereas, Gretchen and her husband, Fritz, founded Blue Lake Fine Arts Camp in 1966 and three years later, in 1969, the West Michigan summer arts school began its International Exchange Program. Since then, nearly 7,000 American students have participated in the program and nearly 450 European and Asian performing groups have visited Michigan; and

Whereas, Fluent in German and several other European languages, Gretchen Stansell has made over 75 trips to Europe since 1970 to arrange tours for Blue Lake Fine Arts Camp groups and recruit European arts organizations to visit Michigan. As a result, she has developed a network of music and arts groups in nearly a dozen European countries

that host visiting Blue Lake Fine Arts Camp groups and send music, choral, or dance groups to Michigan; now, therefore, be it

Resolved by the Senate, That we honor and commend Gretchen Stansell on the occasion of her retirement after 32 years of dedication as founder of the Blue Lake Fine Arts Camp and director of its International Exchange Program, and our special appreciation for her role in developing musical excellence among our nation's students. May she know of our admiration and warmest wishes for a future filled with health, happiness, and continuing success; and be it further

Resolved, That copies of this resolution be transmitted to Gretchen Stansell and her family as evidence of our respect and admiration.

Senators Emmons, Young, Shugars, McManus and Hoffman were named co-sponsors of the resolution.

Senator Schwarz offered the following resolution:

Senate Resolution No. 242.

A resolution honoring Richard S. Bearup.

Whereas, It is a great pleasure and privilege to acknowledge the leadership of Richard S. Bearup, as he brings to a close a career in state government which has spanned more than two decades. His talents and energies have benefitted our state in many ways, and we join with his colleagues in expressing our admiration for his exemplary service. We thank him for his effective leadership, hard work, and invaluable contributions to the people of the state of Michigan; and

Whereas, Ability, commitment, and integrity have been reflected in all of Rich's endeavors throughout his years in state government. He has made many sacrifices on behalf of the people he served, willingly and unselfishly. Since 1995, Rich has served as the Children's Ombudsman for the state of Michigan. He was appointed by Governor John Engler to monitor and ensure statewide compliance with relevant statutes, rules, and policies pertaining to the placement, supervision, and treatment of children involved with protective services, foster care, and adoption. His past professional experience includes serving as Executive Director for the Michigan International Year of the Family from 1994-1995, Chief of Staff for then-Senator John Engler from 1979-1982, Chief of Staff for Senator Gilbert DiNello from 1982-1987 and 1991-1994, Policy Advisor to the Senate Republican Caucus from 1977-1979, Legislative Assistant to Senator Richard Allen from 1975-1977, and Vice President for Account Development for Charlotte Insurance, Incorporated, from 1987-1990; and

Whereas, Rich is an outstanding, compassionate, valued, and dedicated person, who has been a strong advocate for the children of our state. We are proud to express the gratitude held for him by so many people for the magnificent job that he has done. His wisdom, professionalism, and generosity have earned him widespread acclaim and our deepest appreciation; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of praise and tribute be hereby accorded to Richard S. Bearup in recognition of his outstanding service to the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Richard S. Bearup as evidence of our admiration and esteem and with our warmest wishes for health and happiness in the years ahead.

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 101.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, November 12, 1998, it stands adjourned until Tuesday, December 1, 1998, at 10:00 a.m. for the Senate and 2:00 p.m. for the House of Representatives.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

Introduction and Referral of Bills

Senators Schuette, Gougeon and Rogers introduced

Senate Joint Resolution S, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article VIII, to allow state financial aid to support the attendance of low income children who reside in urban areas at nonreligious, nonpublic schools.

The joint resolution was read a first and second time by title and referred to the Committee on Education.

Senators Schuette, Gougeon and Rogers introduced

Senate Bill No. 1364, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by amending the title, as amended by 1997 PA 142, and by adding section 21.

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

Senator Bullard introduced

Senate Bill No. 1365, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 3, 6, 10, 45, 47a, 52, 58, 67, 73, 90, 106, 107, 108, 111, 112, 113, 132, and 135 (MCL 559.103, 559.106, 559.110, 559.145, 559.147a, 559.152, 559.158, 559.167, 559.173, 559.190, 559.206, 559.207, 559.208, 559.211, 559.212, 559.213, 559.232, and 559.235), sections 3, 10, 52, 67, 73, 112, and 135 as amended by 1982 PA 538, section 6 as amended by 1983 PA 113, section 47a as amended by 1998 PA 36, and section 90 as amended by 1988 PA 147, and by adding sections 72b, 90a, and 176.

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

Senator Bullard introduced

Senate Bill No. 1366, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 1996 PA 214.

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

Senator Schuette introduced

Senate Bill No. 1367, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1993 PA 291.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senator Schuette introduced

Senate Bill No. 1368, entitled

A bill to allow for the identification of tax delinquent residential rental property eligible for accelerated foreclosure; to permit the accelerated foreclosure of tax delinquent residential rental property; to require certain procedures of certain state departments and certain local units of government; to prohibit certain civil and administrative actions; and to provide for the disposition of foreclosed tax delinquent residential rental property.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senator Schuette introduced

Senate Bill No. 1369, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1993 PA 291.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

The President pro tempore, Senator Schwarz, assumed the Chair.

Senator V. Smith introduced

Senate Bill No. 1370, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending the title and section 2 (MCL 141.1152).

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

House Bill No. 5061, entitled

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers;

to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending sections 2, 3b, and 4 (MCL 445.572, 445.573b, and 445.574), section 2 as amended by 1986 PA 235, section 3b as amended by 1996 PA 384, and section 4 as amended by 1982 PA 39, and by adding sections 4a and 4b.

The House of Representatives has passed the bill by 3/4 vote 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 Economic Development, International Trade and Regulatory Affairs.

Statements

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

The motion prevailed.

Senator Emmons' statement is as follows:

I would like to commend Ray Brennan for his work in this body, particularly when I have the occasion to be in the chair. I have been helped quietly and helpfully many, many, many times. If there is ever any question about procedure in this body and how to do something, Ray Brennan is always there to help you work through the rules. I just had to add my grateful thanks to Ray and wish him every wonderful thing in his retirement. He certainly has deserved every bit of it.

By unanimous consent the Senate returned to the order of

Resolutions

Senate Concurrent Resolution No. 101.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see p. 1957.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 906, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 1999; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and September 30, 1999 conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, Young and Vaughn

Nays: Senators Koivisto, A. Smith and DeBeaussaert

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, November 10, 1998, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

The Committee on Health Policy and Senior Citizens reported

House Bill No. 4779, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053d. With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Jaye, Byrum and O'Brien

Nays: None

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

The Committee on Health Policy and Senior Citizens reported

House Bill No. 4780, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406j.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Jaye, Byrum and O'Brien

Nays: None

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

The Committee on Health Policy and Senior Citizens reported

House Bill No. 5924, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16621 (MCL 333.16621). With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 2, line 7, after the first "than" by striking out "18" and inserting "12".

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

Dale L. Shugars
Chairperson

To Report Out:

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

Nays: None

The bill and the amendment recommended by the committee were 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, November 10, 1998, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Finance reported

Senate Bill No. 1038, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1996 PA 347.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1357, entitled

A bill to amend 1952 PA 175, entitled "An act to authorize incorporated cities and villages to borrow money and issue bonds in anticipation of future payments from the motor vehicle highway fund, for any purpose or purposes for which said funds may be used and for the purpose of refunding such bonds; authorizing the pledging of the faith and credit of the issuing city or village, upon proper resolution of its governing body, as additional security for the payment of said bonds; and to prescribe procedures and conditions relative to the issuance of such bonds," by amending sections 1 and 4 (MCL 247.701 and 247.704), section 1 as amended by 1983 PA 117 and section 4 as amended by 1996 PA 125.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

The Committee on Finance reported

House Bill No. 4742, entitled

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

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

The Committee on Finance reported

House Bill No. 5053, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1997 PA 193.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

The Committee on Finance reported

House Bill No. 5795, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 23 and 23b (MCL 208.23 and 208.23b), as amended by 1995 PA 282.

With the recommendation that the bill pass.

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5875, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 56a (MCL 211.56a).

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

The Committee on Finance reported

House Bill No. 5967, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 1996 PA 435.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

The Committee on Finance reported

House Bill No. 5968, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 1997 PA 194.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, November 10, 1998, at 1:20 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard and Shugars

Excused: Senators Peters and V. Smith

The Committee on Gaming and Casino Oversight reported

House Bill No. 5127, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1996 PA 167.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Rogers and Koivisto

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 Gaming and Casino Oversight submits the following:
Meeting held on Tuesday, November 10, 1998, at 12:22 p.m., Room 405, Capitol Building
Present: Senators Bouchard (C), Rogers and Koivisto
Excused: Senators Schuette and V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submits the following:
Meeting held on Tuesday, November 10, 1998, at 3:00 p.m., Senate Appropriations Room, Capitol Building
Present: Senators Steil (C), A. Smith and Cisky

Scheduled Meeting

Local, Urban and State Affairs Committee - Wednesday, November 18, at 1:00 p.m., Room 100, Farnum Building (3-1635).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 12:32 p.m.

Pursuant to Senate Concurrent Resolution No. 101, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, December 1, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

