

No. 37
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, April 29, 1999.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

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

Pastor Anthony Kinsler of Lapeer Apostolic Church of Lapeer offered the following invocation:

Father, in a day where turmoil and the desecration of humanity set the scene at home and abroad in our world, we pray for the leaders here today who in collective union with this great nation help to make and enforce governments that will lead the people of our state, and in the overall picture, of our beloved America. We pray that You would give them wisdom and insight, Father, to personally invite Your presence and guidance into everything they do. With You ordering our steps, we will never be led down the path with the outcome of our works failing to say that we love our neighbor as we love ourselves.

Our state and country has always been blessed because we have continually asked to have You be a part of all that we do as one nation under God and thus of course the fairness of our laws. May we ever keep our minds and, resultantly, our actions under the auspices of Your will and thereby remain a safe haven for all humanity. Our nation is great because our states are great, and our state is great because its leaders are great, and our leaders are great because they invite the "Great One," the God of us all to be in our efforts. Father, we pray that You bless them today in their efforts. In Jesus' name. Everyone say Amen.

Motions and Communications

Senator V. Smith entered the Senate Chamber.

Senator V. Smith moved that Senators Leland and Miller be temporarily excused from today's session.
The motion prevailed.

Senator Rogers moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

Senate Bill No. 102

The motion prevailed.

Senator Miller entered the Senate Chamber.

Senator Rogers moved that rule 3.902 be suspended to allow the wife of George Osmer, retiring General Services employee, admittance to the Senate floor.

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 28:
House Bill Nos. 4355 4356 4405

The Secretary announced the printing and placement in the members' files on Wednesday, April 28 of:

Senate Bill Nos. 546

Messages from the House

Senate Bill No. 379, entitled,

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18f of chapter XIIA (MCL 712A.18f), as amended by 1998 PA 480.

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

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senators Cherry, Koivisto, Dingell, Schwarz, North, Byrum, A. Smith, Emmons and DeBeaussaert asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's statement is as follows:

Today is the last day here on the Senate floor for one of our Senate Democratic Staff persons, Dennis Fox. Dennis will be leaving; his last day actually is tomorrow. He will be leaving the institution and going to work for the Michigan United Conservation Clubs. So, I wanted to take a moment and inform the body of that.

Dennis has been an outstanding employee of our caucus. He just very quickly does a very detailed and thorough job. I know that all of us have benefitted from his work, and we want to take a moment to express our appreciation. He's just done a great job for us, and we know he'll do a great job for MUCC. Dennis, we want to say thank you and best wishes. I also have a tribute of appreciation for Dennis.

Senator Koivisto's statement is as follows:

I just want to add some remarks to Senator Cherry's remarks regarding Dennis. He worked with us on agriculture, natural resources and DEQ issues, and you couldn't find a more professional, thorough, and capable individual. One thing that will always stand out in my mind is how much he cared about the work he was doing. He was just right there on top of things, and he was about as good of an employee as you could ever have.

Senator Dingell's statement is as follows:

Dennis has worked with me for some while now on the hunting and fishing committee; with me he shares a deep love for these things. He's going to be able to perhaps spend a bit more time in the woods and on the water now with the Michigan United Conservation Clubs. He came to me awhile ago and asked me if I'd give him a favorable recommendation to that body. Knowing that he shared the love of woods and water that I do, it was my pleasure to give him a glowing recommendation. I'm glad to see that they recognized quality help when it was offered to them.

Senator Schwarz's statement is as follows:

I also have the very pleasant duty this morning and the honor to present a tribute to a retiring Senate employee, Mr. George F. Osmer. George, if you'd come up with your wife, Bertha as well, your daughter, Kerry Osmer and grandson, Jeremy.

George is a familiar face around the Senate and has been for years. His face has almost always got a smile on it when most of the time ours don't. George has been a very devoted Senate employee; he's been an Assistant Sergeant at Arms. I think if there's any job in the Senate that George hasn't done, I don't know about it.

George and his family are deeply religious people, and he has been active in many, many religious organizations. In fact, in retirement he is going to live in Fenton, Missouri, and participate in a ministry in that area. In the Kindness in Action Ministry, George was a clown, as Remso the Clown. I think that's something probably the members of this chamber will understand very, very well.

George, you've been a wonderful employee. You've been a wonderfully pleasant person to deal with. I know that the Lieutenant Governor and the entire Senate, who are co-signatories on this resolution, join me in wishing you a happy retirement, which probably, as I read what you're going to do, isn't really going to be a retirement at all. But I will tell you that we'll all miss you.

Senator North's statement is as follows:

I usually go to a microphone on the other side of the aisle, but I think for the announcement that I have to make perhaps it is more appropriate that I be over here. Today is the last day for Senate Messenger Liz Wudyka, who sits to my right here and has been here quite a while. Prior to that she was a Page. So the Senate staff's loss is going to be my office's gain. Liz is coming to work in my office on Monday.

I would like my colleagues to join me in thanking Liz for her very efficient work as a Senate Messenger, and you will be seeing her in the future over in the Farnum Building.

Senator Byrum's statement is as follows:

I rise to give farewell remarks for Dennis Fox. In the committee assignments that I have enjoyed as a member of the Senate, Dennis has been the central staff person who has worked with me on both the agricultural issues and land use issues, as well as hunting and fishing. I have enjoyed our working relationship. I have found that he was always well-prepared and made sure that I was well-prepared as those issues unfolded before us. I am going to miss him, but I wish him all the best as he joins the Michigan United Conservation Clubs.

I know that our paths will continue to cross as he continues to work in public policy areas that he has gained so much breadth and depth in his work in the Senate on behalf of that organization. I wish him all the success and Godspeed. I look forward to working with him in his new capacity.

Senator A. Smith's statement is as follows:

I, too, would like to make some comments on Dennis Fox, on his departure from the Michigan Senate. I don't know exactly what it is that Dennis is going to do for Michigan United Conservation Clubs, but if he is as thorough and careful with that responsibility there, I am confident that every fin will be counted, every blade of grass will be turned, carefully audited and very scrupulously accounted for, and a report filed with the Michigan United Conservation Clubs in a timely manner. I know that Dennis will serve them as well and as competently as he has served us. I wish you the best of luck, Dennis.

To George Osmer: George and I have trundled across this Capitol together on many occasions and in different capacities. First, when I was a staff member for Senator Lana Pollack. George was certainly one of those friendly people who greeted me when I first joined the staff and made it an easy transition as I tried to find my way through the different offices here in the Capitol and even to the floor; showing me the right aisle not to walk down.

George has, as Senator Schwarz said, always worn a gracious smile. He is a man with a deep and sincere heart and I will miss him. But I know his future is going to be delightful and the lives that he crosses will be blessed.

Senator Emmons' statement is as follows:

George, thank you for being a bright spot always to the Farnum Building. I was ordered to come here and say nice things about you because my staff really appreciates all of your service to them, and they wanted me to tell you how much they're going to miss you.

But I have a husband who is retired, and I wish you lots of moments for doing what George wants to do instead of what Senator Emmons or anybody else wants to do. And if it's fishing, may the fish bite and you bring tons home for your grandson to clean. So, we just want to wish you all the best.

Senator DeBeaussaert's statement is as follows:

I would like to join the chorus of those offering comments of praise for our two departing employees. First to Mr. Osmer: Certainly I join all of those who wish him and his family well as they move forward in this exciting new part of his life, and thank him for his service to the Senate.

Especially to Dennis Fox, who it has been my privilege to work with as a member of the Natural Resources and Environmental Affairs Committee in the past session, and in the current session as a member of the Appropriations Subcommittees on DNR and DEQ: Dennis has been invaluable to me, especially in the new assignment on appropriations. In working through that process, he has offered me so many courtesies along the way, and I will certainly miss his efforts to help serve the people of the state of Michigan through those processes. But, certainly, his work will continue through the MUCC, and I look forward, as I am sure many members of both sides of the aisle do, to working with him in that new capacity.

Senator Leland entered the Senate Chamber.

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 404

Senate Bill No. 529

Senate Bill No. 530

Senate Bill No. 103

Senate Bill No. 430

Senate Bill No. 551

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

Senator Rogers moved that the rules be suspended and that the following concurrent resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Concurrent Resolution No. 12

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

Third Reading of Bills

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

Senate Joint Resolution G

Senate Bill No. 287

Senate Bill No. 390

Senate Bill No. 300

House Bill No. 4345

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 406, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional

institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 68 (MCL 791.268), as added by 1996 PA 556.

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. 148

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Peters

In The Chair: President

The Senate agreed to the title of the bill.

Senators Byrum, Jaye, Shugars, Sikkema, Steil, Goschka, Hammerstrom, Bennett, Stille, Gougeon, Schuette, Rogers, Dunaskiss, North, McCotter and McManus moved that they be named co-sponsors of the following bill:

Senate Bill No. 406

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 419, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 55; and to repeal acts and parts of acts.

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. 149**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Byrum, Jaye, Shugars, Sikkema, Steil, Goschka, Hammerstrom, Bennett, Stille, Gougeon, Schuette, Rogers, Dunaskiss, North, McCotter and McManus moved that they be named co-sponsors of the following bill:

Senate Bill No. 419

The motion prevailed.

Senator Peters 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. 406

The following bill was read a third time:

Senate Bill No. 500, 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 33 (MCL 800.33), as amended by 1994 PA 218.

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. 150**Yeas—33**

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

Nays—4

Cherry

Emerson

Schwarz

Vaughn

Excused—0**Not Voting—1**

McCotter

In The Chair: President

Senator Hoffman moved to reconsider the vote by which the bill was passed.
 The motion prevailed, 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. 151**Yeas—38**

Bennett

Gast

McCotter

Shugars

Bullard

Goschka

McManus

Sikkema

Byrum

Gougeon

Miller

Smith, A.

Cherry

Hammerstrom

Murphy

Smith, V.

DeBeaussaert

Hart

North

Steil

DeGrow

Hoffman

Peters

Stille

Dingell

Jaye

Rogers

Van Regenmorter

Dunaskiss

Johnson

Schuette

Vaughn

Emerson

Koivisto

Schwarz

Young

Emmons

Leland

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Byrum, Jaye, Shugars, Sikkema, Steil, Goschka, Hammerstrom, Bennett, Stille, Gougeon, Schuette, Rogers, Dunaskiss, North and McManus moved that they be named co-sponsors of the following bill:

Senate Bill No. 500

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 46, 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.

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. 152**Yeas—37**

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

Nays—1

Jaye

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Rogers, Gast, Shugars, Goschka, Gougeon, North, McManus, Schwarz, Bennett, Hammerstrom and Sikkema moved that they be named co-sponsors of the following bill:

Senate Bill No. 46

The motion prevailed.

The following bill was read a third time:

House Bill No. 4323, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 721 (MCL 257.721), as amended by 1995 PA 248.

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. 153**Yeas—38**

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

Nays—0

Excused—0

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.

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

General Orders

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

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

Recess

Senator Rogers moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion prevailed, the time being 10:57 a.m.

12:32 p.m.

The Committee of the Whole was called to order by the Chairperson, Senator Schuette.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 530, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 12562 (MCL 333.12562), as amended by 1996 PA 67.

Senate Bill No. 103, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 183 and 188 (MCL 750.183 and 750.188).

Senate Bill No. 430, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 316 (MCL 750.316), as amended by 1996 PA 21.

Senate Bill No. 551, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16j and 18 of chapter XVII (MCL 777.16j and 777.18), as added by 1998 PA 317.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 404, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 17, line 12, after "(j)" by striking out the balance of the subdivision and inserting "ONE CONSUMER."
2. Amend page 17, following line 15, by inserting:

"(K) ONE INDIVIDUAL WHO IS AN ELECTED OFFICIAL OF A CITY, VILLAGE, OR TOWNSHIP LOCATED IN A COUNTY WITH A POPULATION OF NOT MORE THAN 100,000."

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

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 141, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), 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.

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

Senate Bill No. 7**Senate Bill No. 117**

The motion prevailed.

The House of Representatives returned, in accordance with the request of the Senate

Senate Bill No. 102, entitled

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act," by amending section 9f (MCL 211.9f), as added by 1998 PA 328.

Senator Rogers moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House amendments, as amended, were concurred in.

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

Senator Rogers moved to reconsider the vote by which the House amendments were concurred in.

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

Senator Rogers moved that rule 3.311 be suspended to permit reconsideration of the vote by which the amendment offered by Senator Emmons to the House amendment was adopted.

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

Senator Rogers moved to reconsider the vote by which the amendment offered by Senator Emmons was adopted.

The motion prevailed.

Senator V. Smith moved that Senators Cherry and Koivisto be excused from the balance of today's session.

The motion prevailed.

The question being on the adoption of the amendment to the House amendments,

Senator Emmons withdrew the amendment.

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

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

Roll Call No. 154

Yeas—35

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

Nays—1

Jaye

Excused—2

Cherry

Koivisto

Not Voting—0

In The Chair: Schwarz

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

Senator Byrum moved that she be named co-sponsor of the following bill:

Senate Bill No. 102

The motion prevailed.

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

The motion prevailed.

Senator Bullard's statement is as follows:

I am offering this amendment because in the interim since this bill was put on the Governor's desk and then enrollment was vacated on March 17, the Detroit City Council has seen fit to grant a tax break to Compuware Corporation, and the State Tax Commission has approved that tax break, which if this bill had been signed when it was

originally presented to the Governor, would not have been available. We don't want this amendment to appear to be anti-Detroit or anti-Compuware Corporation, but there is a principle here. The principle is that we should not be giving tax breaks to allow one business to go from one community in our state to another community. And having said that, Mr. President, we do need this bill to get to the Governor because it will enable General Motors hopefully next week to make a formal announcement of building a new plant in Lansing.

We do want to wish Compuware Corporation well because they have decided to go to Detroit. They're a valuable Michigan business, and we want to keep Compuware Corporation in this state. The only issue is what kind of tax breaks they should receive for moving.

Mr. President, with the leave of the Senate I would move to withdraw my amendment.

Resolutions

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

Senate Resolution No. 52

The resolution consent calendar was adopted.

Senator DeGrow offered the following resolution:

Senate Resolution No. 52.

A resolution creating a bipartisan task force on agriculture preservation.

Whereas, Farming is the second largest industry in the state of Michigan. Agriculture as an industry and a way of life is rapidly changing in this state and across the nation; and

Whereas, According to the *Census of Agriculture 1997*, the average farm operator in Michigan is 53 years old, and the number of farmers under the age of 35 has taken a sharp decline in this decade; and

Whereas, The *Census* further reports that Michigan is losing approximately 118 acres of farmland per day. While the amount farmland has decreased, the output of many agricultural products has increased; now, therefore, be it

Resolved by the Senate, That there be created a bipartisan task force on agriculture preservation to consist of five members appointed by the Senate Majority Leader to function during the 1999 Regular Session of the Legislature, and until December 31, 1999. The members of the task force shall be Senators McManus (Chairperson), Sikkema, Emmons, Koivisto, and Byrum; and be it further

Resolved, That the task force shall examine the status and future of farm preservation and food supply issues, and report its findings and recommendations to the Senate by September 30, 1999.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Byrum's statement is as follows:

I just wanted to make a brief comment on how important Senate Bill No. 102 is to this Greater Lansing community. We have worked as a community to make sure that the future of Oldsmobile, and General Motors in particular, remain in this community, understanding what a vital and important part of the community it is. Senate Bill No. 102 will greatly enhance this community's effort to make sure that that does, in effect, occur. It's not only a major employer in this community, but it's part and parcel of the fabric that makes up our region. It's been a situation where we've not looked so much toward turf in this issue, but we've looked at how we can cooperate as a region to make sure that our future does include a future that has a strong and viable Oldsmobile.

Thank you very much. On behalf of the community, I have the privilege to represent the Michigan Senate.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Dingell introduced

Senate Bill No. 552, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 64 (MCL 710.64), as amended by 1996 PA 409.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Jaye, Dunaskiss, Dingell and Bullard introduced

Senate Bill No. 553, entitled

A bill to amend 1990 PA 319, entitled "An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms," by amending the title and section 1 (MCL 123.1101) and by adding section 6.

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

Senators Rogers, Gast, Shugars, Steil, Bullard, Gougeon, Johnson, Bennett, Hammerstrom, North and McCotter introduced

Senate Bill No. 554, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248 (MCL 257.248), as amended by 1998 PA 384.

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

Senators Hammerstrom, Young, McCotter, Dunaskiss, Shugars, Steil, Goschka, Johnson, Bullard, Dingell and Rogers introduced

Senate Bill No. 555, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1998 PA 60.

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

Senator Van Regenmorter introduced

Senate Bill No. 556, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 219, 233, 258, 303, 310d, 321a, 323, 602a, 605, 625, 625g, 625h, 732, 904, 904c, 904d, and 904e (MCL 257.204a, 257.219, 257.233, 257.258, 257.303, 257.310d, 257.321a, 257.323, 257.602a, 257.605, 257.625, 257.625g, 257.625h, 257.732, 257.904, 257.904c, 257.904d, and 257.904e), sections 204a, 219, 233, and 323 as amended by 1998 PA 346, sections 258 and 602a as amended by 1998 PA 347, section 303 as amended by 1998 PA 351, sections 310d and 321a as amended by 1998 PA 343, section 625 as amended by 1998 PA 350, section 625g as amended by 1994 PA 450, section 625h as amended by 1996 PA 59, section 732 as amended by 1998 PA 348, section 904 as amended by 1998 PA 342, section 904c as added by 1998 PA 359, and sections 904d and 904e as added by 1998 PA 358.

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

Senator Rogers introduced

Senate Bill No. 557, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7408a (MCL 333.7408a), as added by 1993 PA 361.

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

Senator Hammerstrom introduced

Senate Bill No. 558, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8511 (MCL 600.8511), as amended by 1996 PA 79.

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

Senator North introduced

Senate Bill No. 559, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 9f of chapter IV (MCL 764.9f), as amended by 1998 PA 264.

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

Senators Miller and Rogers introduced

Senate Bill No. 560, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make

reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 3 (MCL 28.243), as amended by 1989 PA 97.

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

Senator Shugars introduced

Senate Bill No. 561, entitled

A bill to amend 1984 PA 64, entitled "The coordination of benefits act," by amending section 3 (MCL 550.253), as amended by 1996 PA 325.

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

House Bill No. 4355, entitled

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

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 Judiciary.

House Bill No. 4356, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 110a (MCL 750.110a), as added by 1994 PA 270.

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 Judiciary.

House Bill No. 4405, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 308, 310e, and 320a (MCL 257.306, 257.308, 257.310e, and 257.320a), sections 306 and 308 as amended and section 310e as added by 1996 PA 387 and section 320a as amended by 1998 PA 350.

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 Transportation and Tourism.

Committee Reports

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

Senate Bill No. 484, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts of certain cities; to permit the creation of certain boards; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 125.981, 125.982, 125.983, 125.984, and 125.985), as amended by 1992 PA 146.

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.

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Leland and Peters

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 Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Tuesday, April 27, 1999, at 1:17 p.m., Room 210, Farnum Building

Present: Senators Schuette (C), McCotter, Jaye, Leland and Peters

The Committee on Health Policy reported

Senate Bill No. 404, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20919, 20920, 20921, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20965, 20975, and 20977 (MCL 333.20902, 333.20904, 333.20906, 333.20908, 333.20910, 333.20912, 333.20915, 333.20916, 333.20918, 333.20919, 333.20920, 333.20921, 333.20923, 333.20929, 333.20934, 333.20950, 333.20954, 333.20956, 333.20958, 333.20965, 333.20975, and 333.20977), sections 20902, 20904, 20906, 20908, 20910, 20912, 20915, 20916, 20918, 20923, 20929, 20934, 20950, 20954, 20956, 20958, 20975, and 20977 as added by 1990 PA 179, section 20919 as amended by 1996 PA 192, and sections 20920, 20921, and 20965 as amended by 1997 PA 78.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Murphy

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 537, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 22229 (MCL 333.22229), as amended by 1993 PA 88.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Concurrent Resolution No. 12.

A concurrent resolution to express support for efforts to increase public awareness of the severe health risks related to obesity and to encourage people to make responsible lifestyle changes.

(For text of resolution, see Senate Journal No. 34, p. 509.)

With the recommendation that the following amendments be adopted and that the concurrent resolution then be adopted:

1. Amend the title, line 3, after "changes" by inserting a comma and "and commemorate July 1999 as Obesity Awareness Month".

2. Amend the first Resolving clause, line 4, after "changes" by inserting "and designate July 1999 as Obesity Awareness Month".

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Murphy

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, April 27, 1999, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz and Murphy

Excused: Senator Byrum

The Committee on Natural Resources and Environmental Affairs reported
Senate Bill No. 529, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2511; and to repeal acts and parts of acts.

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

1. Amend page 3, line 12, after "FOLLOWING" by inserting "IF ADEQUATE APPROPRIATIONS ARE MADE TO MICHIGAN STATE UNIVERSITY FOR THE SPECIFIC PURPOSES OF THIS SECTION".

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

Ken Sikkema
 Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported
Senate Bill No. 530, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12562 (MCL 333.12562), as amended by 1996 PA 67.

With the recommendation that the bill pass.

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

Ken Sikkema
 Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast and Peters

Nays: Senator Young

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:
 Meeting held on Tuesday, April 27, 1999, at 2:30 p.m., Room 810, Farnum Building
 Present: Senators Sikkema (C), Dunaskiss, Gast, Peters and Young

The Committee on Financial Services reported
House Concurrent Resolution No. 26.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to affirm the regulation of insurance matters by the states.

(For text of resolution, see Senate Journal No. 33, p. 496.)

With the recommendation that the concurrent resolution be adopted.

Joanne Emmons
 Chairperson

To Report Out:

Yeas: Senators Emmons, Shugars, Dunaskiss, Johnson, Miller and Leland

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:
 Meeting held on Wednesday, April 28, 1999, at 1:15 p.m., Room 810, Farnum Building
 Present: Senators Emmons (C), Shugars, Dunaskiss, Johnson, Miller and Leland
 Excused: Senator Jaye

The Committee on Judiciary reported

Senate Bill No. 103, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 183 and 188 (MCL 750.183 and 750.188).

With the recommendation that the bill pass.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 430, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 1996 PA 21.

With the recommendation that the bill pass.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 551, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16j and 18 of chapter XVII (MCL 777.16j and 777.18), as added by 1998 PA 317.

With the recommendation that the bill pass.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, April 28, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Tuesday, April 27, 1999, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gougeon (C), Schwarz, Bennett, Emerson and A. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submits the following:

Meeting held on Tuesday, April 27, 1999, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators North (C), A. Smith and Hoffman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Wednesday, April 28, 1999, at 1:00 p.m., Senate Appropriations Room, Capitol Building
Present: Senators Bennett (C), Goschka and Vaughn

Scheduled Meetings

Agriculture Preservation Task Force (SR 52) - Saturday, May 1, at 10:00 a.m., Menominee County MSU Extension Office, 904 South U.S. 41, Stephenson (3-1725).

Education Committee - Wednesday, May 5, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-7350).

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

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 12:53 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 4, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.