

**No. 45**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, May 19, 1999.

10:00 a.m.

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

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

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

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

Senator Shirley Johnson of the 13th District offered the following invocation:

Our Heavenly Father, we gather in this chamber today to structure the laws that impact all of the citizens of this great state. In so doing, we need and ask for Your guidance. Create in each of us the desire to do that which is true, just, honorable and, most importantly, compassionate. In Jesus' name we pray. Amen.

### **Motions and Communications**

Senators Young and Vaughn entered the Senate Chamber.

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

Senators Hammerstrom, A. Smith and Cherry entered the Senate Chamber.

Senator Rogers moved that rule 3.902 be suspended to allow guests of Senators McCotter, Gast, Rogers and Hoffman admittance to the Senate floor.

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

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

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

### **Recess**

Senator Rogers moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:04 a.m.

10:18 a.m.

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

During the recess, Senator McCotter introduced to the Senate and presented a special tribute to the Detroit Catholic Central High School Hockey Team, 1999 Class A State Champions, and Coach Gordon St. John.

Mr. St. John spoke briefly.

During the recess, Senators Gast, Rogers and Hoffman introduced to the Senate Jack Brown, retiring Executive Director of the Fraternal Order of Police.

Senator Rogers presented Mr. Brown with Senate Resolution No. 57, a resolution of tribute for his life dedicated to law enforcement.

Mr. Brown spoke briefly.

During the recess, Senators Jaye and McManus entered the Senate Chamber.

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

The motion prevailed.

Senator Van Regenmorter's statement is as follows:

The presentation that was just made to Jack Brown I think reflects the best we can put in writing how much respect we have for him, but as chair of the Senate Judiciary Committee, I have worked with Jack probably as much as anyone here in this body.

We all know how important it is to have someone who represents a group of people who carry as much respect as the Fraternal Order of Police. That is incredibly important. It's nice to know that the person who has done that for so many years is a person for whom all of us in this body have great respect, and I will lead that list in terms of respect for Jack Brown. I respect his integrity. I respect his candor. I respect his willingness to work hard.

I just want to give one example. That's something called the firefighter's rule. I don't recall anything that had as many opinions generated around this floor and around this Capitol as that issue. It's an extremely important issue for law enforcement officers and also one that carried with it some considerable controversy, but Jack Brown rolled up his sleeves and worked with us and offered the kind of advice that we took, and ultimately, there was resolution. That's just an example of the kind of work that Jack Brown does.

You can trust him. You can trust him with your life. Police officers around this state have trusted him with their reputation for a long time, and he has done a remarkable job, I think, of making sure their reputation is not only protected, but is enhanced.

It has been an honor, Jack, to work with you, and the sentiments expressed in that tribute that you have in your hands only in a small way reflect the level of honor in which we hold you.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 19:  
**House Bill Nos. 4530 4532 4533 4534 4535 4536 4537 4538 4543 4545 4641 4642 4643 4647**  
**4648**

### Recess

Senator Rogers moved that the Senate recess subject to the call of the President.  
 The motion prevailed, the time being 10:25 a.m.

11:33 a.m.

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

### Messages from the Governor

The following message from the Governor was received:

Date: May 18, 1999  
 Time: 10:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 379 (Public Act No. 25), being**

An act to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending section 18f of chapter XIA (MCL 712A.18f), as amended by 1998 PA 480.

(Filed with the Secretary of State on May 18, 1999, at 11:15 a.m.)

Respectfully,  
 John Engler  
 Governor

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

**Senate Bill No. 438**

**Senate Bill No. 405**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 96, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding chapter 10A. The question being on the passage of the bill,

Senators Van Regenmorter and Jaye offered the following amendments:

1. Amend page 2, line 16, by striking out all of subdivision (F) and inserting:

"(F) "VIOLENT PREDATOR" MEANS AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

(i) HE OR SHE HAS BEEN CONVICTED OF 1 OF THE FOLLOWING:

(A) A VIOLATION OF SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, AND, IN ADDITION, HAS BEEN CONVICTED OF 2 OR MORE ACTS OF CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE THAT ARE SEPARATE FROM AND DO NOT ARISE OUT OF THE INCIDENT OR INCIDENTS THAT WERE THE BASIS FOR THE VIOLATION OF SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, AS EVIDENCED BY CERTIFIED COPIES OF THE COURT RECORDS OF CONVICTIONS IN THIS STATE, ANOTHER STATE, FEDERAL COURT, OR A FOREIGN COUNTRY.

(B) A VIOLENT OFFENSE OTHER THAN A VIOLATION OF SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, AND, IN ADDITION TO THE CONVICTION FOR THE VIOLENT OFFENSE, HAS COMMITTED 2 OR MORE MURDERS OR VOLUNTARY MANSLAUGHTERS THAT ARE SEPARATE FROM AND DO NOT ARISE OUT OF THE INCIDENT OR INCIDENTS THAT WERE THE BASIS FOR THE VIOLENT OFFENSE, AS EVIDENCED BY CERTIFIED COPIES OF THE COURT RECORDS OF CONVICTIONS IN THIS STATE, ANOTHER STATE, FEDERAL COURT, OR A FOREIGN COUNTRY.

(ii) HE OR SHE SUFFERS FROM A MENTAL ABNORMALITY THAT MAKES THE INDIVIDUAL LIKELY TO ENGAGE IN FUTURE PREDATORY ACTS OF VIOLENCE."

2. Amend page 4, line 10, after "AND" by inserting a comma and "FOR A VIOLENT OFFENSE DESCRIBED IN SECTION 1060(F)(i)(B)."

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

Senator Murphy entered the Senate Chamber.

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. 255**

**Yeas—33**

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

**Nays—5**

Hart	Smith, A.	Smith, V.	Vaughn
Murphy			

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

### Protests

Senators V. Smith and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 96.

Senator V. Smith's statement, in which Senator A. Smith concurred, is as follows:

Mr. President and members, I have to apologize to all the members on the Senate floor because I didn't speak against this bill on passage. The reason that I didn't speak against it is that our analysis of this bill shows me as being in support in committee. It caused me some consternation and some confusion because I thought I had opposed this bill in committee, and I wanted to be consistent. I have now found out that this is wrong. I did oppose this bill in committee, and I'll tell you why, and I'll use that as my "no" vote explanation.

Last year when this bill was up, I voted for it. I voted for it because last year they had a specific individual in mind when this bill was passed. That individual had just a horrendous criminal background. He was on the verge of possibly being let out of prison, and there was an immediate concern about that particular individual. His name was Donald Miller, and so I understood the chairperson's anxiety. I understood the committee's anxiety and why this Senate last year passed that bill.

This year Mr. Miller had already been habitualized. Mr. Miller has no chance of ever being let out of prison. So the immediate threat or need for this bill disappeared when Mr. Miller was habitualized. What that brings to me is my original apprehension. My original apprehension on this bill that it will allow for a civil commitment of a citizen of this country without having been convicted of a crime.

The danger, in my estimation, of allowing civil commitments and civil incarcerations is to hijack the United States Constitution and put every citizen's rights in jeopardy because once we cross that threshold, once we open the door to allowing people on a civil basis to be incarcerated, where the same requirements of a unanimous 12-person jury are not in place, where the same requirements of guilt beyond a reasonable doubt are not in place, we put ourselves in jeopardy of moving away from constitutional protections for individuals which could lead to abuse of citizens' individual rights. It could lead to individual citizens being incarcerated without having been found guilty of a crime.

To me, it is a constitutional protection that every citizen should have. I am very concerned that, by the passage of this bill, we have weakened some of our most basic constitutional protections against having an individual's personal liberties taken without having been convicted of a criminal act. I'm so afraid that once we allow that door to be opened that other things will be added to this. As we open that door, as we penetrate that constitutional veil about individual protections and individual constitutional protections on such a basic question as civil incarceration, we allow for the abuse of government and misuse of government by individuals within our society. To me, to do this without having a strong, legitimate reason as was in place last year and to just open that door on the "if" of these types of situations when we do not have any individuals to point to where we will incarcerate people even though they have not been convicted of a crime, it tarnishes the Constitution and our criminal justice system. Therefore, Mr. President, I voted "no" on Senate Bill No. 96.

Senator A. Smith's statement is as follows:

I voted "no" on the last bill before us because, as I understand the legislation that we just passed here in the Senate, we are saying to an individual who has served a full sentence under the criminal corrections process that because we have a belief that they might commit a crime again, and the psychiatrists in the state of Michigan have assured us that there is no way that they can determine whether or not someone will be or is likely to commit the same crime in the future, we are determining that they are likely to do that. Therefore, we are making them subject to a civil incarceration which follows their criminal commitment.

The purpose of the bill is, as Senator Virgil Smith pointed out, to deal kind of retrospectively with one case we had in the state of Michigan. It's my understanding that, according to the Michigan Parole Board, only three inmates are paroled annually who are serving life terms, and not one prisoner meets the test of this legislation.

So the question could be, "Well, then, why do you care? If it doesn't apply to anybody, what difference does it make?" I think Senator Virgil Smith said it very eloquently. Once we pierce the constitutional veil that protects against double jeopardy and incarceration for only a probable or a reasonable or not even an ability to base in fact a belief that somebody might sin again, then we have pierced the constitutional veil, and we've put every citizen at risk.

The following bill was read a third time:

**Senate Bill No. 436, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745a (MCL 333.17745a), as added by 1993 PA 305.

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. 256****Yeas—36**

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

**Nays—2**

Leland	Vaughn
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**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator V. Smith 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. 257****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.

The following bill was read a third time:

**House Bill No. 4394, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 81140a and 82147a.

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. 258**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Van Regenmorter

In The Chair: President

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,".

The Senate agreed to the full title.

Senator Rogers moved that Senator Van Regenmorter be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Van Regenmorter entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4470, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3118 (MCL 324.3118), as amended by 1995 PA 169.

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. 259****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 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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 315, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

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. 260****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  
Dunaskiss  
Emerson  
Emmons

Jaye  
Johnson  
Koivisto  
Leland

Rogers  
Schuette  
Schwarz

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—0**

**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. 497, entitled**

A bill to authorize certain interceptions of communications and the use of interception devices for certain offenses; to provide for and regulate the application, issuance, and execution of interception orders; to prescribe the powers and duties of certain agencies, officers, and employees; to regulate the use and disclosure of communications and evidence intercepted or obtained under this act; to provide remedies and exemptions from liability; to prescribe penalties; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Dingell offered the following amendment:

1. Amend page 14, line 12, after “application” by inserting “with consent of the attorney general or the attorney general’s designee”.

The question being on the adoption of the amendment,

Senator Dingell requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 261**

**Yeas—16**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Koivisto  
Leland

Miller  
Murphy  
Peters  
Schwarz

Smith, A.  
Smith, V.  
Vaughn  
Young

**Nays—22**

Bennett  
Bullard  
DeGrow  
Dunaskiss  
Emmons  
Gast

Goschka  
Gougeon  
Hammerstrom  
Hoffman  
Jaye  
Johnson

McCotter  
McManus  
North  
Rogers  
Schuette

Shugars  
Sikkema  
Steil  
Stille  
Van Regenmorter

**Excused—0**

**Not Voting—0**

In The Chair: President

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. 262****Yeas—23**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	North	Steil
DeGrow	Hammerstrom	Rogers	Stille
Dunaskiss	Hoffman	Schuette	Van Regenmorter
Emmons	Johnson	Schwarz	

**Nays—15**

Cherry	Hart	Miller	Smith, V.
DeBeaussaert	Jaye	Murphy	Vaughn
Dingell	Koivisto	Peters	Young
Emerson	Leland	Smith, A.	

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators V. Smith and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 497.

Senator V. Smith's statement, in which Senator A. Smith concurred, is as follows:

Mr. President and members, I voted against Senate Bill No. 497 because Senate Bill No. 497 continues to follow a pattern that disturbs me in this Michigan Legislature.

One of the things that I continue to see is the erosion of individual constitutional rights in the name of the fight against crime. I feel as much of a crimefighter on this floor as any person, but I'm continually concerned about erosion of individual constitutional liberties. Even though I think we have a legitimate reason to put the best fight that we can against crime, as we continue to make more limitations on individual constitutional rights, they begin to build a pattern. What I'm afraid of in this country and what I'm afraid of in Michigan is that as we nick away at our individual constitutional protections in the name of fighting crime is that one day we will find ourselves without those constitutional protections.

The basis of this country lies on the basis of our democratic system and our constitutional protection against invasion by the state and by state officers, protections against our right to be free from home invasion, and protections for our right to have our own personal individual liberty for our own personal protection. We continue to see these rights eroded.

I'm very concerned on this one, as we just did on the previous bill, Senate Bill No. 96, that we continue to see those rights eroded away. I'm not sure it's necessary.

On the issue of wiretapping, we already have access to the federal wiretapping acts that have been passed by Congress. So wiretapping is a tool that is available to law enforcement. It's a tool that law enforcement, through bringing in the federal law officers, has at its disposal. I'm concerned about opening that process up to 83 county prosecutors and then having any of those prosecutors be able to make application for wiretapping authority and have that authority granted by a court of appeals panel or court of appeals judge. I'm concerned about the panel that it would ultimately have the responsibility of reviewing this process to courts having been involved in an administrative function of approval of whether these warrants should go forward and this extraordinary authority granted.

I think we have to remember that these authorizations are given before any criminal acts are charged, even before a person may be told that they are a suspect involved in criminal activity. I, for one, want to make sure that all the criminals are rightfully punished, but I'm equally concerned about the rights of the innocent who might be caught up in a vicious cycle or vicious system with governmental agents having broad, invasive authority that takes away from our individual protections under the U.S. and Michigan Constitutions. So, on that basis, I was opposed to Senate Bill No. 497.

The following bill was read a third time:

**Senate Bill No. 598, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as added by 1998 PA 317, and by adding section 19a to chapter XVII.

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. 263**

**Yeas—33**

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

**Nays—5**

Cherry	Murphy	Smith, V.	Vaughn
Dingell			

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

**Senate Bill No. 598**

The motion prevailed.

### 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 Dunaskiss as Chairperson.

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

**Senate Bill No. 543, entitled**

A bill to repeal 1953 PA 140, entitled "An act to increase the efficiency of the military establishment; and to repeal certain acts and parts of acts," (MCL 32.261 to 32.262).

**House Bill No. 4317, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1998 PA 68.

**Senate Bill No. 157, entitled**

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

The 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. 182, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17766c and 17770 (MCL 333.17766c and 333.17770), section 17766c as added by 1994 PA 38, and by adding section 17766d.

Substitute (S-1).

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

1. Amend page 1, line 4, after "SECTION" by striking out "7220(C)" and inserting "7220(1)(C)".
2. Amend page 1, line 9, after "7220." by inserting "(1)".
3. Amend page 4, following line 17, by inserting:

"(2) INCLUSION OF THE SUBSTANCES DESCRIBED IN SUBSECTION (1)(C) INTO SCHEDULE 5 DOES NOT PRECLUDE PROSECUTION FOR A CRIME INVOLVING THOSE SCHEDULE 5 SUBSTANCES UNDER SECTION 17766C."

4. Amend page 4, line 26, after "SECTION" by striking out "7220(C)" and inserting "7220(1)(C)".
5. Amend page 5, line 20, after "SECTION" by striking out "7220(C)(ii)" and inserting "7220(1)(C)(ii)".
6. Amend page 5, line 23, after "SECTION" by striking out "7220(C)(ii)" and inserting "7220(1)(C)(ii)".
7. Amend page 6, line 4, after "SECTION" by striking out "7220(C)(ii)" and inserting "7220(1)(C)(ii)".
8. Amend page 6, following line 11, by inserting:

"Enacting section 1. This amendatory act takes effect 90 days after the date this amendatory act is enacted."

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.

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

**Senate Bill No. 492, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

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

1. Amend page 1, line 4, after "name" by striking out the balance of the line through "both," on line 5 and inserting "AND SERVICE ADDRESS OR, FOR A CMRS SERVICE SUPPLIER, THE LOCATION".

2. Amend page 3, line 18, by striking out all of subdivision (I) and inserting:

"(I) "EMERGENCY SERVICE ZONE" OR "ESZ" MEANS THE DESIGNATION ASSIGNED BY A COUNTY TO EACH STREET NAME AND ADDRESS RANGE THAT IDENTIFIES WHICH EMERGENCY RESPONSE SERVICE IS RESPONSIBLE FOR RESPONDING TO AN EXCHANGE ACCESS FACILITY'S PREMISES."

3. Amend page 5, line 14, after the second "SERVICE" by striking out "NUMBER" and inserting "ZONE".
4. Amend page 10, line 3, after "SERVICE" by striking out "LOCATION" and inserting "ADDRESS".

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

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:  
**Senate Bill No. 493, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 401, 403, 404, 405, 406, and 505 (MCL 484.1401, 484.1403, 484.1404, 484.1405, 484.1406, and 484.1505), sections 401, 403, and 405 as amended and section 406 as added by 1994 PA 29.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 1, line 3, after "SECTION" by striking out "201A" and inserting "201B".

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

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

**Senate Bill No. 496, entitled**

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

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

1. Amend page 1, line 6, after "#1," by striking out "Morivian" and inserting "Moravian".
2. Amend page 2, following line 20, by inserting:

"Sec. 5. If any fee, term, or condition for the use of this property is imposed on members of the public, or if any of those fees, terms, or conditions is waived for use of this property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, or waivers."

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

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

**Senate Bill No. 587, entitled**

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

Substitute (S-1).

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

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

**House Bill No. 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.

Substitute (S-1).

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

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

**Senate Bill No. 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.

Substitute (S-1).

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

### Recess

Senator Rogers moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 12:43 p.m.

12:47 p.m.

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

By unanimous consent the Senate proceeded to the order of

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

Senators Shugars, North, Goschka, Rogers, Hammerstrom and Jaye introduced

##### **Senate Bill No. 606, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 273 (MCL 206.273), as added by 1988 PA 516.

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

Senators Shugars, Goschka, Rogers and Hammerstrom introduced

##### **Senate Bill No. 607, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 1996 PA 484.

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

Senator Jaye introduced

##### **Senate Bill No. 608, entitled**

A bill to license and regulate the conducting of bingo and certain forms of gambling; to provide for the conducting of charity games and numeral games; to impose certain duties and authority upon certain state departments, agencies, and officers; to provide a tax exemption; to provide for remedies and penalties; and to repeal acts and parts of acts.

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

##### **House Bill No. 4530, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending the title and sections 1, 8, 12, 12a, and 14 (MCL 28.421, 28.428, 28.432, 28.432a, and 28.434), the title as amended by 1990 PA 320 and section 1 as amended by 1992 PA 219, and by adding sections 1a, 2a, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 5m, 5n, and 5o; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

##### **House Bill No. 4532, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).

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 Hunting, Fishing and Forestry.

##### **House Bill No. 4533, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by amending the title, as amended by 1990 PA 320, and by adding section 1b.

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 Hunting, Fishing and Forestry.

**House Bill No. 4534, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 239 (MCL 750.239).

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 Hunting, Fishing and Forestry.

**House Bill No. 4535, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 239 (MCL 750.239).

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 Hunting, Fishing and Forestry.

**House Bill No. 4536, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 230a.

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 Hunting, Fishing and Forestry.

**House Bill No. 4537, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43513 (MCL 324.43513), as amended by 1998 PA 129.

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 Hunting, Fishing and Forestry.

**House Bill No. 4538, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 8 (MCL 15.268), as amended by 1996 PA 464.

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 Hunting, Fishing and Forestry.

**House Bill No. 4543, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 227, 233, 234a, 234d, 234e, 234f, 235, 237, and 237a (MCL 750.227, 750.233, 750.234a, 750.234d, 750.234e, 750.234f, 750.235, 750.237, and 750.237a), section 227 as amended by 1986 PA 8, section 234a as amended by 1996 PA 163, section 234d as amended and section 237a as added by 1994 PA 158, section 234e as added by 1990 PA 321, and section 234f as amended by 1996 PA 80.

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 Hunting, Fishing and Forestry.

**House Bill No. 4545, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 1996 PA 553.

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 Hunting, Fishing and Forestry.

**House Bill No. 4641, entitled**

A bill to amend 1970 PA 202, entitled "Explosives act of 1970," by amending sections 5 and 15 (MCL 29.45 and 29.55).

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. 4642, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 528a (MCL 750.528a), as added by 1986 PA 113.

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. 4643, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 209a and 212a (MCL 750.209a and 750.212a), section 209a as added by 1998 PA 206 and section 212a as added by 1998 PA 207.

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. 4647, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 2 and 6 (MCL 28.422 and 28.426), as amended by 1994 PA 338.

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. 4648, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904d (MCL 257.904d), as added by 1998 PA 358.

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.

**Scheduled Meetings**

Administrative Rules Joint Committee - Thursday, May 20, at 2:30 p.m., Rooms 425 and 426, Capitol Building (3-3543).

Agriculture Preservation Task Force (SR 52) - Friday, May 21, at 9:00 a.m., Lowell Township Hall, 2910 Alden Nash, Lowell Township; Monday, May 24, at 1:00 p.m., Oaklane Golf Course Conference Room, 800 N. Main Street, Webberville; Friday, June 18, at 1:00 p.m., Marlette Middle School Media Center, 6230 Euclid Street, Marlette; and Tuesday, June 29, at 11:00 a.m., Michigan State University Livestock Pavilion, East Lansing (3-1725).

Government Operations Committee - Thursday, May 20, at 1:00 p.m., Room 110, Farnum Building (3-1758).

Health Policy Committee - Thursday, May 20, at 8:30 a.m., Room 810, Farnum Building (3-0793).

School Aid Appropriations Subcommittee - Monday, May 24, at 3:00 p.m., Traverse Bay Area Intermediate School District Career Technical Center - Interactive Room, 800 Parsons, Traverse City (3-1635).

Transportation and Tourism Committee - Thursday, May 20, at 1:30 p.m., Room 110, Farnum Building (3-1758).

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 Thursday, May 20, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.