

No. 47

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, May 25, 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—excused
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 Walter H. North of the 37th District offered the following invocation:

Dear God, thank You for this cool but bright day here in our state's Capitol. I thank You for the opportunity for us to serve not only You, but the citizens of the state of Michigan. Let our deliberations be just. Let us be compassionate, and let us continue to have respect for one another in this chamber. All of the preceding, we ask in Thy name. Amen.

Motions and Communications

The following communication was received:

Office of the Auditor General

May 21, 1999

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Southwestern Michigan College, May 1999.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, May 20:
House Bill No. 4666

The Secretary announced that the following House bills were received in the Senate and filed on Friday, May 21:
House Bill Nos. 4531 4540 4542 4544 4634

The Secretary announced the printing and placement in the members' files on Thursday, May 20 of:
House Bill Nos. 4705 4706 4707

The Secretary announced the printing and placement in the members' files on Friday, May 21 of:
Senate Bill No. 605
House Bill Nos. 4683 4684 4685 4686 4687 4688 4690 4691 4692 4693 4694 4695 4697 4698
4699 4700 4701 4702 4703

The Secretary announced the printing and placement in the members' files on Monday, May 24 of:
Senate Bill Nos. 606 607 608 609 610 611
House Bill Nos. 4708 4709 4710 4711 4712 4713 4714 4715 4716 4717 4718 4719 4720 4721
4722 4723 4724 4725

Messages from the Governor

The following message from the Governor was received:

Date: May 21, 1999

Time: 1:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 141 (Public Act No. 26), being

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

(Filed with the Secretary of State on May 21, 1999, at 3:00 p.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received and read:

May 20, 1999

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

Michigan Historical Commission

Mr. Mark A. Murray, State Treasurer, 430 W. Allegan Street, Lansing, Michigan 48933, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on May 21, 2005.

May 20, 1999

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

Michigan Board of Occupational Therapists

Ms. Sheila J. Mack, 1336 Woodbridge, St. Clair Shores, Michigan 48080, county of Macomb, as a member representing professionals, succeeding herself, for a term expiring on December 31, 2002.

Sincerely,
John Engler
Governor

The appointments were referred to Committee on Government Operations.

Senator Emmons entered the Senate Chamber.

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

Senator Emerson moved that Senator Murphy be excused from today's session. The motion prevailed.

By unanimous consent the Senate proceeded to the order of
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 Vaughn as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hoffman, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4300, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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.

During the Committee of the Whole, Senators Miller, V. Smith, Young and Dunaskiss entered the Senate Chamber.

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

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:

House Bill No. 4298

House Bill No. 4299

House Bill No. 4302

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

By unanimous consent the Senate returned to the order of
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 Assistant President pro tempore, Senator Hoffman, designated Senator Vaughn 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:

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.

House Bill No. 4580, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

House Bill No. 4581, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

House Bill No. 4582, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 2 of chapter VI (MCL 66.2), as amended by 1996 PA 41.

House Bill No. 4583, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

House Bill No. 4584, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

House Bill No. 4585, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1998 PA 353.

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.

House Bill No. 4464, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 1992 PA 257.

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:

House Bill No. 4301, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to prescribe the powers

and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (S-1).

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

1. Amend page 5, line 10, by striking out “4,847,400” and inserting “4,872,400”.
2. Amend page 5, line 14, by striking out “3,879,500” and inserting “3,892,000”.
3. Amend page 5, line 20, by striking out “204,200” and inserting “216,700” and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 22, following line 10, by inserting:

“Sec. 222. The department shall require all public school districts to maintain complete records within the personnel file of a teacher or school employee of any complaints, investigations, and disciplinary actions taken against the teacher or employee for sexual misconduct. The records shall not be destroyed or removed from the teacher’s or employee’s personnel file except as required by a court order.

Sec. 223. For fiscal year 1999-2000, the department shall provide administration for not less than the same number of local sponsors that participated in the emergency food assistance program under an agreement that was agreed to by the department for fiscal year 1998-99.”.

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 a substitute therefor, the following bill:

House Bill No. 4298, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

Substitute (S-1).

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

1. Amend page 3, following line 23, by inserting:

“PART 1A

LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 1998-99

Sec. 121. SUMMARY

The amounts listed in this part are appropriated for community colleges, subject to the conditions set forth in this act, for fiscal year ending September 30, 1999, from the funds identified in this part. The following is a summary of the appropriations in this part:

APPROPRIATIONS SUMMARY:

GROSS APPROPRIATION	\$	2,800
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers	\$	0
ADJUSTED GROSS APPROPRIATION	\$	2,800
Federal revenues:		
Total federal revenues	\$	0
Special revenue funds:		
Total local revenues	\$	0
Total private revenues	\$	0
Total other state restricted revenues	\$	0
State general fund/general purpose	\$	2,800

Sec. 122. INFRASTRUCTURE, TECHNOLOGY, EQUIPMENT, AND MAINTENANCE

Infrastructure, technology, equipment, and maintenance	\$	2,800
GROSS APPROPRIATION	\$	2,800
Appropriated from:		
State general fund/general purpose	\$	2,800”.

2. Amend page 4, line 2, after “APPROPRIATIONS” by inserting “FOR FISCAL YEAR 1999-2000”.
3. Amend page 18, following line 20, by inserting:

“PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 1998-99

GENERAL SECTIONS

Sec. 2101. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources in part 1A of this appropriation act is \$2,800.00 and state spending from state resources paid to local units of government for fiscal year 1998-99 is estimated at \$2,800.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

INFRASTRUCTURE, TECHNOLOGY, EQUIPMENT, AND MAINTENANCE

Infrastructure, technology, equipment, and maintenance	\$	2,800
Sec. 2102. The funds appropriated in part 1A for infrastructure, technology, equipment, and maintenance shall be distributed as follows:		
Alpena Community College	\$	100
Bay de Noc Community College	\$	100
Delta Community College	\$	100
Glen Oaks Community College	\$	100
Gogebic Community College	\$	100
Grand Rapids Community College	\$	100
Henry Ford Community College	\$	100
Jackson Community College	\$	100
Kalamazoo Community College	\$	100
Kellogg Community College	\$	100
Kirtland Community College	\$	100
Lake Michigan Community College	\$	100
Lansing Community College	\$	100
Macomb County Community College	\$	100
Mid-Michigan Community College	\$	100
Monroe Community College	\$	100
Montcalm Community College	\$	100
Mott Community College	\$	100
Muskegon Community College	\$	100
North Central Community College	\$	100
Northwestern Michigan Community College	\$	100
Oakland Community College	\$	100
St. Clair County Community College	\$	100
Schoolcraft Community College	\$	100
Southwestern Michigan Community College	\$	100
Washtenaw Community College	\$	100
Wayne County Community College	\$	100
West Shore Community College	\$	100".

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 a substitute therefor, the following bill:
House Bill No. 4302, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (S-1).

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

1. Amend page 3, following line 9, by inserting:
 "Kinship care program 250,000".
2. Amend page 3, line 10, by striking out "299,976,465" and inserting "300,226,465".
3. Amend page 3, line 12, by striking out "299,976,465" and inserting "300,226,465" and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 6, following line 22, by inserting:

"PART 1A
 LINE-ITEM APPROPRIATIONS FOR FISCAL YEAR 1998-99

Sec. 121. SUMMARY

The amounts listed in this part are appropriated for the state institutions of higher education and certain state purposes related to education, subject to the conditions set forth in this act, for the fiscal year ending September 30, 1999, from the funds identified in this part. The following is a summary of the appropriations in this part:

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	301,400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	301,400

Federal revenues:	
Total federal revenues	0
Special revenue funds:	
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 301,400
Sec. 122. INFRASTRUCTURE, TECHNOLOGY, EQUIPMENT, AND MAINTENANCE	
Infrastructure, technology, equipment, and maintenance	\$ 301,400
GROSS APPROPRIATION	\$ 301,400
Appropriated from:	
State general fund/general purpose	\$ 301,400”.

5. Amend page 33, following line 8, by inserting:

“PART 2A

PROVISIONS CONCERNING APPROPRIATIONS FOR FISCAL YEAR 1998-99

GENERAL SECTIONS

Sec. 2101. Pursuant to section 30 of article IX of the state constitution, total state spending from state resources in part 1A of this appropriation act is \$301,400.00. There is no local spending pursuant to section 30 of article IX of the state constitution of 1963.

Sec. 2102. The funds appropriated in part 1A for infrastructure, technology, equipment, and maintenance shall be distributed as follows:

Central Michigan University	\$ 100
Eastern Michigan University	100
Ferris State University	100
Grand Valley State University	100
Lake Superior State University	100
Michigan State University.....	100
Michigan Technological University.....	100
Northern Michigan University.....	300,000
Oakland University	100
Saginaw Valley State University	100
University of Michigan-Ann Arbor	100
University of Michigan-Dearborn.....	100
University of Michigan-Flint.....	100
Wayne State University	100
Western Michigan University	100
Total	\$ 301,400”.

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 a substitute therefor, the following bill:

House Bill No. 4299, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2000; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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. 4418, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending section 316 (MCL 484.2316), as amended by 1997 PA 183.

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. 239, entitled

A bill to provide certain advisory resolutions regarding the content of certain music performances; to regulate the operation of certain music venues; and to prescribe penalties.

Substitute (S-4).

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 amendment, the following bill:

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

1. Amend page 2, line 28, after "H" by striking out "No account" and inserting "NSF".

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4418

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4418, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 1997 PA 183.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

1. Amend page 1, line 8, by striking out "20%" and inserting "50%".

2. Amend page 2, line 2, after "minimum," by striking out "25%" and inserting "55%".

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator V. Smith requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 274

Yeas—15

Byrum	Goschka	Koivisto	Smith, V.
Cherry	Hammerstrom	Miller	Vaughn
DeBeaussaert	Hart	Peters	Young
Emerson	Johnson	Smith, A.	

Nays—22

Bennett	Gast	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hoffman	Rogers	Steil
Dingell	Jaye	Schuette	Stille
Dunaskiss	Leland	Schwarz	Van Regenmorter
Emmons	McCotter		

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

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. 275**Yeas—36**

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

Nays—1

Jaye

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

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 regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date.”
The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 239

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 239, entitled

A bill to provide certain advisories regarding the content of certain music performances; to regulate the operation of certain music venues; and to prescribe penalties.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Concurrent Resolution No. 8

The motion prevailed.

House Concurrent Resolution No. 27.

A concurrent resolution to memorialize the Congress of the United States to investigate the issue of apple juice concentrate from other countries being sold in the American market at prices below cost.

The question being on the adoption of the concurrent resolution,

Senator Byrum offered the following amendments:

1. Amend the title, line 3, after “cost” by inserting “and to strengthen laws to identify the country of origin for all products using concentrate and to ensure that imported concentrate meets United States standards”.

2. Amend the first Resolving clause, line 4, after “cost” by inserting “and to strengthen laws to identify the country of origin for all products using concentrate and to ensure that imported concentrate meets United States standards”.

The amendments were adopted.

The concurrent resolution, as amended, was adopted.

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

The motion prevailed

Senator Schuette’s statement is as follows:

I appreciate that you agree with my statements. I’ll be sensitive to the direction.

I guess the point is I talked about some other factors involving Sino-American relations. The point is we have an administration today that is turning its back on the American farmer. The Michigan fruit farmer and prices have gone to a record low, and this apple concentrate dumping of Chinese products on American shores is killing the Michigan farmer. We need to send a very strong message to the Gore administration. Stand up now for the Michigan farmer and the American farmer, and put some import bans in place because taking it on the short end of the stick is the Michigan farmer. So I appreciate the leadership of Senator McManus and others to make sure we send a strong message to the Gore administration and Congress that we want to stand up for Michigan farmers and put an end to this ransacking of Michigan farm income. I appreciate the effort of Senator McManus and support this resolution.

House Concurrent Resolution No. 20.

A concurrent resolution to change the scope of the Department of Agriculture—Geagly Laboratory project.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

House Concurrent Resolution No. 31.

A concurrent resolution to change the scope of the Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings/Construction of new Student Services Building project at Western Michigan University.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senators Peters, Cherry, Bullard, A. Smith and Schwarz asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Peters' statement is as follows:

I'd like to announce to the body that today we are joined on the Senate floor by a recently retired journalist. That journalist is Tim Richard, who I'm sure is very familiar to all of us here on the Senate floor. I believe he's taking time out from fishing and a lot of other wonderful activities in the great north country of Michigan to be with us here today.

He has followed state politics for over 30 years and has done a truly exceptional job in following the goings on here in the Capitol over those 30 years. Most of the time that he has followed us, he's worked at HomeTown Communications Network. In that capacity, he has written stories and columns for the 15 observer and eccentric newspapers that are from Rochester to Canton, including two of my areas, including the Bloomfield-Birmingham Eccentric and the Southfield Eccentric. He has also written for HomeTown newspapers, six of those papers from Northville to Howell and six community newspapers throughout the state of Michigan.

Many folks also see him on Channel 7, Spotlight on the News. He's a regular panelist covering Michigan politics on that program.

During those 30 years, he has been a consistent champion for the freedom of information. In fact, he championed the current Freedom of Information Act here in the state of Michigan, also the Open Meetings Act, and as a regular panelist, discussing the implication of those bills across the state.

Many of us also know that in addition to openness in government, he has also been a tireless fighter for our public education system here in the state of Michigan. As a result of all that hard work over the years, he has been honored and has received many prizes. To give you just a sampling of what he's received with that distinguished career of his, he is a Schoolcraft College honorary associate; Oakland Community College honorary associate; he was awarded by the Southeast Michigan Council of Governments a regional ambassador designation, and in that designation he was the first nongovernmental person ever to be so honored. He has also been honored by the State Bar of Michigan as a Wade McCree award for the advancement of justice. He was awarded by the Wayne State University Journalism faculty with the George Pierrot Journalist of the Year award, and most recently, Michigan State University inducted him into the Michigan Journalism Hall of Fame.

He has also won numerous prizes: the Suburban Press Foundation national prize, Michigan Associated Press Editorial Association. He's won six awards for news and features over his career. He has also won first prize for a column by the Michigan Press Association and for his columns by the National Association of Secondary Principals.

I think all of us know that Tim Richard is not just a journalist of the highest integrity and professionalism, he is also a legal scholar and a political historian. In fact, one of his colleagues, Bill Ballenger, mentioned his distinguished career in one of his newsletters and said he is "perhaps the Capitol's most serious, scholarly reporter."

I think all of us will agree that the people of the state of Michigan will, indeed, miss Tim Richard on the beat. I'd like to personally wish him all of the best in retirement and hope that he'll continue to be active in Michigan politics and reporting the Michigan scene from his home in northern Michigan.

Senator Cherry's statement is as follows:

Tim Richard's years of outstanding reporting is the best testimony to what he's contributed to Michigan politics and Michigan government.

I wanted to add a couple of personal recollections. One was that when I was in attendance at the last Democratic National Convention and my daughter was with me as a reporter for her student paper, that caught Tim's interest and he went out of his way to supply information for her to fulfill her responsibilities. I believe that's indicative of Tim's character that he is always willing to reach out and help those who are aspiring in that profession, and I think that speaks to an important part of Tim that we don't often see as he reports.

Tim is also, I think, one who ignores very good and sound advice. I can recall a few years ago when he was looking for another pet, a pet dog, and he consulted me as to what kind of breed. I suggested a springer spaniel, which I happen to breed and am familiar with. Tim proceeded to go and purchase another breed. So that's his loss, unfortunately, but I want to say, Tim, you have my best wishes in your retirement. I know that you leave your profession with a great deal of respect not only among your peers, but among the members of this body.

I hope that many young aspiring journalist will see your accomplishments and strive to meet the standards you've set. Good wishes and congratulations, Tim.

Senator Bullard's statement is as follows:

I also want to arise to congratulate Tim Richard on his retirement. Tim, we want you to know that several of us thought of a little joke we were going to play on you at your retirement party. We were going to come up with a fake bill that the Open Meetings Act and the Freedom of Information Act had been repealed in the couple of days since your retirement. But we weren't sure how everybody's heart could take that.

Anyway, Tim has been a tremendous fighter for the Open Meetings Act and the Freedom of Information Act. He has a distinguished career, as the Senator from the 14th District indicated. I would say that my thoughts on Tim Richard

are that he is a thoughtful reporter who concentrates on ideas and issues rather than personalities. When I read Tim Richard's columns, I always learned something. I learned something about the policy being debated or sometimes about the politics, but Tim didn't get into personalities. He dealt with issues, which I think should be a lesson to all journalists. I would like to congratulate Tim on your retirement, and I know we will not see the last of you.

Senator A. Smith's statement is as follows:

Well, Tim, you are the standard of excellence in journalism in the Capitol press corps, and you will be missed.

Tim was always fair, and more than fair, he was comprehensive. There wasn't a piece that wasn't well-researched, that wasn't detailed, that didn't take us to task when we deserved it and didn't praise us when we also deserved that. He gave balance to the citizens of the state of Michigan through his coverage of the Michigan Legislature. Tim Richard did what so many members of the press corps don't do, and that's hard research behind bills, policy questions, and how he could best serve the public by reporting to them what was going on in their government.

Tim, I'm going to miss you. I'm going to miss looking every once in a while in the Southland Herald to see whether I was going to get reamed or praised, and knowing whatever happened, it was fair. I think we need you back in the schools of journalism and back in the professional consulting business so that the rip and read press that we have so much of today can be reminded of how journalism is supposed to be done, how greatly the general public relies on journalists for reporting what happens in their government because it is the only source of information for them, and that we will have forever an excellent standard of what journalism in the Capitol press corps is supposed to be.

Senator Schwarz's statement is as follows:

I know that all of us would like to join Senator Peters in wishing Tim Richard a happy, long and productive retirement. One little bit of bio that Senator Peters left out is that Mr. Richard is a graduate of the University of Michigan, Class of 1957. So, Go Blue.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 239, entitled

A bill to provide certain advisories regarding the content of certain music performances; to regulate the operation of certain music venues; and to prescribe penalties.

(This bill was read a third time earlier today and consideration postponed. See p. 788.)

The question being on the passage of the bill,

Senator Emmons offered the following amendment:

1. Amend page 1, line 7, after "with" by striking out "all" and inserting "at least 1".

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

The question being on the passage of the bill,

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

Roll Call No. 276

Yeas—25

Bennett	Goschka	Koivisto	Schwarz
Byrum	Gougeon	McCotter	Shugars
DeBeaussaert	Hammerstrom	Miller	Sikkema
DeGrow	Hart	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schuette	Van Regenmorter
Gast			

Nays—11

Bullard	Emerson	McManus	Smith, V.
Cherry	Johnson	Peters	Vaughn
Dingell	Leland	Smith, A.	

Excused—1

Murphy

Not Voting—1

Young

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators McManus, Cherry, A. Smith and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 239.

Senator McManus' statement, in which Senator Johnson concurred, is as follows:

I want to commend the Senator from the 21st District for his work in attempting to get at the dirty language that's in a lot of the concerts for our young people. And I concur it's part of the whole society today that lends to the violence and so on.

But from my understanding of this situation, I "no" voted because of the voluntary aspect that the performers have today on whether or not they actually rate their performances, in terms of whether we should be looking into them. So my "no" vote explanation essentially is that by passing this bill, we set the movement to clean up the language backwards, rather than setting it forward.

Senators Cherry and A. Smith moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Cherry's first statement, in which Senators McManus, A. Smith and Johnson concurred, is as follows:

I rise in opposition to Senate Bill No. 239. The bill that was before us on General Orders was a bill that allowed for a voluntary warning system to be put on tickets, provide a warning to parents and those who contemplated attending a particular concert. It was a voluntary warning system.

Then we adopted a substitute that took that voluntary warning provision and made it mandatory. So the net result was to put in place a mandatory warning based upon a voluntary rating system that the recording industry utilizes. Contemplate this scenario: Currently Garth Brooks, for instance, uses and provides a voluntary rating to his recordings. And consequently, if we were to pass this bill, that voluntary rating that he complies with and his record company complies with would then issue a warning at his concert that parental guidance is advised. Currently with that, we find that Madonna, for instance, does not honor or comply with the voluntary rating system. So consequently, there would be no warning published or notice provided regarding what the rating for her concert would be. Now if you're in that situation, if you're Garth Brooks, or you're his record company, what you're immediately going to do is you're going to take steps to make sure that your record isn't rated. And I think that's the net effect of what Senate Bill No. 239 will do as it's before us. Basically, this mandatory system is based on a voluntary warning program and many artists will simply discontinue to voluntarily provide a warning.

It seemed to me that Senate Bill No. 239, as it was initially before us, which was to have a voluntary warning system based on a voluntary rating program, was good legislation. I think now with the substitute we adopted on General Orders what we will effectively do is destroy the voluntary rating program.

I believe the Emmons amendment that we adopted makes the bill a bit better but doesn't get to the core of the problem. And on that basis, Mr. President, I intend to vote "no" on the bill.

Senator Cherry's second statement, in which Senators McManus, A. Smith and Johnson concurred, is as follows:

I agree with the remarks by the good Senator from the 23rd District, Senator Emmons, in terms of her concern personally and her concern on behalf of parents across the state. Some of these lyrics are outrageous, if that's an appropriate description. Clearly, to have warnings is helpful for a parent, but ultimately, I believe the bill, in its present form, can be counterproductive to the desire she has that we assist parents with some sense of what these lyrics or the performances would entail.

Again, this is a mandatory warning based upon a voluntary rating. The net effect is parents may lose the benefit of the ratings that are being offered today because the artists will want to escape the warning associated with concerts. Contemplate this as well: Suppose you have an artist who has exercised poor judgment in lyrics and in performance, and my suspicion here is that part of the desire of the bill is to encourage artists to not use those type of lyrics or engage in that kind of performance. Well, now if artists, based upon this warning system, decide to correct their ways, they will be permanently tagged by the provisions of this bill, no matter to what degree they clean up their lyrics or their

performance. It just seems to me, Mr. President, that when you have a voluntary warning system and you wish to maintain the integrity of that system, you would keep this warning system for concerts voluntary as well. To do otherwise will simply drive away those ratings that parents can use today.

Senator A. Smith's statement is as follows:

I rise to oppose the bill. Not only does it have the flaws that Senator Cherry pointed out, I think the content of the bill promotes a prior censorship of concerts. We are basing a requirement that a parental advisory warning be placed on a ticket for a concert based upon what a performer may do. The advisory label that's placed on the record is based on what is actually the content of the recorded music; it is a post-advisory and is submitted to voluntarily. What we require here is the potential censorship of something that might happen at a concert based on any number of cuts of music that a performer may have done in the past five years. For some performers, the number of pieces that are available for a concert can be up to 200 or more. So we are saying based on all of those opportunities that we are going to say, "Parents, you can't or shouldn't allow your children to attend this concert because there may explicit content during the course of this concert."

The bill also gives a sense of false security to parents and eliminates the responsibility that parents themselves ought to have in dealing with the music that their children are listening to. And, in saying that someone else has the right to determine whether or not the material that my child is going to hear is of suitable content for them, I think lulls me into the belief that I don't have to pay attention anymore because Big Brother is going to do it for me. I urge my colleagues to vote "no."

By unanimous consent the Senate proceeded to the order of
Statements

Senators Miller, Dingell and Shugars asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Miller's statement is as follows:

Earlier today, I introduced a bill that had a number of co-sponsors on it, and I hope that other members of the body here who did not have the opportunity to co-sponsor will take a look at the legislation and co-sponsor it.

Mr. President, this legislation came about because of a young woman in my district who took a leave of absence from her employer to have a baby. While she was out having a baby, the company she worked for closed up its doors and moved to Mexico, Mr. President. Her job and hundreds of others at that plant became nonexistent. When she came back from her maternity leave, she was told she didn't have a job anymore. There was no plant. The rest of her co-workers went to the unemployment office and applied for benefits. She was shocked to learn that unemployment benefits or federal TRA benefits of any kind were not available—nothing for her, nothing for her family, nothing for her newborn infant.

I think, Mr. President, that's what the unemployment office was set up for—to help people who became unemployed. She didn't become unemployed because of her own will where she quit her job. Her company closed its doors and moved down to Mexico, not giving her any notice, and she lost her job, and she lost her benefits.

I think that we need to send a message to employees in Michigan that's not the way that we treat employees—especially women who take time out to have a family, start a family—when they find out that after maternity leave, they should have a job to go back to. I hope that you will take a look at this bill. It sends a strong message to all the thousands of men and women who work across Michigan that we're not going to allow employers to just randomly close their doors in the middle of the night and not allow the people who have given dedicated years of service the opportunity at least to collect some type of unemployment benefit to raise their family until they can get up on their feet and find a new job.

I didn't make a remark on Senator Shugars' bill. I think it's a bill in the right direction, but, Mr. President, I also wanted to say that to comment that at least we have one entertainment facility in this state that took a giant step. That was the Palace of Auburn Hills that came out with a statement about two, three weeks ago before we even went on this legislation that they were going to ban acts like Manson and acts that preach violence and harm.

So I think the Senator took a step in the right direction, but I also think that we need to praise entertainment facilities like the Palace that realize that families come first in Michigan.

Senator Dingell's statement is as follows:

Technology is a wonderful thing, except when it's used inappropriately on an unknowing public. That's what's happening right now to certain persons who own, lease or purchase cars in Michigan.

Today, I introduced a bill—I believe it's Senate Bill No. 615—banning the use of vehicle tracking devices without the knowledge of the person driving the vehicle. It's come to my attention that private investigators are placing these instruments on vehicles without the owner's knowledge. Dealers are also placing devices on leased and sold vehicles. The person leasing or buying do not realize they're agreeing to this kind of invasion unless they read all the fine print in voluminous lease or purchase documents.

Law enforcement officials are the only persons who should be using this kind of tracking device. Car dealers, private investigators and anyone else who use these devices on an unsuspecting person are violating our very basic rights of privacy. Car dealers, in particular, have little business using a vehicle tracking device. They have a legitimate interest in knowing how many miles a person travels in a leased vehicle; they can figure that out by looking at a vehicle's odometer. They have no business knowing where those miles lead to. Dealers do not need to know where you work, which store you shop at and which schools your children attend. They do not need to know where you are at any given time of the day or night.

We have a right to privacy. We need to protect that. If we pay no attention to this kind of trespass, what kind of trespasses in the future will we be ignoring? If we don't put a stop to the unwarranted use of these devices now, we open the door to use of the next invasive technology that comes along.

The bill I introduced today would put a stop to all this gross intrusion on people's privacy and only allow the police to use vehicle tracking devices. In these days of readily accessible high technology, we must protect citizens from unwarranted, unwanted and potentially dangerous intrusions into citizens' private lives. My bill will do that, and I look forward to your support.

Senator Shugars' statement is as follows:

I have received this from a constituent, and I would like to share it with my colleagues and staff:

I think it started with when Madalyn Murray O'Hair complained that she didn't want any prayer in our schools. And we said, "Okay."

Then someone said, "You had better not read the Bible in school. The Bible says, 'Thou shall not kill; thou shall not steal; love your neighbor as yourself.'" And we said, "Okay."

Remember when Dr. Benjamin Spock said we shouldn't spank our children when they misbehave because their little personalities would be warped, and we might damage their self-esteem? And we said, "Okay."

Then someone said that our teachers and principals better not discipline our children when they misbehave. And our administrators said, "Wow, no one in this school better touch a student when they misbehave because we don't want any bad publicity, and we surely don't want to be sued." And we said, "Okay."

Then we said, "Let's let our daughters have abortions if they want, and we won't even tell their parents." And we said, "Okay."

Then someone else said, "Let's give our sons and daughters all the condoms they want so they can have all the 'fun' they desire and wouldn't have to tell their parents." And we said, "Okay."

And then some of the top officials said, "It doesn't matter what we do in private as long as we do our jobs." And we said, "As long as I have a job and the economy is good, it doesn't matter to me what anyone does in private. It's no one's business." In short, it's okay.

So now we're asking ourselves why some of our children have no conscience, why they don't know right from wrong and why it doesn't bother them to kill. Probably, if we think about it long and hard enough, we can figure it out. I think it has a great deal to do with "we reap what we sow." Wow! What a concept!

This is from a constituent in my district.

Now we find ourselves debating the appropriateness of concert performances that glamorize suicide, rape, hatred, drug use, and murder. Are we going to say, "It's okay?"

I am not naive enough to believe that Senate Bill No. 239 will cure all our social ills or that Marilyn Manson and other artists like him are solely responsible for events such as what occurred in Littleton, Colorado. But I am convinced that in life there are several things which influence our behavior, and these influences can either be positive or negative. There is rarely any neutral ground. We, as state legislators, have a responsibility to protect our children from being influenced by these things.

I do not see the harm in providing additional information to parents empowering them to make an informed decision as to the type of entertainment their children can pursue. That's the bottom line, and that's why I thank my colleagues for supporting Senate Bill No. 239.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Bullard and Steil introduced

Senate Bill No. 612, entitled

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

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

Senators Bullard and Steil introduced

Senate Bill No. 613, entitled

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

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

Senator Hoffman introduced

Senate Bill No. 614, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 1995 PA 289.

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

House Bill No. 4531, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7a.

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. 4540, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 321 (MCL 750.321).

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. 4542, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 227b (MCL 750.227b), as amended by 1990 PA 321.

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. 4544, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 357b (MCL 750.357b), as added by 1990 PA 321.

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. 4634, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 226 (MCL 750.226).

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. 4666, entitled

A bill to create the Michigan merit award scholarship trust fund; to create the Michigan merit award scholarship trust fund commission and prescribe the powers and duties of the commission; and to provide for the Michigan merit award scholarship program.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Committee Reports

The Committee on Appropriations reported

House Bill No. 4298, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn and DeBeaussaert

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4299, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2000; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4302, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn and DeBeaussaert

Nays: Senator Emerson

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

The Committee on Local, Urban and State Affairs reported

House Bill No. 4018, entitled

A bill to amend 1917 PA 138, entitled "An act to authorize the creation of county libraries; to authorize the contracting by the board of supervisors of any county for library service; to authorize the contracting by the board of supervisors of any county or the board of trustees of any regional library with any other municipality for the furnishing

of such service; and to provide for a tax for the purposes of this act," by amending section 2 (MCL 397.302), as amended by 1994 PA 77.

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.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Shugars, Van Regenmorter and Miller

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 Local, Urban and State Affairs reports the following:

Meeting held on Wednesday, May 19, 1999, at 3:00 p.m., Room 405, Capitol Building

Present: Senators McCotter (C), Shugars, Van Regenmorter and Miller

Excused: Senator Murphy

The Committee on Health Policy reported

House Bill No. 4025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10204 and 16215 (MCL 333.10204 and 333.16215), section 10204 as amended by 1988 PA 63 and section 16215 as amended by 1990 PA 279.

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 Byrum

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

House Bill No. 4358, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5509 (MCL 700.5509).

With the recommendation that the bill pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Thursday, May 20, 1999, at 8:30 a.m., Room 810, Farnum Building

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

Excused: Senator Murphy

The Committee on Government Operations reported

House Bill No. 4472, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending the title and sections 2, 4, 5, 6, 7a, 9, 10, 10a, 11, 12, 13, 14, 15, 16, and 18 (MCL 432.102, 432.104, 432.105, 432.106, 432.107a, 432.109, 432.110, 432.110a, 432.111, 432.112, 432.113, 432.114, 432.115, 432.116, and 432.118), sections 2, 4, 5, 9,

10, 10a, 11, 12, 13, 14, 15, and 18 as amended by 1981 PA 229 and section 7a as amended by 1994 PA 118, and by adding sections 3a, 4a, 5a, 5b, 5c, 5d, 7b, 7c, 7d, 10b, 11a, 11b, and 11c; and to repeal acts and parts of acts.

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

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Hammerstrom, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Thursday, May 20, 1999, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Hammerstrom, Sikkema and Miller

Excused: Senator V. Smith

The Committee on Transportation and Tourism reported

House Bill No. 4168, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 15 (MCL 247.665), as amended by 1982 PA 438.

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 Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism

House Bill No. 4182, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan

transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 1997 PA 79.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism

House Bill No. 4605, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1998 PA 224.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism

House Bill No. 4606, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1998 PA 223.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Thursday, May 20, 1999, at 1:30 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), North, Leland and Hart

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Tuesday, May 18, 1999, at 3:00 p.m., Room 110, Farnum Building

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

Scheduled Meetings

Agriculture Preservation Task Force (SR 52) - 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).

Legislative Retirement Board of Trustees - Wednesday, June 2, at 4:00 p.m., House Conference Room, 1st Floor, Capitol Building (3-0575).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 12:33 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, May 26, at 10:00 a.m.

CAROL MOREY VIVENTI

Secretary of the Senate.

