

No. 32
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, April 20, 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—excused
Murphy—present
North—present
Peters—present

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

Senator Dianne Byrum of the 25th District offered the following invocation:

From the book of Isaiah, Chapter 40:31.

“But those who hope in the Lord will renew their strength. They will soar on wings like eagles. They will run and not grow weary. They will walk and not be faint.”

Lord, lift us up on this day You have given us. Help us to run the race You have marked and not grow weary. Help us to walk the path You have chosen and not be faint. In Your name we pray. Amen.

Motions and Communications

Senator Leland entered the Senate Chamber.

Senator Peters moved that Senator Murphy be temporarily excused from today’s session.
The motion prevailed.

Senator Peters moved that Senators V. Smith and Miller be excused from today’s session.
The motion prevailed.
Senator Miller is excused due to a death in his family.

Senator Rogers moved that Senator Emmons be temporarily excused from today’s session.
The motion prevailed.

Senator Rogers moved that rule 3.901 be suspended to allow staff photographers to take photographs from the Gallery.
The motion prevailed, a majority of the members serving voting therefor.

Senator Cherry entered the Senate Chamber.

The following communication was received:
Office of Drug Control Policy

April 2, 1999

I am pleased to transmit the supplemental FY 98 Byrne Memorial Formula Grant application from the Office of Drug Control Policy to the U.S. Department of Justice, Bureau of Justice Assistance for the drug enforcement grant program.

This application is being forwarded to your office for information and review pursuant to Section 1304(a)(2) of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula grant program. This application requests \$28,435.

Should you have questions, please contact Ardith J. DaFoe, J.D., Drug Law Enforcement Grants at (517) 373-2952.

Sincerely,
Darnell Jackson
Director

The communication was referred to the Secretary for record.

The following communications were received
Department of State

Administrative Rules Notices of Filing

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:16 p.m. this date, administrative rule (99-04-2) for the Department of Consumer and Industry Services, Director’s Office, entitled “*Occupational Health Standards for Respiratory Protection*,” effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:18 p.m. this date, administrative rule (99-04-4) for the Department of Consumer and Industry Services, Director’s Office, entitled “*Part 25. Concrete Construction*,” effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:19 p.m. this date, administrative rule (99-04-5) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 49. Slings,*" effective 15 days hereafter.

April 5, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:21 p.m. this date, administrative rule (99-04-7) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 12. Scaffolds and Scaffold Platforms,*" effective 15 days hereafter.

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

The communications were referred to the Secretary for record.

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending March 31, 1999:

Senator Christopher D. Dingell	February 4-8	Attend Drafting Committee to Revise Uniform Commercial Code Meeting Los Angeles, CA	\$689.16
Senator Mat J. Dunaskiss	March 7-10	Attend Year 2000 Conference Phoenix, AZ	\$1,045.83
Senator Joanne G. Emmons	February 25-28	Attend National Conference of Insurance Legislators 1999 Spring Meeting and Seminar Savannah, GA	\$759.88
Senator Leon Stille	February 26-March 1	Attend NCSL Education Finance Seminar Santa Fe, NM	\$777.32

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 15:
House Bill Nos. 4191 4345

The Secretary announced the printing and placement in the members' files on Thursday, April 15 of:

Senate Bill Nos. 490 491 492 493 494 495 496
House Bill Nos. 4446 4447 4448 4449 4450 4451 4453 4454 4455 4456 4457 4458 4459 4460
4461 4462 4463 4464

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

Senate Bill Nos. 497 498 499 501 502 503 504 505 506 507
House Bill Nos. 4465 4466 4467 4468 4469 4470 4471 4472
House Joint Resolution H

The Secretary announced the printing and placement in the members' files on Monday, April 19 of:

House Bill Nos. 4473 4474 4475 4476 4477 4478 4479 4480 4481 4482 4483 4484 4485 4486
4487 4488 4489 4490 4491 4492 4493 4494 4495

Messages from the House

Senate Bill No. 7, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 145d. The House of Representatives has amended the bill as follows:

1. Amend page 4, line 24, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act takes effect August 1, 1999.”.

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

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

Senate Bill No. 117, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending sections 3, 5, 6, and 7 (MCL 722.673, 722.675, 722.676, and 722.677) and by adding section 1a.

The House of Representatives has amended the bill as follows:

1. Amend page 6, line 21, after “or” by striking out “A LIBRARIAN”.
2. Amend page 6, line 22, after “library” by striking out “AND” and inserting a comma.
3. Amend page 8, line 4, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act takes effect August 1, 1999.”.

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

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

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4247, entitled

A bill to designate the part of highway M-5 located in the area lying between the interchange of highways I-96, I-696, and I-275 and 8 Mile road in the city of Farmington Hills and the city of Farmington as the “Keith Deacon Memorial highway”; and to prescribe the duties of the state transportation department.

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. 128

Yeas—33

Bennett	Gast	Leland	Shugars
Bullard	Goschka	McCotter	Sikkema
Byrum	Gougeon	McManus	Smith, A.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter

Dingell
Dunaskiss
Emerson

Johnson
Koivisto

Schuette
Schwarz

Vaughn
Young

Nays—1

Jaye

Excused—4

Emmons

Miller

Murphy

Smith, V.

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 160, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 35105 (MCL 324.35105), as amended by 1996 PA 290.

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. 129

Yeas—28

Bennett
Bullard
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
McManus
North
Rogers
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter
Young

Nays—6

Byrum
Emerson

Gast
Peters

Smith, A.

Vaughn

Excused—4

Emmons

Miller

Murphy

Smith, V.

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. 186, entitled

A bill to repeal 1947 LA 9, entitled “The act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb.”.

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. 130**Yeas—25**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell

Dunaskiss
Goschka
Gougeon
Hammerstrom
Hoffman
Jaye

Koivisto
Leland
McCotter
McManus
North
Peters

Rogers
Schuette
Schwarz
Steil
Stille
Young

Nays—9

Emerson
Gast
Hart

Johnson
Shugars

Sikkema
Smith, A.

Van Regenmorter
Vaughn

Excused—4

Emmons

Miller

Murphy

Smith, V.

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. 299, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 40113b.

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. 131**Yeas—33**

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

Nays—1

Gast

Excused—4

Emmons

Miller

Murphy

Smith, V.

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Dingell as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

Senate Bill No. 300, 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 section 2 (MCL 28.422), as amended by 1994 PA 338.

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

1. Amend page 7, following line 10, by inserting:

“(13) AN INDIVIDUAL WHO IS A RESIDENT OF THIS STATE MAY APPLY TO THE DEPARTMENT OF STATE POLICE FOR A BACKGROUND CHECK CERTIFICATE TO PURCHASE PISTOLS, RIFLES, AND SHOTGUNS.

(14) AN INDIVIDUAL SHALL OBTAIN THE APPLICATION FORM PROVIDED BY THE DEPARTMENT OF STATE POLICE FROM AN ORGANIZED POLICE DEPARTMENT OF A CITY, VILLAGE, OR TOWNSHIP OR A COUNTY SHERIFF’S DEPARTMENT.

(15) AN APPLICANT SHALL FORWARD THE COMPLETED APPLICATION OBTAINED UNDER SUBSECTION (14) TO THE DEPARTMENT OF STATE POLICE. UPON RECEIPT OF THE COMPLETED APPLICATION, THE DEPARTMENT OF STATE POLICE SHALL INVESTIGATE THE RECORDS AVAILABLE THROUGH THE LAW ENFORCEMENT INFORMATION NETWORK AND THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM. IF THE INVESTIGATION OF THE RECORDS REVEALS THAT THE APPLICANT IS NOT PROHIBITED FROM PURCHASING OR POSSESSING A FIREARM UNDER ANY FEDERAL OR STATE LAW, THE DEPARTMENT OF STATE POLICE SHALL ISSUE A BACKGROUND CHECK CERTIFICATE TO THE APPLICANT. THE BACKGROUND CHECK CERTIFICATE IS VALID FOR 3 YEARS FROM THE DATE IT IS ISSUED AND MAY BE USED BY THE APPLICANT TO PURCHASE 1 OR MORE FIREARMS DURING THE 3-YEAR PERIOD. AN INDIVIDUAL IS NOT REQUIRED TO OBTAIN A BACKGROUND CHECK CERTIFICATE UNDER THIS SUBSECTION TO PURCHASE A SINGLE PISTOL IN COMPLIANCE WITH SUBSECTION (3) OR A SINGLE PISTOL, RIFLE, OR SHOTGUN, IN COMPLIANCE WITH FEDERAL LAW.”.

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.

During the Committee of the Whole, Senators Murphy and Emmons entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Conference Reports

House Bill No. 4090, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57I. The House of Representatives has adopted the report of the Committee of Conference. The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4090, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57I. Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57I.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 57I. (1) SUBJECT TO SUBSECTION (2), THE FAMILY INDEPENDENCE AGENCY MAY REQUIRE SUBSTANCE ABUSE TESTING AS A CONDITION FOR FAMILY INDEPENDENCE ASSISTANCE ELIGIBILITY UNDER THIS ACT.

(2) THE FAMILY INDEPENDENCE AGENCY SHALL IMPLEMENT A PILOT PROGRAM OF SUBSTANCE ABUSE TESTING AS A CONDITION FOR FAMILY INDEPENDENCE ASSISTANCE ELIGIBILITY IN AT LEAST 3 COUNTIES, INCLUDING RANDOM SUBSTANCE ABUSE TESTING. IT IS THE INTENT OF THE LEGISLATURE THAT A STATEWIDE PROGRAM OF SUBSTANCE ABUSE TESTING OF FAMILY INDEPENDENCE ASSISTANCE RECIPIENTS, INCLUDING RANDOM SUBSTANCE ABUSE TESTING, BE IMPLEMENTED BEFORE APRIL 1, 2003. HOWEVER, STATEWIDE IMPLEMENTATION OF THE SUBSTANCE ABUSE TESTING PROGRAM SHALL NOT BEGIN UNTIL ALL OF THE FOLLOWING HAVE BEEN COMPLETED:

(A) THE PILOT PROGRAMS HAVE FIRST BEEN EVALUATED BY THE DEPARTMENT AND THE EVALUATION HAS BEEN SUBMITTED TO THE LEGISLATURE.

(B) THE EVALUATION UNDER SUBDIVISION (A) INCLUDES AT LEAST THE FACTORS ENUMERATED IN SUBSECTION (5)(A) THROUGH (D) AS WELL AS AN ANALYSIS OF THE PILOT PROGRAM.

(C) SIX MONTHS HAVE PASSED SINCE THE EVALUATION REQUIRED IN SUBDIVISION (A) HAS BEEN SUBMITTED TO THE LEGISLATURE.

(3) AN INDIVIDUAL DESCRIBED IN SECTION 57B SHALL NOT BE CONSIDERED TO HAVE TESTED POSITIVE FOR SUBSTANCE ABUSE UNTIL THE SAMPLE HAS BEEN RETESTED TO RULE OUT A FALSE POSITIVE BY GAS CHROMATOGRAPHY WITH MASS SPECTROMETRY, GAS CHROMATOGRAPHY, HIGH PERFORMANCE LIQUID CHROMATOGRAPHY, OR AN EQUALLY, OR MORE, SPECIFIC TEST USING THE SAME SAMPLE OBTAINED FOR THE ORIGINAL TEST. AN INDIVIDUAL DESCRIBED IN SECTION 57B WHO

TESTS POSITIVE FOR SUBSTANCE ABUSE UNDER THIS SECTION SHALL AGREE TO AND PARTICIPATE IN SUBSTANCE ABUSE ASSESSMENT AND COMPLY WITH A REQUIRED SUBSTANCE ABUSE TREATMENT PLAN. FAILURE TO COMPLY WITH A SUBSTANCE ABUSE ASSESSMENT OR TREATMENT PLAN SHALL BE PENALIZED IN THE SAME MANNER AS A WORK FIRST PROGRAM VIOLATION IMPOSED UNDER SECTION 57D OR 57G. AN INDIVIDUAL IS EXEMPT FROM SUBSTANCE ABUSE TESTING AUTHORIZED BY THIS SECTION IF THE INDIVIDUAL IS PARTICIPATING IN A SUBSTANCE ABUSE REHABILITATION PROGRAM THAT THE INDIVIDUAL WAS ORDERED TO PARTICIPATE IN BY A CIRCUIT COURT THAT HAS ESTABLISHED PROCEDURES TO EXPEDITE THE CLOSING OF CRIMINAL CASES INVOLVING A CRIME ESTABLISHED UNDER PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461.

(4) BEFORE IMPLEMENTING SUBSTANCE ABUSE TESTING UNDER THIS SECTION, THE FAMILY INDEPENDENCE AGENCY SHALL NOTIFY THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES HAVING JURISDICTION OVER THIS ACT AND THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER THE FAMILY INDEPENDENCE AGENCY BUDGET OF THE PLANNED IMPLEMENTATION.

(5) IF THE FAMILY INDEPENDENCE AGENCY IMPLEMENTS SUBSTANCE ABUSE TESTING AS AUTHORIZED AND REQUIRED BY THIS SECTION, THE FAMILY INDEPENDENCE AGENCY SHALL SUBMIT AN ANNUAL REPORT ON THE TESTING PROGRAM TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES HAVING JURISDICTION OVER THIS ACT AND THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER THE FAMILY INDEPENDENCE AGENCY BUDGET. THE ANNUAL REPORT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING INFORMATION FOR THE PRECEDING YEAR:

(A) THE NUMBER OF INDIVIDUALS TESTED, THE SUBSTANCES TESTED FOR, THE RESULTS OF THE TESTING, AND THE NUMBER OF REFERRALS FOR TREATMENT.

(B) THE COSTS OF THE TESTING AND THE RESULTING TREATMENT.

(C) SANCTIONS, IF ANY, THAT HAVE BEEN IMPOSED ON RECIPIENTS AS A RESULT OF THE TESTING PROGRAM.

(D) THE PERCENTAGE AND NUMBER OF HOUSEHOLDS RECEIVING FAMILY INDEPENDENCE ASSISTANCE THAT INCLUDE AN INDIVIDUAL WHO HAS TESTED POSITIVE FOR SUBSTANCE ABUSE UNDER THE PROGRAM AND THAT ALSO INCLUDE AN INDIVIDUAL WHO HAS BEEN NAMED AS A PERPETRATOR IN A CASE CLASSIFIED AS A CENTRAL REGISTRY CASE UNDER THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.621 TO 722.638.

(6) THE SUBSTANCE ABUSE TESTING AUTHORIZED AND REQUIRED BY THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL 65 YEARS OLD OR OLDER.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4091 of the 90th Legislature is enacted into law.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill 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," (MCL 400.1 to 400.119b) by adding section 57I.

Doug Hart
Lauren Hager
Conferees for the House

Beverly S. Hammerstrom
Joel Gougeon
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,
The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 132**Yeas—23**

Bennett	Goschka	Koivisto	Shugars
DeGrow	Gougeon	McCotter	Sikkema
Dingell	Hammerstrom	McManus	Steil
Dunaskiss	Hoffman	North	Stille
Emmons	Jaye	Rogers	Van Regenmorter
Gast	Johnson	Schwarz	

Nays—10

Byrum	Hart	Peters	Vaughn
Cherry	Leland	Smith, A.	Young
DeBeaussaert	Murphy		

Excused—2

Miller	Smith, V.
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Not Voting—3

Bullard	Emerson	Schuette
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In The Chair: President

Resolutions

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

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

Senate Resolution No. 44

The resolution consent calendar was adopted.

Senators Hart, Cherry, Peters, Byrum and DeBeaussaert offered the following resolution:

Senate Resolution No. 44.

A resolution observing the 84th Commemoration of the Armenian Genocide of 1915-1923.

Whereas, On April 25, 1999, at St. John's Armenian Church in Southfield, Michigan, the devoted members and guests will observe the 84th Commemoration of the Armenian Genocide of 1915-1923. It is with heavy hearts that we join with them in recalling this painful chapter in the history of the world and in paying homage to the more than 1,500,000 Armenians whose lives were inhumanely sacrificed and the more than 500,000 Armenians who were forced into exile during this terror. The memory of these victims deserve and, indeed, demand this special observance in their honor; and

Whereas, The suffering and sacrifice of the victims of the Armenian Genocide and their descendants must not be forgotten. What began with the arrest and murder of 200 Armenian religious, intellectual, and political leaders in 1915 ended after eight years of genocide. Armenians were brutally rounded up, separated from loved ones, robbed, tortured, humiliated, and forced on one of history's worst death marches. Those who remained were driven into concentration camps or murdered for not accepting the Islamic faith; and

Whereas, The wounds of this atrocity will long continue to scar the memories of survivors of this genocide and their many descendants. Clearly, all of humanity suffers when such senseless killing is allowed to happen, and all of us must be aware of this evil era so that we will not let it happen again. With more than 35,000 people of Armenian descent living in the Detroit area alone, Michigan will never forget this nightmare of the past; now, therefore, be it

Resolved by the Senate, That we observe the 84th Commemoration of the Armenian Genocide of 1915-1923; and be it further

Resolved, That a copy of this document be presented to representatives of the Armenian people as evidence of our respect.

Senators Goschka and Young were named co-sponsors of the resolution.

Senators Sikkema, Hammerstrom, McManus, Steil, McCotter and Goschka offered the following resolution:

Senate Resolution No. 42.

A resolution to urge the Great Lakes Commission to create an annual report on the environmental quality of the Great Lakes basin.

Whereas, The quality of life in Michigan is directly dependent upon the quality of the Great Lakes. Our health, economic vitality, and prospects for the future are closely linked to these fresh water resources that surround us; and

Whereas, While many state, provincial, and international groups gather and disseminate information on the lakes, an annual report on the health of the region would be most helpful to the work of maintaining the highest possible standards. This report, in addition to relating key measures of environmental conditions, could also include information on land use patterns and innovative approaches used by the various states to improve the ecology. An environmental quality index using generally accepted indicators and standards would be beneficial to policymakers across the region; and

Whereas, Since its founding in 1955, the Great Lakes Commission has served as an effective advocate for the quality of the Great Lakes basin and a respected source of information. This organization, which includes members from each of the eight Great Lakes states, is well-suited to conduct an annual report by coordinating information from the states, provinces, and federal governments. The Great Lakes Protection Fund would seem to be an appropriate source of funding support for an initiative to create an annual report on the environmental health of the Great Lakes basin; now, therefore, be it

Resolved by the Senate, That we urge the Great Lakes Commission to create an annual report on the environmental quality of the Great Lakes basin; and be it further

Resolved, That copies of this resolution be transmitted to the Great Lakes Commission.

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

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

The question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Emmons and Young were named co-sponsors of the resolution.

Senators Sikkema, Rogers, McCotter, Steil, McManus, Bennett, Shugars and Goschka offered the following concurrent resolution:

Senate Concurrent Resolution No. 9.

A concurrent resolution urging the President and the United States Congress to enact legislation allowing private sector employees to receive compensatory time off in lieu of monetary overtime compensation.

Whereas, Working families should be afforded flexibility in receiving compensation for working overtime hours. One option that has been available to public sector employees, but not those in the private sector, is compensatory time off in lieu of monetary overtime compensation; and

Whereas, One proposal would allow an employee who works ten hours of overtime during a week to receive fifteen hours, one and a half hours for every hour of overtime, in compensatory time off. This time off could then be used later in the year. In addition, under such a proposal it would be the employee's voluntary choice whether or not to take the time off as compensation for working overtime hours; and

Whereas, Giving workers more options in how to be compensated for overtime hours is sound public policy. It makes sense to give working families the opportunity to balance the conflicting pressure of life on the job and at home. This is one measure that can help workers get more family time and have greater control over their work schedules; now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President and the United States Congress to enact legislation allowing private sector employees to receive compensatory time off in lieu of monetary overtime compensation; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Michigan congressional delegation.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Rogers moved that the concurrent resolution be referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

The motion prevailed.

Senator Emmons was named co-sponsor of the concurrent resolution.

Senators Sikkema, Rogers, McCotter, Steil, McManus, Shugars, Goschka and Bennett offered the following resolution.

Senate Resolution No. 43.

A resolution urging the President and the United States Congress to enact legislation allowing private sector employees to receive compensatory time off in lieu of monetary overtime compensation.

Whereas, Working families should be afforded flexibility in receiving compensation for working overtime hours. One option that has been available to public sector employees, but not those in the private sector, is compensatory time off in lieu of monetary overtime compensation; and

Whereas, One proposal would allow an employee who works ten hours of overtime during a week to receive fifteen hours, one and a half hours for every hour of overtime, in compensatory time off. This time off could then be used later in the year. In addition, under such a proposal it would be the employee's voluntary choice whether or not to take the time off as compensation for working overtime hours; and

Whereas, Giving workers more options in how to be compensated for overtime hours is sound public policy. It makes sense to give working families the opportunity to balance the conflicting pressure of life on the job and at home. This is one measure that can help workers get more family time and have greater control over their work schedules; now, therefore be it

Resolved by the Senate, That we urge the President and the United States Congress to enact legislation allowing private sector employees to receive compensatory time off in lieu of monetary overtime compensation; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Michigan congressional delegation.

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

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

The question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

The motion prevailed.

Senator Emmons was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senators Schwarz and Peters introduced

Senate Bill No. 520, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3609.

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

Senators Peters and Schwarz introduced

Senate Bill No. 521, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416b.

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

Senators A. Smith and Peters introduced

Senate Bill No. 522, entitled

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

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

Senators McManus, North, Koivisto, Byrum, Gast, Gougeon and A. Smith introduced

Senate Bill No. 523, entitled

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

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

Senator Byrum introduced

Senate Bill No. 524, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052b.

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

Senators Bennett, McCotter, Rogers, North, Hart, Shugars and Sikkema introduced

Senate Bill No. 525, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69), by adding section 1g to chapter IX.

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

Senators Bennett, McCotter, North, Hammerstrom, Johnson, Rogers, Gougeon, Shugars and Byrum introduced

Senate Bill No. 526, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

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

Senators Bennett, McCotter, North, Hammerstrom, Johnson, Rogers, Gougeon and Byrum introduced

Senate Bill No. 527, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), the title and section 4 as amended by 1992 PA 272 and sections 1 and 2 as amended by 1988 PA 314.

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

Senator Dunaskiss introduced

Senate Bill No. 528, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as added by 1998 PA 317.

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

House Bill No. 4191, entitled

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 2 (MCL 397.602), as amended by 1998 PA 7, and by adding section 6.

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. 4345, entitled

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

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

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

Committee Reports

The Committee on Education reported

Senate Bill No. 53, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

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.

Loren N. Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons and Stille

Nays: Senators Peters and Leland

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

The Committee on Education reported

Senate Bill No. 57, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 5, 7, 10, 10a, 17, 19, and 55 (MCL 257.1805, 257.1807, 257.1810, 257.1810a, 257.1817, 257.1819, and 257.1855), section 7 as amended by 1992 PA 227, section 10 as amended by 1996 PA 191, section 10a as added by 1990 PA 322, and section 55 as amended by 1991 PA 184.

With the recommendation that the bill pass.

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

Loren N. Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons, Stille, Peters and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, April 14, 1999, at 3:00 p.m., Room 810, Farnum Building

Present: Senators Bennett (C), Emmons, Stille, Peters and Leland

The Committee on Judiciary reported

Senate Bill No. 468, entitled

A bill to amend 1968 PA 289, entitled "An act to authorize circuit court judges to grant immunity to witnesses upon application of the prosecuting attorneys; to prescribe the procedures therefor; and to prescribe penalties for refusal to testify and for giving false testimony," by amending the title and sections 1, 2, and 3 (MCL 780.701, 780.702, and 780.703) and by adding section 2a.

With the recommendation that the bill pass.

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

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Rogers

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 469, 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.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Rogers

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 470, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 125, 157, 446, 453, and 461 (MCL 750.125, 750.157, 750.446, 750.453, and 750.461); and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Rogers

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 471, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Rogers

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, April 14, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Tuesday, April 13, 1999, at 1:00 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Conference Committee on House Bill No. 4090 submits the following:

Meeting held on Wednesday, April 14, 1999, at 8:00 a.m., Room 427, Capitol Building

Present: Senators Hammerstrom (C), Gougeon and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:

Meeting held on Thursday, April 15, 1999, 8:45 a.m., House Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Gougeon, Koivisto, Young and Emerson

Excused: Senator Goschka

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Friday, April 16, 1999, at 10:00 a.m., Hope College, Cook Hall, Holland, Michigan

Present: Senators Schwarz (C), McManus, Hoffman, Koivisto and A. Smith

Scheduled Meetings

Capital Outlay Joint Appropriations Subcommittee - Thursday, April 22, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Education Department Appropriations Subcommittee - Wednesday, April 28, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Human Resources, Labor, Senior Citizens and Veteran Affairs Committee - Thursday, April 22, at 1:00 p.m., Room 210, Farnum Building (3-2420).

Judiciary Committee - Wednesday, April 21, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:40 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, April 21, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.