

No. 36
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, April 29, 1998.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present

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

Senator Walter H. North of the 37th District offered the following invocation:

Dear God, we thank You for this opportunity to serve not only the people who live in our respective districts and the residents in this great state, but to serve You also. As we search for solutions to the pressing problems that confront us, please grant us the wisdom to come up with solutions that are equitable, just, and fair for all concerned. This we ask in Thy name. Amen.

Motions and Communications

Senators Young and Miller entered the Senate Chamber.

Senator DeGrow moved that Senators Bullard, Geake, Jaye and Schuette be temporarily excused from today's session. The motion prevailed.

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

House Bill No. 5290

The motion prevailed.

Senators A. Smith, Bullard, Schuette, Geake, Jaye and Gast entered the Senate Chamber.

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

The following communication was received:
Colorado House of Representatives

March 26, 1998

It is my pleasure to forward to you House Joint Resolution 98-1013 which was adopted by the Second Regular Session of the 61st General Assembly of the State of Colorado.

The resolution is asking for the relocation of the exchange and commissary of Fitzsimons Army Garrison to new facilities at Buckley Air National Guard Base.

Sincerely,
Chuck Berry
Speaker of the House

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 28:
House Bill Nos. 5168 5169 5170 5171 5172 5173 5174 5176 5177 5178 5179 5568

The Secretary announced the printing and placement in the members' files on Tuesday, April 28 of:
Senate Bill Nos. 1086 1087 1088

The Secretary announced the printing and placement in the members' files on Wednesday, April 29 of:
House Bill Nos. 5787 5788

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

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

Senate Bill No. 256

The motion prevailed.

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 995, entitled

A bill to authorize an entertainment forum or shopping center to detain, remove, or eject certain individuals under certain circumstances.

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. 232

Yeas—30

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

Nays—6

Berryman	Smith, A.	Vaughn	Young
O'Brien	Smith, V.		

Excused—1

Conroy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4503, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 3, 3a, 10b, and 11 (MCL 46.3, 46.3a, 46.10b, and 46.11), section 10b as amended by 1996 PA 40 and section 11 as amended by 1996 PA 396; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 233

Yeas—35

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.

Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Steil
Byrum	Geake	Peters	Stille
Cherry	Gougeon	Posthumus	Van Regenmorter
Cisky	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuetter	Young
DeGrow	Koivisto	Schwarz	

Nays—1

Jaye

Excused—1

Conroy

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:

House Bill No. 5059, entitled

A bill to amend 1994 PA 35, entitled "The forensic laboratory funding act," by amending the title and sections 2 and 6 (MCL 12.202 and 12.206); and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 234**Yeas—34**

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

Nays—2

Jaye

Smith, V.

Excused—1

Conroy

Not Voting—0

In The Chair: President

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

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

“An act to create the state forensic laboratory fund; to authorize local forensic funds; to provide for assessments against certain criminal defendants; to provide for expenditures from the forensic laboratories funds; to make certain appropriations; to prescribe the powers and duties of certain departments and agencies and local units of government; and to repeal this act on a specific date.”.

The Senate agreed to the full title.

Senator Conroy entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 680, entitled

A bill to amend 1998 PA 58, entitled “The Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 704.

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. 235

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Bouchard's statement is as follows:

I am pleased to introduce to the body a very successful group of young ladies who are in the east balcony. We've had a number of national championships in our state this year, but none more devoted or more vigorous in their pursuit of excellence than the young ladies sitting in the Gallery to our east. They are the North American Indoor Soccer Champions of 1998 from Troy, Michigan—the United Speed Soccer Club. All of these young ladies went and fought across the country, ultimately defeating the Kansas Dynamos in a grueling championship game—2-1 in Ohio to win the national championship. It is my great pleasure to introduce them to you.

General Orders

Senator DeGrow 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 Binsfeld, designated Senator Geake as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 968, 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.

Senate Bill No. 1052, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 15.

Senate Bill No. 1051, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20965 (MCL 333.20965), as amended by 1997 PA 78.

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

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

Senate Bill No. 493, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40106a.

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. 964, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40109a

Substitute (S-1).

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

1. Amend page 1, line 3, after "GAME" by inserting "OR FISH".
2. Amend page 1, line 4, after "HUNTING" by inserting "OR FISHING".

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:

Senate Bill No. 965, 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.

Substitute (S-3).

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. 975, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43510 and 43513 (MCL 324.43510 and 324.43513), as amended by 1996 PA 585; and to repeal acts and parts of acts.

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. 962, 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.

Substitute (S-3).

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 amendments, the following bill:

Senate Bill No. 1021, entitled

A bill to repeal local acts prohibiting or restricting Sunday hunting.

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

1. Amend page 1, line 3, by striking out all of lines 3 and 4.
2. Amend page 1, line 6, by striking out all of line 6.
3. Amend page 1, line 7, by striking out all of lines 7 and 8.

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

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

Senate Bill No. 978, 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.

Substitute (S-4).

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

1. Amend page 1, line 2, after "BIRDS" by inserting "EXCEPT TURKEYS,".

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:

Senate Bill No. 966, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43513 (MCL 324.43513), as amended by 1996 PA 585, and by adding section 504a.

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 a substitute therefor, the following bill:

Senate Bill No. 981, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51701 and 51702 (MCL 324.51701 and 324.51702), as added by 1995 PA 57.

Substitute (S-3).

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 amendments, the following bill:

Senate Bill No. 997, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

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

1. Amend page 3, line 21, after "(6)" by striking out "EXCEPT AS PROVIDED IN SUBSECTION (7)."
2. Amend page 3, line 23, after "years" by inserting a comma and "other than a prisoner sentenced for life for murder in the first degree or sentenced for life or for a minimum term of imprisonment for a major controlled substance offense, OR SENTENCED FOR LIFE FOR A VIOLATION OF SECTIONS 204(2)(E), 207(2)(E), 209(1)(E), 210(2)(E), OR 211A(1)(E) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.204, 750.207, 750.209, 750.210, AND 750.211A,".
3. Amend page 5, line 12, by striking out all of subsection (7) and renumbering the remaining subsections.
4. Amend page 6, following line 16, by inserting:
"(9) A PRISONER SENTENCED TO IMPRISONMENT FOR LIFE OR FOR A TERM OF YEARS FOR A SECOND OR SUBSEQUENT VIOLATION OF SECTION 520B, 520C, OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, AND 750.520D, SHALL NOT BE RELEASED ON PAROLE UNTIL THAT PRISONER HAS SERVED THE MINIMUM SENTENCE, IF ANY, INCLUDING ANY DISCIPLINARY TIME."
5. Amend page 6, line 17, by striking out all of section 36.

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

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

Senate Bill No. 443, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200, 201, 202, 203, 204, 204a, 205, 206, 210, 211, 212, 327, 327a, and 328 (MCL 750.200, 750.201, 750.202, 750.203, 750.204, 750.204a, 750.205, 750.206, 750.210, 750.211, 750.212, 750.327, 750.327a, and 750.328); and to repeal acts and parts of acts.

Substitute (S-5).

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. 1011, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 34 (MCL 791.234), as amended by 1994 PA 345.

Substitute (S-1).

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

1. Amend page 5, following line 24, by inserting:

"(9) A PRISONER SENTENCED TO IMPRISONMENT FOR LIFE OR FOR A TERM OF YEARS FOR A SECOND OR SUBSEQUENT VIOLATION OF SECTION 520B, 520C, OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, AND 750.520D, SHALL NOT BE RELEASED ON PAROLE UNTIL THAT PRISONER HAS SERVED THE MINIMUM SENTENCE, IF ANY, INCLUDING ANY DISCIPLINARY TIME."

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:
Senate Bill No. 458, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

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 a substitute therefor, the following bill:
Senate Bill No. 1050, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 4 (MCL 691.1504), as added by 1986 PA 21.

Substitute (S-1).

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

1. Amend page 1, line 1, after "(1)" by inserting "SUBJECT TO SUBSECTION (5)."
2. Amend page 2, line 4, after "(3)" by inserting "SUBJECT TO SUBSECTION (5)."
3. Amend page 2, following line 16, by inserting:

"(5) THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO IS NOT LICENSED UNDER PART 209 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20901 TO 333.20979."

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 amendment, the following bill:

Senate Bill No. 974, 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 following is the amendment recommended by the Committee of the Whole:

1. Amend page 1, line 3, after "HUNTING." by inserting "AN INDIVIDUAL UNDER 18 YEARS OF AGE SHALL BE SECURED BY A SAFETY BELT OR HARNESS WHILE ON THE PLATFORM."

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

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

House Bill No. 4031, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations," by amending section 2 (MCL 28.292), as amended by 1996 PA 204.

Substitute (S-2).

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. 4620, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

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.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the enrollment be vacated on the following bill:

Senate Bill No. 386

The motion prevailed.

The bill was placed on the order of Messages from the House.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 386, entitled

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 51a and 105 (MCL 388.1651a and 388.1705), as added by 1996 PA 300.

Senator DeGrow moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute was concurred in.

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

Senator DeGrow moved to reconsider the vote by which the House substitute was concurred in.

The question being on the motion to reconsider,

Senator DeGrow moved that further consideration of the bill be postponed for today.

The motion prevailed.

Senate Bill No. 796, entitled

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

The House of Representatives has nonconcurrent in the Senate amendments to House substitute (H-1) and appointed Reps. LaForge, Scott and Horton as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 797, entitled

A bill to amend 1996 PA 236, entitled "An act to provide for the suspension of certain occupational licenses under certain circumstances; and to provide for certain powers and duties for certain state agencies," (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

The House of Representatives has nonconcurrent in the Senate amendments to House substitute (H-2) and appointed Reps. LaForge, Scott and Horton as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 798, entitled

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending the title and sections 2811, 2813, and 16177 (MCL 333.2811, 333.2813, and 333.16177), the title as amended by 1994 PA 170 and section 16177 as amended by 1993 PA 80, and by adding section 21533.

The House of Representatives has nonconcurrent in the Senate amendments to House substitute (H-2) and appointed Reps. LaForge, Scott and Horton as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 799, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same," by amending the title and section 2 (MCL 551.102).

The House of Representatives has nonconcurrent in the Senate amendments to House substitute (H-2) and appointed Reps. LaForge, Scott and Horton as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 803, entitled

A bill to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody, and spouse support; to prescribe certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

The House of Representatives has nonconcurrent in the Senate amendments to House substitute (H-2) and appointed Reps. LaForge, Scott and Horton as conferees.

The message was referred to the Secretary for record.

House Bill No. 5169, entitled

A bill to amend 1923 PA 161, entitled "An act to provide for the establishment of county sinking funds and to create a county sinking fund commission, to prescribe the powers and duties thereof, and to repeal all acts and parts of acts contravening the provisions of this act," (MCL 141.31 to 141.39) by amending the title and by adding section 10.

The House of Representatives has passed the bill.

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

House Bill No. 5170, entitled

A bill to amend 1963 PA 62, entitled "Industrial development revenue bond act," (MCL 125.1251 to 125.1267) by amending the title and by adding section 12a.

The House of Representatives has passed the bill.

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

House Bill No. 5171, entitled

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; and for other purposes," (MCL 125.651 to 125.709c) by amending the title, as amended by 1996 PA 338, and by adding section 3a.

The House of Representatives has passed the bill.

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

House Bill No. 5172, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan council act," (MCL 124.651 to 124.685) by amending the title and by adding section 13a.

The House of Representatives has passed the bill.

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

House Bill No. 5173, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; and to provide for the levy of property taxes for certain purposes," (MCL 124.601 to 124.614) by amending the title and by adding section 4a.

The House of Representatives has passed the bill.

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

House Bill No. 5174, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending the title and section 8 (MCL 124.458), section 8 as amended by 1990 PA 10.

The House of Representatives has passed the bill.

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

House Bill No. 5176, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," (MCL 124.501 to 124.512) by amending the title, as amended by 1989 PA 138, and by adding section 5b.

The House of Representatives has passed the bill.

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

House Bill No. 5177, entitled

A bill to amend 1939 PA 147, entitled "An act to provide for the incorporation of the Huron-Clinton metropolitan authority; to permit the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, or certain of such counties, to join in a metropolitan district for planning, promoting, and/or for acquiring, constructing, owning, developing, maintaining and operating, either within or without their limits, parks, connecting drives, and/or limited access highways; to provide for the assessment, levy, collection and return of taxes therefor; to provide for the issuance of revenue bonds; to authorize condemnation proceedings; and to provide a referendum thereon," (MCL 119.51 to 119.61) by amending the title and by adding section 12.

The House of Representatives has passed the bill.

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

House Bill No. 5178, entitled

A bill to amend 1929 PA 312, entitled "The metropolitan district act," (MCL 119.1 to 119.18) by amending the title, as amended by 1989 PA 98, and by adding section 9b.

The House of Representatives has passed the bill.

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

House Bill No. 5179, entitled

A bill to amend 1991 PA 180, entitled "An act to assist in the financing of stadia or convention facilities; to permit eligible municipalities to impose and collect an excise tax on businesses engaged in the preparation and delivery of food and beverages for immediate consumption, in leasing or renting motor vehicles in the eligible municipality, and in providing accommodations for dwelling, lodging, or sleeping purposes; to limit the rate of that excise tax; to authorize voter approval in a single ballot question of the excise tax authorized by this act and of certain purposes for which the excise tax is imposed; to provide for the establishment of procedures for the collection, administration, and enforcement of the excise tax; to prescribe the powers and duties of certain state departments and state and local officials; to provide for the disposition and transmittal of the revenues from the tax for stadia or convention facility development and other purposes and authorize the pledge of those revenues; to authorize the appointment of employees and officials of a local governmental unit to an authority to which revenues from the tax may be pledged; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," (MCL 207.751 to 207.759) by adding section 2a.

The House of Representatives has passed the bill.

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

House Bill No. 5568, entitled

A bill to amend 1975 PA 169, entitled "Charitable organizations and solicitations act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 20, 21, and 23 (MCL 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.286, 400.287, 400.288, 400.290, 400.291, and 400.293), section 13 as amended by 1992 PA 299, and by adding sections 3a, 19, 19a, 19b, 19c, 19d, 22a, 23a, 23b, and 23c; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

Statements

Senators Young, Dunaskiss and Rogers asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

By now we are all aware of the computer hacker who hacked into the Michigan Jobs Commission computerized talent bank resume system to reveal job seekers' social security numbers. The hacker, Glenn Roberts, is a Pennsylvania computer expert who is a privacy advocate. He revealed thousands of social security numbers to the public, and it was very easy as well to change people's resumes. Unemployed workers who get state jobless benefits are required to

register on the Michigan Works! web site. The Governor issued an executive order last year that would move the state civil servants who currently helped the unemployed find work into a different department, processing unemployment checks. The job of helping people find work went to the local workfare development boards, which are required by the Engler Administration to use private contractors to provide services.

The U.S. government ordered the Engler administration to go back to the drawing board in January to rework their plan to privatize employment services to Michigan workers. The flaws of this system are obvious. The Engler administration rushed to computerize this job system. This new system relies on computers to make job seekers aware of openings. This rush into a new system has obviously created the problems that we are witnessing right now. Now a major glitch has appeared. What other problems will we see in the next year? We warned the administration that they were rushing into this without a thorough examination.

The United States Department of Labor told the administration this proposal needed to be reworked. I ask you again, how many problems will appear? We all need to work together to come up with a system that works for and with everyone. A federal circuit hearing will be held this Friday in Grand Rapids concerning the administration's changes in the Michigan Employment Security Agency. The court hearing and subsequent decision by the court will not change the need for everyone to work together to find a solution. The U.S. Department of Labor union civil servants and this state Legislature need to be involved to come up with a system that works for everyone. It is time for the Engler administration to include everyone in this process to produce an effective program that benefits all Michigan citizens.

Senator Dunaskiss' statement is as follows:

I wanted to take this opportunity to draw the attention of Michigan citizens back to Proposal G. In 1996, Michigan hunting, fishing, and outdoor recreation supporters voiced their opinion, loud and strong, at the voting booth by rejecting Proposal D and approving Proposal G. That decision now protects the future of Michigan's outdoor heritage, and it is important that we see what Proposal G has done to encourage our hunting industry over the last two years.

It was the threat of ballot Proposal D that unified nearly 3.5 million state voters to save our future hunting and fishing rights. The overwhelming defeat of "D" and the adoption of the Michigan Wildlife Act have given us the tools to expand and improve hunting and fishing opportunities for generations to come.

The Wildlife Act has helped us develop new regulations through extensive public comment. It was public input, for example, that established the need to harvest more deer to protect the herd, the sport, and the agricultural communities.

The recent Natural Resources Commission's bold decision to allow deer hunters with guns to use tree stands during the gun season and a series of new regulations during the 1997 season have put Michigan's deer management on the right track. This is keenly important.

With our deer herd now numbering well over one million, there is increasing concern among property owners facing deer damage and motorists in danger of car/deer crashes year round. Proper deer management techniques help all citizens and allow us to maintain a balance in nature that is critical to the preservation of the species.

I believe this past year is an indication that voters, by approving Proposal G, gave Michigan some of the best hunting opportunities in history. I think it is appropriate that the Senate reflect on the voices of its voters and express their appreciation for their wisdom on this groundbreaking legislation.

Senator Rogers' statement is as follows:

I just wanted to address some of the statements by the Senator from the 1st District. I am a bit shocked and amazed that they would stand up and defend a system that has been cheating Michigan citizens who are in the most dire need of assistance. We have some horrible statistics about the way the department has been run in the past. Job seekers in the state—and you have to remember these are people who have lost their job or they're in between jobs, they've got families to take care of—they come to the state government to get assistance, and quite frankly, Madam President, they were not getting that. They were getting nothing close to that.

We had a 9 percent placement rate for people who walked in the door and were ready to get jobs; 9 percent of everybody who walked in the door. Veterans were supposed to get preferences. Veterans have given their time, their energy, and sacrificed a great deal to protect this country, and we all stood up together on a bipartisan basis and said, "Veterans ought to be treated better. Let's give them a little preference when they go to seek jobs, when they are down on their luck." Eleven percent were placed, Madam President, just 11 percent. The national average is 25 percent. We have a huge veteran population here in Michigan, and that is cheating those veterans more than we ought to be able to stand here and defend.

The worst of it, Madam President, is that of all the people who walked in the door, who needed educational referral, who did not have the educational level they needed to get a job, only 1 percent were getting referred to educational services in order to better their lives. Madam President, for anyone to stand on this floor and defend a system that has robbed and cheated Michigan citizens for as long as it has should be ashamed of themselves. We ought to applaud Governor John Engler for standing up and taking the courage to say, "We are going to do better for the citizens of Michigan who deserve a chance and an opportunity to get back on their feet."

I want to say, Madam President, just one more time those statistics, because it's important. This is what they are defending: 1 percent placement for educational services. That means 99 percent of everybody who walked in that door who needed it was not getting taken care of; 11 percent for veterans; and 9 percent total placement in the state. We can do better; we should do better; and I join John Engler in fullest enthusiastic support for his position that we will do better for these Michigan citizens in need.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Trial Court Assessment Commission submits the following:

Meeting held on Friday, April 24, 1998, at 10:11 a.m., 8th Floor Conference Room, Farnum Building

Present: Senator Dingell

Excused: Senator Van Regenmorter

Scheduled Meeting

Appropriations Committee - Wednesday, May 6, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:18 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, April 30 at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.