

No. 38
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, May 4, 1999.

10:00 a.m.

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

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

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

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

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

The following messages from the Governor were received and read:

April 29, 1999

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

Michigan Cherry Committee

Mr. Calvin C. Lutz II, 8576 Chief Road, Kaleva, Michigan 49645, county of Manistee, as a member representing tart cherry growers from District 1, succeeding Mr. Larry J. Bradford of Kaleva, whose term has expired, for a term expiring on February 1, 2002.

Mr. William R. Pugsley, 48030 CR 673, Lawrence, Michigan 49064, county of Van Buren, as a member representing tart cherry growers from District 3, succeeding himself, for a term expiring on February 1, 2002.

Mr. Michael R. VanAgtmael, 2102 N. 144 Avenue, Hart, Michigan 49420, county of Oceana, as a member representing tart cherry growers from District 2, succeeding Mr. Frederick J. Tubbs of Hart, whose term has expired, for a term expiring on February 1, 2002.

Mr. Bernard J. Kroupa, P.O. Box 76, Old Mission, Michigan 49673, county of Grand Traverse, as a member representing sweet cherry growers from District 1, succeeding Mr. Robert Lee Underwood of Traverse City, whose term has expired, for a term expiring on February 1, 2002.

April 29, 1999

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

Construction Code Commission

Mr. J. David Lather, 2010 Arrowhead Drive, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing municipal building inspectors, succeeding himself, for a term expiring on January 31, 2001.

Mr. Donald L. Pratt, 10054 Borgman, Huntington Woods, Michigan 48070, county of Oakland, as a member representing residential builders, succeeding Mr. Wilber Zylstra of Kentwood, whose term has expired, for a term expiring on January 31, 2001.

Mr. James H. Bogie, 3888 Mayfield Drive, Jackson, Michigan 49203, county of Jackson, as a member representing municipal building inspectors, succeeding Mr. Jeffrey Dixon Bowdell of Novi, whose term has expired, for a term expiring on January 31, 2001.

Mr. Steven A. East, 10392 N. 44th Street, Augusta, Michigan 49012, county of Kalamazoo, as a member representing building contractors, succeeding Mr. Michael Haller of Ann Arbor, whose term has expired, for a term expiring on January 31, 2001.

Ms. Joyce Ann Rogers, 8429 Woodland Shore Drive, Brighton, Michigan 48114, county of Livingston, as a member representing the premanufactured building industry, succeeding Mr. Bradford T. Light of Essexville, whose term has expired, for a term expiring on January 31, 2001.

Mr. Kevin P. Varner, 836 N. Fern Drive, Midland, Michigan 48640, county of Midland, as a member representing municipal building inspectors, succeeding Ms. Christine Segerlind of Portland, whose term has expired, for a term expiring on January 31, 2001.

April 29, 1999

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Construction Safety Standards Commission

Mr. Peter J. Strazdas, 7130 Crown Point Circle, Portage, Michigan 49002, county of Kalamazoo, as a member representing public sector construction management, succeeding himself, for a term expiring on March 18, 2002.

Mr. Thomas Joseph Hansen, 4128 Old Pine Trail, Midland, Michigan 48642, county of Midland, as a member representing construction management, succeeding himself, for a term expiring on March 18, 2002.

Mr. Daniel J. Corbat, 1513 Bookness Street, Midland, Michigan 48640, county of Midland, as a member representing construction employees, succeeding himself, for a term expiring on March 18, 2002.

Mr. Andrew R. Lang, 4270 Francis Shores, Midland, Michigan 48657, county of Midland, as a member representing construction employees, succeeding himself, for a term expiring on March 18, 2002.

April 29, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

State Community Corrections Commission

Sheriff Thomas N. Edmonds, 3512 Tamsin Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, as a member representing county sheriffs, succeeding himself, for a term expiring on March 29, 2003.

Mr. Larry C. Inman, 8971 Crockett Road, Williamsburg, Michigan 49690, county of Grand Traverse, as a member representing the general public, succeeding himself, for a term expiring on March 29, 2003.

Mr. Kenneth L. McGinnis, 6060 Carriage Hill East Apt. 21, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding the Honorable Kurtis T. Wilder of Ann Arbor, whose term has expired, for a term expiring on March 29, 2002.

Mr. James J. Quinlan, Rt. 2, Box 121, Chassell, Michigan 49916, county of Houghton, as a member representing county commissioners, succeeding himself, for a term expiring on March 29, 2003.

Mr. William J. Martin, Department of Corrections, P.O. Box 30003, Lansing, Michigan 48909, county of Ingham, as a member representing the Department of Corrections, succeeding Mr. Kenneth L. McGinnis of East Lansing, whose term has expired, for a term expiring on March 29, 2001.

The Honorable Nanci J. Grant, 2959 Woodland Ridge, West Bloomfield, Michigan 48323, county of Oakland, as a member representing circuit court judges, succeeding the Honorable Jeffrey G. Collins of Detroit, who has resigned, for a term expiring on March 29, 2001.

April 29, 1999

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

Ferris State University Board of Trustees

Mr. Bruce N. Parsons, 7645 Greenbrier, Rockford, Michigan 49341, county of Kent, as a member representing the general public, succeeding Ms. Carolyn J. Cassin of Grosse Pointe Farms, who has resigned, for a term expiring on December 31, 2000.

Dr. Gregory L. Patera, 183 Sunset Beach, Lake Odessa, Michigan 48849, county of Ionia, as a member representing the general public, succeeding himself, for a term expiring on December 31, 2006.

Ms. Olgalina G. Dazzo, 5791 Westminster, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding Mr. Bruce N. Parsons of Rockford, whose term has expired, for a term expiring on December 31, 2006.

April 29, 1999

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

Lake Superior State University Board of Trustees

Dr. Gary L. Wolfram, 3 Corona Circle, Hillsdale, Michigan 49242, county of Hillsdale, as a member representing the general public, succeeding Ms. Sigrun Kuefner of Bloomfield Hills, who has resigned, for a term expiring on January 27, 2000.

April 29, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Mackinac Island State Park Commission

Mr. Richard Manoogian, 15520 Windmill Pointe, Grosse Pointe Farms, Michigan 48236, county of Wayne, as a member representing Independents, succeeding Mr. Richard P. Kughn of Dearborn, whose term has expired, for a term expiring on April 12, 2005.

Ms. Joan Porteous, 7691 Crestwood Drive, Reed City, Michigan 49677, county of Osceola, as a member representing Republicans, succeeding Mr. Charles W. Yob of East Jordan, whose term has expired, for a term expiring on April 12, 2005.

April 29, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Worker's Compensation Appellate Commission

Ms. Marie Elena Martell, 1718 Greencrest, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding Mr. Marten N. Garn of Charlotte, who has resigned, for a term expiring on October 1, 1999.

Mr. Gregory A. Przybylo, 4281 Farm Meadows Court, Okemos, Michigan 48864, county of Ingham, as a member representing the general public, succeeding Col. Donald G. Miller of Mt. Clemens, who has resigned, for a term expiring on October 1, 2001.

April 29, 1999

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

Chair of the Worker's Compensation Appellate Commission

Mr. Jurgen O. Skoppek, 1217 Brook Trail, Lansing, Michigan 48917, county of Ingham, succeeding Col. Donald G. Miller of Mt. Clemens, as Chair, who has resigned, for a term expiring at the pleasure of the Governor.

May 3, 1999

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

Michigan Veterans' Facilities Board of Managers

Mr. Dale J. Brubaker, 30945 Dorais, Livonia, Michigan 48154, county of Wayne, as a member representing Veterans of Foreign Wars, succeeding himself, for a term expiring on February 28, 2005.

Sincerely,
John Engler
Governor

The appointments were referred to Committee on Government Operations.

The following message from the Governor was received and read:

May 3, 1999

Please be advised of the following correction to the letter dated April 29, 1999, for the Construction Code Commission. Mr. James H. Bogie of Jackson is no longer a member of this Commission. The list should read as follows:

Construction Code Commission

Mr. J. David Lather, 2010 Arrowhead Drive, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing municipal building inspectors, succeeding himself, for a term expiring on January 31, 2001.

Mr. Donald L. Pratt, 10054 Borgman, Huntington Woods, Michigan 48070, county of Oakland, as a member representing residential builders, succeeding Mr. Wilber Zylstra of Kentwood, whose term has expired, for a term expiring on January 31, 2001.

Mr. Steven A. East, 10392 N. 44th Street, Augusta, Michigan 49012, county of Kalamazoo, as a member representing building contractors, succeeding Mr. Michael Haller of Ann Arbor, whose term has expired, for a term expiring on January 31, 2001.

Ms. Joyce Ann Rogers, 8429 Woodland Shore Drive, Brighton, Michigan 48114, county of Livingston, as a member representing the premanufactured building industry, succeeding Mr. Bradford T. Light of Essexville, whose term has expired, for a term expiring on January 31, 2001.

Mr. Kevin P. Varner, 836 N. Fern Drive, Midland, Michigan 48640, county of Midland, as a member representing municipal building inspectors, succeeding Ms. Christine Segerlind of Portland, whose term has expired, for a term expiring on January 31, 2001.

Sincerely,
John Engler
Governor

The message was referred to Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senators Miller and Cherry entered the Senate Chamber.

Senator Rogers moved that the following bill be removed from the table:

Senate Bill No. 422, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 304 and 306 (MCL 750.304 and 750.306).

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Joint Resolution G

Senate Bill No. 287

Senate Bill No. 390

Senate Bill No. 300

House Bill No. 4345

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 404, entitled

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

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. 155

Yeas—37

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

Nays—0

Excused—1

Murphy

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. 530, entitled

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

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. 156

Yeas—37

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

Dingell
Dunaskiss
Emerson
Emmons

Jaye
Johnson
Koivisto

Rogers
Schuette
Schwarz

Van Regenmorter
Vaughn
Young

Nays—0

Excused—1

Murphy

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. 103, entitled

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

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. 157

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
McManus
Miller
North
Peters
Rogers
Schuette

Schwarz
Shugars
Sikkema
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—1

Smith, A.

Excused—1

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator A. Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 103.

Senator A. Smith's statement is as follows:

I voted "no" on Senate Bill No. 103 because I have a great concern in further increasing mandatory minimum sentences and increasing the length of time that people are imprisoned. I think we have other options available to us. I think that the addition of mandatory sentences from a possible three years to ten years adds \$154,000 per incarceration. I think it's time for us to get smart on crime and not necessarily tougher.

The following bill was read a third time:

Senate Bill No. 430, entitled

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

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. 158

Yeas—37

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

Nays—0

Excused—1

Murphy

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Murphy entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 551, entitled

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

The 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. 159**Yeas—37**

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

Nays—1

Smith, A.

Excused—0**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 Schwarz 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 without amendment, the following bill:

Senate Bill No. 537, entitled

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

The bill 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. 198, entitled

A bill to prohibit governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

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. 484, entitled

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

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.

Resolutions

Senate Concurrent Resolution No. 12.

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

The question being on the adoption of the following committee amendments:

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

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

The amendments were adopted.

The concurrent resolution, as amended, was adopted.

House Concurrent Resolution No. 26.

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

House Concurrent Resolution No. 14.

A concurrent resolution to memorialize the Congress and the President of the United States to enact legislation that preserves the health and stability of the Social Security system and Medicare and to urge that Congress use the federal budget surplus for this purpose, with any remaining funds to be used for tax cuts.

Whereas, For more than sixty years, Social Security has provided a safety net for American workers. Evolving over the years and reflecting changes in our population and expectations, Social Security is a defining component of our society. It affects every household in the country; and

Whereas, In the well-publicized discussion of how to fix the financial framework of the system to safeguard its solvency in perpetuity, many suggestions have been made. The reactions to some of the ideas put forth makes it clear that it is too easy for talks to deteriorate to political gamesmanship rather than honest, fact-based exchanges of proposals. It is important for all Americans that talks on Social Security and Medicare not be sidetracked to other matters. Social Security and Medicare are far too important to our common future to have the true goals obscured; and

Whereas, History shows that there is no limit to what can be accomplished when people work together honestly and cohesively to solve problems. The solvency of Social Security and Medicare is an issue that demands the focused attention of our nation and our elected officials; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress and the President of the United States to enact legislation that preserves the health and stability of the Social Security system including the Social Security Trust Fund and Medicare; and be it further

Resolved, That we memorialize Congress to consider using the federal budget surplus to fund Social Security and Medicare, with any remaining funds going for tax cuts; and be it further

Resolved, That copies 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 the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

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

House Concurrent Resolution No. 20.

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

Whereas, The Department of Agriculture—Geagly Laboratory project was authorized with a total cost of \$10,000,000 in 1996 PA 480; and

Whereas, The Department of Agriculture has estimated that the cost to complete the total project for the Geagly Laboratory has increased to \$12,000,000; and

Whereas, The State Building Authority share of the project will be increased from \$9,900,000 to \$11,900,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and constructions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Department of Agriculture—Geagly Laboratory project to an amount not to exceed \$12,000,000 (State Building Authority share \$11,900,000 and State General Fund/General Purpose share \$100,000) and that the Legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Department of Agriculture.

The House of Representatives has adopted the concurrent resolution.

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 Appropriations.

The motion prevailed.

Senators Stille and Schwarz were named co-sponsors of the concurrent resolution.

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.

Whereas, The Western Michigan University Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings/Construction of new Student Services Building project was authorized with a total cost of \$50,000,000 in 1996 PA 480 and Senate Concurrent Resolution No. 62 of 1998; and

Whereas, Western Michigan University has requested that the project scope be modified to delete reference to the Remodeling and Upgrade of the College of Engineering and Applied Science Buildings/Construction of a new Student Services Building, and subsequently reflect construction of a new building for the College of Engineering and Applied Sciences; and

Whereas, Western Michigan University has agreed that the modified scope will be funded within the authorized project cost of \$50,000,000, with the state commitment remaining at \$37,500,000 and the State Building Authority share remaining at \$37,499,900; and

Whereas, Pursuant to Section 246 of 1984 PA 431, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to modify the project scope for the Western Michigan University Remodeling and Upgrade of the College of Engineering and Applied Science Buildings/Construction of a new Student Services Building project to reflect the Western Michigan University new Building for the College of Engineering and Applied Sciences to complete plans and construction (total authorized cost \$50,000,000; State Building Authority share \$37,499,900; Western Michigan University share \$12,500,000; and the state general fund/general purpose share \$100); and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and Western Michigan University.

The House of Representatives has adopted the concurrent resolution.

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 Appropriations.

The motion prevailed.

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

House Concurrent Resolution No. 34.

A concurrent resolution to urge state government agencies to use bio-based products as a source of oil and diesel fuel whenever possible.

Whereas, For many years, scientists and researchers in many fields have searched for clean, reliable, and renewable sources of energy. In spite of the recent abundance of traditional fossil fuels, finding and developing effective alternative fuels is vital to our nation's long-term best interests; and

Whereas, Bio-based oils and fuels are derived from oils and fats of plants and offer many advantages over fossil fuels we have used for vehicles, electric production, and small engine operation. Fuels derived from agricultural products are clean and renewable. These fuels burn without contributing carbon dioxide or sulfur to the atmosphere. Few modifications of any kind are needed to existing engines to use bio-based materials; and

Whereas, The costs of bio-based oils and fuels will likely drop dramatically when use increases. Currently, there are a variety of pilot or demonstration projects underway in certain communities across the country. The possible economic benefits of using this kind of fuel are enormous, particularly in replacing the purchase of foreign oil with greater utilization of the bounty of American farms; and

Whereas, Michigan has the opportunity to take a leadership role in embracing a change that may prove as significant as any technology in recent memory. Encouraging state departments to use bio-based oils and fuels is a good place to start; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge state government agencies to use bio-based products as a source of oil and diesel fuel whenever possible; and be it further

Resolved, That copies of this resolution be transmitted to the executive departments of state government.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Dunaskiss, Young, Johnson, Dingell, Cherry, Peters, Murphy, A. Smith, DeBeaussaert, Emmons, North and Leland offered the following resolution:

Senate Resolution No. 53.

A resolution to urge the Federal Communications Commission to adopt rules to provide for new low-power FM radio stations.

Whereas, The Federal Communications Commission (FCC) discontinued the licensing of low-power radio stations (those using under 100 watts of power) twenty years ago. This decision was based on concerns that low-power stations were a hindrance to the orderly development of FM radio and a potential impediment to the efficient operation of facilities serving greater numbers of people; and

Whereas, As a result of the discontinuance of low-power radio stations and technology changes, a new station meeting the FCC requirements for size represents an enormous capital investment; and

Whereas, The FCC, in response to concerns from across the country, has issued proposed rules to permit the licensing of new low-power radio stations. With the goal of reviving community-based opportunities in radio, the FCC is now seeking public comment on the proposed rules. In light of the role that local communications through radio can have in both urban areas and smaller towns, Michigan's voice should be heard in the discussions taking place; now, therefore, be it

Resolved by the Senate, That we urge the Federal Communications Commission to adopt rules to provide for new low-power radio stations that would not sacrifice the integrity of the current interference protection standards, nor prevent FM stations from providing vital news, weather, and traffic information; and be it further

Resolved, That copies of this resolution be transmitted to the Federal Communications Commission.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Byrum 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 Byrum's statement is as follows:

The week of May 2 through May 8 is recognized as Corrections Officers Week in the Great Lakes state.

We join with the Service Employees International Union, the AFL-CIO and the International Association of Corrections Officers in paying special tribute to the working men and women who risk their personal safety to protect Michigan citizens. Michigan corrections officers are skilled and dedicated professionals who serve on the front lines of the criminal justice system protecting the public, counseling prisoners, resolving inmate conflicts and reporting on conditions to local prison officials. Not only must these officers possess the intelligence and instinct to identify and resolve conflicts, but also be physically able to restrain dangerous inmates from committing violent acts that endanger staff and other prisoners. Without their hard work and sacrifice, our state could not operate the prisons, correctional camps, halfway houses and county facilities so vital to public safety in Michigan.

We recognize the special efforts of the thousands of men and women who so faithfully service us all, often with very little recognition. Michigan Corrections Officers Week serves to commemorate and honor those who have died in the line of duty and to recognize the achievements of the brave men and women who risk their personal safety 24 hours a day, 365 days a year to make Michigan safer.

Senator Shugars' statement is as follows:

I'd like to read a couple of items that were in the paper on May 2. The first one is regarding Aaron DeGrow. Aaron DeGrow is the son of Kathy and Mike DeGrow of Eaton Rapids, and he is one of the outstanding young people who is graduating. He graduated as Valedictorian, a member of the National Honor Society, the Capitol Circuit Math Competition, received the Capitol Circuit Academic All League Award for soccer, track, basketball and Boy Scouts, and he plans to study electrical engineering at Michigan Technological University. I would like to congratulate Kathy and Mike DeGrow for doing an outstanding job for pushing Aaron.

Also, from our chamber we have the son of Marian and Marc Speiser, and all know Marc. They have a son, Dan Speiser, who was a National Merit semi-finalist, swimming captain and then among the "Who's Who" in the United States. He plans on going to Carleton College in Minnesota.

Both of these gentlemen were in the top ten in their respective schools. I think we should give applause for them and also for the parents, who are in this chamber.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Rogers, Goschka, Dunaskiss, Gast, Steil, Shugars, Hammerstrom, Bennett, Johnson, Sikkema, Bullard, Stille, Gougeon, McManus, North, McCotter, Schwarz, Van Regenmorter, Jaye, Miller, Schuette and DeGrow introduced **Senate Bill No. 562, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Schwarz, Hoffman, Bullard, McManus, Goschka, Rogers, Johnson, Vaughn and Peters introduced **Senate Bill No. 563, entitled**

A bill to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

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 Schwarz and Sikkema introduced **Senate Bill No. 564, 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.

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

Senators Schwarz and Sikkema introduced **Senate Bill No. 565, 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.

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

Senator Hammerstrom introduced **Senate Bill No. 566, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 4, 5, 7, 9, and 10 (MCL 28.722, 28.723, 28.724, 28.725, 28.727, 28.729, and 28.730), section 3 as amended by 1995 PA 10 and sections 7 and 10 as amended by 1996 PA 494, and by adding section 5a.

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

Senator Rogers introduced

Senate Bill No. 567, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18 of chapter XIIA (MCL 712A.18), as amended by 1998 PA 478.

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

Senator Goschka introduced

Senate Bill No. 568, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 16a of chapter IX (MCL 769.1 and 769.16a), section 1 of chapter IX as amended by 1998 PA 520 and section 16a of chapter IX as amended by 1993 PA 85.

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

Senator Johnson introduced

Senate Bill No. 569, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1998 PA 330.

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

Senator Gougeon introduced

Senate Bill No. 570, 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 regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations," by amending section 2 (MCL 28.292), as amended by 1998 PA 118.

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

Senator Jaye introduced

Senate Bill No. 571, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as added by 1998 PA 317.

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

Senators Hammerstrom, North, Schuette, McManus, Dunaskiss, Koivisto and Goschka introduced

Senate Bill No. 572, 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 bill was read a first and second time by title and referred to the Committee on Technology and Energy.

House Bill No. 4259, 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 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 Gaming and Casino Oversight.

House Bill No. 4403, entitled

A bill to amend 1981 PA 7, entitled "An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing

to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts," by amending section 5 (MCL 801.265).

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 Judiciary reported

Senate Bill No. 96, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding chapter 10A.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters and Dingell

Nays: Senator V. Smith

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

The Committee on Judiciary reported

House Bill No. 4103, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

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.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 546, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90g.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Jaye, Johnson, Goschka and Hart

Nays: Senator Vaughn

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Wednesday, April 28, 1999, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Jaye, Johnson, Goschka, Hart and Vaughn

The Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs reported

Senate Bill No. 158, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 306.

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.

Mike Rogers
Chairperson

To Report Out:

Yeas: Senators Rogers, McCotter and Schuette

Nays: Senators Murphy and Dingell

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

COMMITTEE ATTENDANCE REPORT

The Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs submits the following:

Meeting held on Thursday, April 29, 1999, at 1:19 p.m., Room 210, Farnum Building

Present: Senators Rogers (C), McCotter, Schuette, Murphy and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:

Meeting held on Thursday, April 22, 1999, 8:45 a.m., Senate Appropriations Room, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on School Aid submits the following:

Meeting held on Monday, April 26, 1999, at 5:00 p.m., Muskegon Intermediate School District, Muskegon, Michigan

Present: Senators Stille (C), Bennett and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Friday, April 30, 1999, at 9:00 a.m., Northern Michigan University, Botton Center, Marquette, Michigan

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

Excused: Senator Hoffman

Scheduled Meetings

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

Families, Mental Health and Human Services Committee - Wednesday, May 5, at 3:00 p.m., Room 100, Farnum Building (3-3543).

Government Operations Committee - Thursday, May 6, at 1:00 p.m., Room 110, Farnum Building (3-1758). (CANCELED)

Hunting, Fishing and Forestry Committee - Thursday, May 6, at 2:30 p.m., Room 110, Farnum Building (3-7670).

Judiciary Committee - Wednesday, May 5, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Technology and Energy Committee - Wednesday, May 5, at 1:00 p.m., Room 405, Capitol Building (3-2417).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:51 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, May 5, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.