

No. 8
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, February 10, 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 not present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeausaert—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
Stallings—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Dale L. Shugars of the 21st District offered the following invocation:

“Submit yourselves for the Lord’s sake to every human institution, whether to a king as the one in authority, or to governors as sent by Him for the punishment of evildoers and the praise of those who do right.”—1 Peter 2:13-14

Lord, let us remember that You are the One who has ordained us to take the role of civil authority and has put us in the position of leaders. Grant us the wisdom and knowledge to lead this great state of ours in the right direction. We also ask that You give us the patience and understanding to work with those who have differing opinions and put the citizens of Michigan first. We are truly honored that You have chosen us to be the leaders of the state and let us remember that nothing is possible without Your grace. In Your Son’s name we pray. Amen.

Motions and Communications

Recess

Senator DeGrow moved that the Senate recess until 10:30 a.m.

The motion prevailed, the time being 10:04 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

During the recess, Senators A. Smith, Miller, Van Regenmorter, North, Cisky, Emmons, Gougeon, Bouchard, V. Smith, and Bullard entered the Senate Chamber.

A quorum of the Senate was present.

The following communication was received:

Michigan Higher Education Assistance Authority

January 29, 1998

Public Act 77 of 1960, as amended, requires that the Michigan Higher Education Assistance Authority submit an annual report to the Governor and the Legislature. We are pleased to transmit to you the Annual Report for 1995-96 of both the Michigan Higher Education Assistance Authority and the Michigan Higher Education Student Loan Authority.

Sincerely,

Douglas B. Roberts

State Treasurer

H. Jack Nelson

Executive Director

The communication was referred to the Secretary for record.

The following communications were received:

Joint Committee on Administrative Rules

Certificates of Approval

Date: February 4, 1998

Subject: Trans. No. 97-65

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Treasury, pertaining to Michigan Education Trust, dated September 29, 1997.

Date: February 4, 1998

Subject: Trans. No. 98-02

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Agriculture, pertaining to Financial Programs Regulation Section—State Purse Supplements for Harness Horse Racing at Fairs and Licensed Pari-Mutuel Tracks (Regulation #812), dated December 16, 1997.

Date: February 4, 1998

Subject: Trans. No. 98-03

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Department of Treasury, pertaining to Revenue Division—Cigarette Tax, dated October 17, 1997.

Sincerely,

Senator Walter H. North

Chairman

The communications were referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

February 6, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including the Provisions of the Single Audit Act, of the Department of State, October 1, 1994 through September 30, 1996.

February 6, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Year 2000 Issues for Information Systems, Year 2000 Project Office, Department of Management and Budget, February 1998.

February 9, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Financial Related Audit of the Use of Transportation-Related Funding by the Departments of State, State Police, Treasury, Management and Budget, Civil Service, Attorney General, Environmental Quality, Consumer and Industry Services, Natural Resources, Transportation, and the Office of the Auditor General, October 1, 1995 through September 30, 1996.

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

The communications were referred to the Secretary for record.

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:

Senate Bill No. 866

The bill was referred to the Committee on Judiciary.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 5:
House Bill Nos. 4028 4984 5387 5524

The Secretary announced the printing and placement in the members' files on Monday, February 9 of:

Senate Bill Nos.	860	861	862	863	864	865	866							
House Bill Nos.	5528	5529	5530	5531	5532	5533	5535	5536	5537	5538	5539	5540	5541	5542
	5543	5544	5545	5546	5547									

Messages from the Governor

The following message from the Governor was received:

Date: February 6, 1998
Time: 11:15 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 642 (Public Act No. 6), being

An act bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 5502 (MCL 324.5502), as amended by 1995 PA 227.

(Filed with the Secretary of State on February 6, 1998, at 3:07 p.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received and read:

February 5, 1998

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

Construction Code Commission

Ms. Sondra Houlton, 55 Booth Road, Mio, Michigan 48647, county of Oscoda, as a member representing the general public, succeeding herself, for a term expiring on January 31, 2000.

Mr. Bruce Lane Hawkinson, 109 4th Avenue, Norway, Michigan 49870, county of Dickinson, as a member representing professional engineers, succeeding himself, for a term expiring on January 31, 2000.

Mr. Ronald Marian Krochmalny, 441 South Beach Daly Road, Dearborn Heights, Michigan 48125, county of Wayne, as a member representing organized labor, succeeding himself, for a term expiring on January 31, 2000.

Mr. Frank T. Mamat, 5484 Crispin Way Road, West Bloomfield, Michigan 48323, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on January 31, 2000.

February 5, 1998

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

Michigan Capitol Park Commission

Mr. R. Eric Reickel, 2920 E. Westchester, Lansing, Michigan 48911, county of Ingham, as a member representing the City of Lansing, succeeding himself, for a term expiring on February 17, 2002.

February 6, 1998

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

Michigan Board of Psychology

Mr. Robert Charles Fonger, 2935 Pioneer Club Drive, East Grand Rapids, Michigan 49506, county of Kent, as a member representing the general public, succeeding himself, for a term expiring on December 31, 2001.

Ms. Margaret M. Bacarella, 6701 E. Albion, Monroe, Michigan 48161, county of Monroe, as a member representing the general public, succeeding herself, for a term expiring on December 31, 2001.

February 6, 1998

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

Michigan Soybean Committee

Mr. Curt A. Albright, 968 Flint Road, Coldwater, Michigan 49036, county of Branch, as a member representing growers from District 2, succeeding Mr. Jerry R. Hubbard of Union City, whose term has expired, for a term expiring on September 23, 2000.

Mr. Thomas E. Blanchett, Jr., 2130 Ida-Maybee Road, Monroe, Michigan 48162, county of Monroe, as a member representing growers from District 4, succeeding Ms. Mary Lou Smith of Petersburg, whose term has expired, for a term expiring on September 23, 2000.

Mr. James B. Domajalski, 9700 Dolan Road, Columbus, Michigan 48063, county of St. Clair, as a member representing growers from District 7, succeeding Mr. Gilbert B. Clark of Croswell, whose term has expired, for a term expiring on September 23, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Berryman introduced

Senate Bill No. 867, 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 6 (MCL 28.426), as amended by 1994 PA 338.

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

Senators Berryman and Schwarz introduced

Senate Bill No. 868, entitled

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

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

Senator Byrum introduced

Senate Bill No. 869, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 811d and 811e.

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

Senators McManus, Rogers, Bennett, Hoffman, Steil, Geake, Dunaskiss and Jaye entered the Senate Chamber.

Senator Gougeon introduced

Senate Bill No. 870, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310d, 319, 319b, 320a, 625, 625a, 625b, 625c, 625i, 625m, 727, and 732 (MCL 257.303, 257.310d, 257.319, 257.319b, 257.320a, 257.625, 257.625a, 257.625b, 257.625c, 257.625i, 257.625m, 257.727, and 257.732), sections 303 and 319 as amended by 1996 PA 587, section 310d as amended by 1991 PA 99, section 319b as amended by 1996 PA 404, sections 320a, 625i, and 732 as amended by 1996 PA 493, sections 625, 625a, and 625m as amended by 1996 PA 491, sections 625b and 625c as amended by 1994 PA 450, and section 727 as amended by 1993 PA 301.

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

Senator Emmons introduced

Senate Bill No. 871, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 5 (MCL 409.105).

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

Senator Emmons introduced

Senate Bill No. 872, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

Senators Stille, McManus, Gougeon, Bouchard, Shugars, Steil, Jaye, Bullard, Schwarz, Rogers, Cisky, Emmons and DeGrow introduced

Senate Bill No. 873, 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 sections 34 and 44 (MCL 791.234 and 791.244), section 34 as amended by 1994 PA 345 and section 44 as amended by 1992 PA 181.

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

Senators A. Smith and Young introduced

Senate Bill No. 874, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2950 (MCL 600.2950), as amended by 1997 PA 115.

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

Senator Gougeon introduced

Senate Bill No. 875, entitled

A bill to amend 1993 PA 330, entitled “State real estate transfer tax act,” by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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

House Bill No. 4028, entitled

A bill to provide for the readability of consumer contracts; to impose certain requirements relating to consumer contracts; to prescribe the powers and duties of certain state officers and departments; to provide remedies; to provide for limitation of actions; and to provide for civil fines and prescribe penalties for violations of this act.

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 Financial Services.

House Bill No. 4984, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales,” by amending sections 2 and 3 (MCL 445.112 and 445.113).

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

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

House Bill No. 5387, entitled

A bill to amend 1913 PA 206, entitled “An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates,” by amending section 25 (MCL 484.125), as added by 1980 PA 47.

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 Technology and Energy.

House Bill No. 5524, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 255.

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 Transportation and Tourism.

Senators Stille, Gast and Posthumus entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

(For text of amendments, see Senate Journal No. 89 of 1997, p. 1879.)

The question being on concurring in the House amendments made to the Senate substitute,

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

Roll Call No. 16**Yeas—0****Nays—38**

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

Excused—0**Not Voting—0**

In The Chair: President

Senate Bill No. 763, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

(For text of amendments, see Senate Journal No. 6, p. 72.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 17**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 792, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

(For text of amendment, see Senate Journal No. 6, p. 73.)

The question being on concurring in the amendment made to the bill by the House,
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 18

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 805, entitled

A bill to amend 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," by amending section 8 (MCL 408.558).

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. 19

Yeas—20

Bennett	Dunaskiss	Jaye	Schuetz
Bouchard	Emmons	McManus	Shugars
Bullard	Gast	North	Steil
Cisky	Geake	Posthumus	Stille
DeGrow	Gougeon	Rogers	Van Regenmorter

Nays—18

Berryman	Dingell	O'Brien	Smith, V.
Byrum	Hart	Peters	Stallings
Cherry	Hoffman	Schwarz	Vaughn
Conroy	Koivisto	Smith, A.	Young
DeBeaussaert	Miller		

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

House Bill No. 5223

The motion prevailed.

The following bill was read a third time:

House Bill No. 5058, entitled

A bill to amend 1996 PA 202, entitled "An act to authorize the state administrative board to convey certain state owned property in Kalkaska county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance," by amending the title and by adding sections 5 and 6.

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. 20**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 808, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1011 (MCL 600.1011), as added by 1996 PA 388; 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. 21

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5220, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8112 (MCL 600.8112).

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. 22

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 747, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8132 (MCL 600.8132).

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. 23

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 834, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8138 (MCL 600.8138).

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. 24

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5279, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8126 (MCL 600.8126).

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. 25

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5300, entitled

A bill to amend 1996 PA 522, entitled “The Michigan biologic products institute transfer act,” by amending the title and sections 3 and 5 (MCL 333.26333 and 333.26335) and by adding sections 3a and 3b.

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. 26

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to authorize the conveyance of the assets and liabilities of the state related to the operation of the Michigan biologic products institute; to authorize the state administrative board to approve the conveyance and to make determinations that certain conditions upon the conveyance have been met; to permit the acceptance of consideration in exchange for the conveyance; to make certain findings and determinations of the interest of the state relative to the conveyance; to authorize the state administrative board to approve certain agreements for continued services and

products by certain state agencies to transferred facilities or to the state from the transferred facilities; to authorize the Michigan biologic products commission to negotiate and, upon concurrence of the state administrative board, approve certain agreements related to the conveyance of the assets and liabilities of the state associated with the Michigan biologic products institute, certain agreements for the marketing of the assets and liabilities, certain agreements for continued services and products, and certain agreements for the retention of rights, interests, and easements in certain conveyed assets; to authorize employees and employee based entities to bid for or make proposals to acquire the assets and liabilities of the state associated with the Michigan biologic products institute; to prescribe the powers and duties of certain public officers and certain state agencies and departments; to grant exclusive jurisdiction over claims related to the conveyance to the court of claims and to limit the time in which claims related to the conveyance or to the products produced by the Michigan biologic products institute may be brought; to provide for the disposition of the revenue derived from the conveyance; and to make an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 555, entitled

A bill to amend 1964 PA 208, entitled “An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program,” by amending section 4 (MCL 390.974), as amended by 1986 PA 270, and by adding section 4a.

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. 27

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Smith, V.

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 556, entitled

A bill to amend 1966 PA 313, entitled “An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor,” by amending section 3 (MCL 390.993), as amended by 1980 PA 503, and by adding section 3a.

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. 28**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 557, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274) and by adding section 4a.

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. 29**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 558, entitled

A bill to amend 1976 PA 228, entitled “The legislative merit award program act,” by amending section 4 (MCL 390.1304), as amended by 1980 PA 386, and by adding section 4a.

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. 30

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 559, entitled

A bill to amend 1986 PA 303, entitled “An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation,” by amending section 4 (MCL 390.1324) and by adding section 4a.

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. 31

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The President pro tempore, Senator Schwarz, assumed the Chair.

The following bill was read a third time:

Senate Bill No. 560, entitled

A bill to amend 1986 PA 288, entitled “An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies,” by amending section 4 (MCL 390.1374), as amended by 1990 PA 47, and by adding section 4a.

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. 32

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 561, entitled

A bill to amend 1986 PA 273, entitled “An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies,” by amending section 4 (MCL 390.1404) and by adding section 4a.

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. 33**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 562, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283) and by adding section 3a.

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. 34**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 563, entitled

A bill to amend 1976 PA 174, entitled “An act to provide free tuition for state resident North American Indians in Michigan public community colleges, public universities, and certain federal tribally controlled community colleges; and to prescribe certain powers and duties of certain state departments, commissions, and agencies,” by amending section 1 (MCL 390.1251), as amended by 1993 PA 106, and by adding section 1a.

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. 35

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 564, entitled

A bill to amend 1975 PA 222, entitled “Higher education loan authority act,” by amending sections 4a and 12 (MCL 390.1154a and 390.1162), section 4a as added by 1989 PA 96 and section 12 as amended by 1987 PA 206.

The question being on the passage of the bill,

Senators DeBeaussaert and Emmons offered the following amendment:

1. Amend page 4, line 24, after “ORDER.” by inserting “THE INELIGIBILITY OF A PARENT OR PARENT’S SPOUSE UNDER THIS SUBSECTION FOR A PARENT LOAN DOES NOT DISQUALIFY AN OTHERWISE ELIGIBLE STUDENT FOR A STUDENT LOAN UNDER THIS SECTION.”.

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

The question being on the passage of the bill,

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

Roll Call No. 36

Yeas—38

Bennett	Dingell	McManus	Shugars
Berryman	Dunaskiss	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Steil

Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Gougeon
Hart
Hoffman
Jaye
Koivisto

Posthumus
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 565, entitled

A bill to amend chapter IX of 1927 PA 175, entitled “The code of criminal procedure,” (MCL 769.1 to 769.34) by adding section 15.

The question being on the passage of the bill,

Senator A. Smith offered the following amendments:

1. Amend page 1, line 2, after “SEC. 15.” by inserting “(1)”.
2. Amend page 1, following line 11, by inserting:

“(2) BEFORE THE EXPIRATION OF 21 DAYS AFTER THE DATE A PERSON LICENSED OR REGISTERED UNDER THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1 TO 339.2721, IS CONVICTED OF A MISDEMEANOR INVOLVING THE ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR A CONTROLLED SUBSTANCE OR A FELONY, THE CLERK OF THE COURT ENTERING THE CONVICTION SHALL REPORT THE CONVICTION TO THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES. THE FORM OF THE REPORT SHALL BE PRESCRIBED AND FURNISHED BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES. IN ADDITION TO THE OTHER REQUIREMENTS OF SECTION 14 OF CHAPTER XI, IF A PERSON IS TO BE SENTENCED FOR A CRIME DESCRIBED IN THIS SUBSECTION AND THE PERSON IS LICENSED OR REGISTERED UNDER THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1 TO 339.2721, A PRESENTENCE REPORT PREPARED PURSUANT TO THAT SECTION SHALL INCLUDE A STATEMENT TO THAT EFFECT.”.

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

Senator V. Smith requested the yeas and nays.

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

The amendments were adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 37

Yeas—20

Bennett
Berryman
Bouchard
Byrum
Cherry

Conroy
DeBeaussaert
Dingell
Gougeon
Hart

Koivisto
Miller
North
O’Brien
Peters

Smith, A.
Smith, V.
Stallings
Vaughn
Young

Nays—18

Bullard
Cisky
DeGrow
Dunaskiss
Emmons

Gast
Geake
Hoffman
Jaye
McManus

Posthumus
Rogers
Schuette
Schwarz

Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Hoffman moved to reconsider the vote by which the amendments were adopted.
The question being on the motion to reconsider,
Senator Hoffman moved that further consideration of the bill be postponed for today.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 71

Senate Concurrent Resolution No. 52

Senate Resolution No. 112

The motion prevailed.

Senate Resolution No. 66.

A resolution to memorialize the Congress of the United States to ensure that public safety agencies are allotted sufficient access to radio frequency space.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator V. Smith moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senate Resolution No. 105.

A resolution to urge the Department of Natural Resources and the Department of Environmental Quality to promote a "Take a Minute" program to clean up public lands.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Posthumus, Cherry, DeGrow and V. Smith offered the following resolution:

Senate Resolution No. 133.

A resolution to censure Senator Henry E. Stallings II of the Third Senatorial District, State of Michigan.

Whereas, Article IV, Section 16 of the Constitution of the State of Michigan states:

"...Each house shall be the sole judge of the qualifications, elections and returns of its members..."

; and

Whereas, Senate Rule 1.301 states:

"Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office."

; and

Whereas, Senate Rule 1.308 states:

"a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan..."

; and

Whereas, Senate Rule 1.310 states in relevant part:

"...A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled..."

; and

Whereas, On January 26, 1998, in the Third Circuit Court for the County of Wayne, State of Michigan, Senator Henry E. Stallings II of the Third Senatorial District of the State of Michigan tendered a guilty plea to a felony charge of false pretenses over \$100 in violation of MCL 750.218; and

Whereas, While tendering the guilty plea, Senator Henry E. Stallings II made judicial admissions under oath that on various occasions between January 21, 1995, and April 1, 1995, while he was a Senator, he aided and abetted in a felony by allowing a Senate employee's improper receipt of compensation from the State of Michigan while the employee was working in his art gallery; and

Whereas, Senator Henry E. Stallings II has made judicial admissions under oath to conduct while in office which fails to maintain the integrity and responsibility of this office, and seriously undermines the confidence and trust of the citizenry in the institutions of their government; and

Whereas, Public trust and confidence in government is a prerequisite to the functioning of a democratic society; now, therefore, be it

Resolved by the Senate, That a copy of this resolution be transmitted to Senator Henry E. Stallings II and that he be given reasonable opportunity to appear before the Senate select committee and be represented by counsel; and be it further

Resolved, That in accordance with the above-cited provisions of the Constitution of the State of Michigan and Senate Rules, Senator Henry E. Stallings II is hereby censured by the Michigan Senate.

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

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

The question being on the adoption of the resolution.

Senator DeGrow moved that the resolution be referred to the Select Committee to Examine Qualifications of Senator Stallings.

The motion prevailed.

Senators Posthumus, Cherry, DeGrow and V. Smith offered the following resolution:

Senate Resolution No. 134.

A resolution to expel Senator Henry E. Stallings II of the Third Senatorial District, State of Michigan.

Whereas, Article IV, Section 16 of the Constitution of the State of Michigan states:

"...Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member..."

; and

Whereas, Senate Rule 1.301 states:

"Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office."

; and

Whereas, Senate Rule 1.308 states:

"a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan..."

; and

Whereas, Senate Rule 1.310 states:

"...A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled..."

; and

Whereas, On January 26, 1998, in the Third Circuit Court for the County of Wayne, State of Michigan, Senator Henry E. Stallings II of the Third Senatorial District of the State of Michigan tendered a guilty plea to a felony charge of false pretenses over \$100 in violation of MCL 750.218; and

Whereas, While tendering the guilty plea, Senator Henry E. Stallings II made judicial admissions under oath that on various occasions between January 21, 1995, and April 1, 1995, while he was a Senator, he aided and abetted in a felony by allowing a Senate employee's improper receipt of compensation from the State of Michigan while the employee was working in his art gallery; and

Whereas, Senator Henry E. Stallings II has made judicial admissions under oath to conduct while in office which fails to maintain the integrity and responsibility of this office, and seriously undermines the confidence and trust of the citizenry in the institutions of their government; and

Whereas, Public trust and confidence in government is a prerequisite to the functioning of a democratic society; now, therefore, be it

Resolved by the Senate, That a copy of this resolution be transmitted to Senator Henry E. Stallings II and that he be given reasonable opportunity to appear before the Senate select committee and be represented by counsel; and be it further

Resolved, That in accordance with the above-cited provisions of the Constitution of the State of Michigan and Senate Rules, Senator Henry E. Stallings II is hereby expelled from the Michigan Senate.

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

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

The question being on the adoption of the resolution.

Senator DeGrow moved that the resolution be referred to the Select Committee to Examine Qualifications of Senator Stallings.

The motion prevailed.

Statements

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:

First of all, I'd like to make mention as it was recently discussed by the good Senator from the 14th District about earmarking money from the casino operations to education. Well, it is clear that that has been done in a very bipartisan effort. In fact, when we worked on that package, I chaired the committee that that came out of, working with members from our side of the aisle as well as their side of the aisle, Senator Smith as a leader on that side. We earmarked very specifically the money for education. We didn't detail what project, but it is going to education. In fact, we increased certain kinds of lobbying against those operations to ensure those funds weren't diminished to fund other efforts such as policing, oversight or any kind of compulsive gaming programs. Those would be funded out of another lobby against the casino. So, that has been done and I applaud everyone who was involved with that, and the Governor was a strong proponent of it as well.

Another issue I rise to speak about is two bills that have passed this body with a strong bipartisan endorsement, Senate Bill No. 3 and Senate Bill No. 113. Senate Bill No. 3 passed on a 38-0 vote. It specifically dealt with keeping drugs away from where children play, where they hang out, where they visit, where they associate with each other. It's called the Drug-Free Park Zone mirroring what we already have, Drug-Free School Zones. Again, that bill passed 38-0 and was sent over to the House quite some time ago. All that has happened in the House is they inserted language to actually lower penalties for some drug kingpins and haven't dealt with the issue about keeping drugs out of parks and away from children. I would encourage them to take that up to protect our children from being around and associated with individuals who are purveying that activity—selling death right in their midst—and to endorse the concept that was unanimously endorsed here—Drug-Free Park Zones.

Secondly, Senate Bill No. 113, another bill passed unanimously in a bipartisan effort in this body 37-0, dealt with acts of omissions in child abuse. This is a tool vitally needed. It has been endorsed by a host of law enforcement, domestic violence groups as well as prosecutors as a needed tool in the arsenal to protect children. It fills a void, a very important void, where a child may not be directly injured by a caregiver or an individual who has custody of the child but knows it's happening and does nothing to intercede. A local county prosecutor recently detailed a case where a child was forced to eat feces by a father and yet there was no permanent physical damage and he did not have anything chargeable under an articulable current statute. This would cure that dilemma. There's also been cases discussed where a parent would allow someone to take their young child and sexually abuse them in payment for drugs. Since they were not actually participating in the crime, under current law, that omission was not chargeable. This bill simply says that if you know of a crime or violence committed against a child, you simply have a duty to report it—to tell the authorities so someone can step in and protect the child. Again, it passed unanimously here. It lies sleeping in the House. Both bills protect children. Both bills are vital. Let's get them passed in the House.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Wednesday, February 4, 1998, at 3:00 p.m., Room 405, Capitol Building

Present: Senators North (C), Stille, Jaye and Hart

Excused: Senator O'Brien

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Meeting held on Thursday, February 5, 1998, at 1:00 p.m., Room 100, Farnum Building
Present: Senators Gougeon (C), Bouchard, Geake and Peters
Excused: Senator V. Smith

Scheduled Meetings

Campaign Finance Special Committee (HCR 34) - Thursday, February 12, at 1:00 p.m., Room 424, Capitol Building (3-1707).

Higher Education Appropriations Subcommittee - Friday, February 20, at 10:00 a.m., Michigan League-Vandenberg Room, University of Michigan, Ann Arbor; Monday, March 2, at 10:00 a.m., Meadowbrook Hall, Oakland University, Rochester; Friday, March 6, at 10:00 a.m., Albion College, Albion; and Friday, March 13, at 10:00 a.m., Western Michigan University, Kalamazoo (3-3447).

Local, Urban and State Affairs Committee - Wednesday, February 11, at 1:00 p.m., Room 100, Farnum Building (3-1635).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 12:15 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, February 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.