

No. 4
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, January 28, 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
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

Senator Mat J. Dunaskiss of the 16th District offered the following invocation:

Dear Lord, as we begin this day, when the citizens of Michigan will hear the State of the State address, we thank You for the guidance You have given us that has lead to a record of legislative achievements on behalf of all Michigan families. We ask You for Your blessings upon this chamber during its deliberations. Bless our families who give so much of their time so we may serve.

We must remember that God is the architect, the designer of our future. As legislators, we are the builders. While we never can hope to obtain the absolute perfection of the design, we must continue to be the master craftsmen, striving to build a government following the plans that have been drafted for us. In God's name we pray.

Motions and Communications

Senator Rogers moved that Senators Van Regenmorter and Schwarz be temporarily excused from today's session. The motion prevailed.

Senator Murphy entered the Senate Chamber.

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

Senator Leland is serving jury duty.

Senator Rogers moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 60

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

The Secretary announced the printing and placement in the members' files on Wednesday, January 27 of:

House Bill Nos. 4033 4034 4035 4036 4037 4038

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Bennett as Chairperson.

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

Senate Bill No. 60, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402b (MCL 550.1402b), as added by 1996 PA 516.

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

1. Amend page 3, line 12, after "COVERAGE" by inserting a comma and "MEDICARE, OR MEDICAID".
2. Amend page 3, following line 15, by inserting:

"(E) IF THE PERSON IS ELIGIBLE FOR CONTINUATION OF HEALTH COVERAGE FROM THAT GROUP HEALTH PLAN PURSUANT TO THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985, PUBLIC LAW 99-272, 100 STAT. 82, HE OR SHE HAS ELECTED AND EXHAUSTED THAT COVERAGE.".

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

During the Committee of the Whole, Senator Miller entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Messages from the Governor

The following messages from the Governor were received and read:

January 26, 1999

Please be advised of the following appointments and reappointments to office, subject to the advice and consent of the Michigan Senate:

Worker's Compensation Board of Magistrates

Mr. Richard J. Anderson, 2740 Cascade Springs, S.E., Grand Rapids, Michigan 49546, county of Kent, as a member representing the general public, succeeding himself, for a term expiring on January 26, 2003.

Mr. Crary E. Grattan, 3699 Powderhorn, Okemos, Michigan 48864, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on January 26, 2003.

Ms. Cynthia R. Johnson, 3255 Woodland Court, Saginaw, Michigan 48601, county of Saginaw, as a member representing the general public, succeeding herself, for a term expiring on January 26, 2003.

Mr. Bernard S. Kielton, 2457 Woody Noll Drive, Portage, Michigan 49002, county of Kalamazoo, as a member representing the general public, succeeding himself, for a term expiring on January 26, 2003.

Mr. Sam C. Ayyash, 8355 Arnold Street, Dearborn Heights, Michigan 48127, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on January 26, 2003.

Mr. Richard L. Hedstrom, 2620 Glasglow Road, Jackson, Michigan 49201, county of Jackson, as a member representing the general public, succeeding himself, for a term expiring on January 26, 2003.

Mr. Kenneth L. Block, 1504 Pontiac, S.E., Grand Rapids, Michigan 49506, county of Kent, as a member representing the general public, succeeding Ms. Paula S. Olivarez of Lansing, whose term has expired, for a term expiring on January 26, 2003.

Mr. George J. Quist, 143 Lafayette, Grand Rapids, Michigan 49503, county of Kent, as a member representing the general public, succeeding Mr. Thomas Edward Lengauer of Fenton, who has resigned, for a term expiring on January 26, 2003.

Mr. Jerome H. Solomon, 6915 Alderley Way, West Bloomfield, Michigan 48322, county of Oakland, as a member representing the general public, succeeding Mr. Basil Lloyd Blair of Ann Arbor, who has resigned, for a term expiring on January 26, 2003.

Mr. James M. Brakora, 4585 Golf View Drive, Brighton, Michigan 48116, county of Livingston, as a member representing the general public, succeeding himself, for a term expiring on January 26, 2003.

January 27, 1999

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

Board of Real Estate Appraisers

Mr. E. Roger Everett, 22536 Brook Forest, Novi, Michigan 48375, county of Oakland, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2002.

Mr. Richard A. Southern, 5750 White Lake Road, Clarkston, Michigan 48346, county of Oakland, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2002.

January 27, 1999

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

Michigan Soybean Committee

Mr. Loren R. Roslund, 2452 W. Johnson Road, Ithaca, Michigan 48847, county of Gratiot, as a member representing growers from District 6, succeeding himself, for a term expiring on September 23, 2001.

Mr. Gary L. Higgins, 6140 Shipman Road, Corunna, Michigan 48817, county of Shiawassee, as a member representing growers from District 5, succeeding Mr. Robert Alan Moore of Bannister, whose term has expired, for a term expiring on September 23, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senators Van Regenmorter and Schwarz entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jaye introduced

Senate Bill No. 160, entitled

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

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

Senator Jaye introduced

Senate Bill No. 161, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 8 (MCL 432.108), as amended by 1981 PA 229.

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

Senator Jaye introduced

Senate Bill No. 162, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 32 of chapter 2 (MCL 141.632).

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

Senator Jaye introduced

Senate Bill No. 163, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5e.

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

Senator Jaye introduced

Senate Bill No. 164, entitled

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

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

Senator Jaye introduced

Senate Bill No. 165, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as added by 1995 PA 58.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Jaye introduced

Senate Bill No. 166, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1611.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Hart introduced

Senate Bill No. 167, 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 Dingell and Hoffman introduced

Senate Bill No. 168, entitled

A bill to create a law enforcement officers' bill of rights; to define terms and conditions of disciplinary investigations; to create a cause of action for violations; to protect certain political activity; and to provide for civil remedies.

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

Senators Stille, Goschka, Shugars, Bullard and Gougeon introduced

Senate Bill No. 169, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83.

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

Senators Stille, Goschka, Shugars, Bullard, Gougeon and Bennett introduced

Senate Bill No. 170, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1307 and 1308.

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

Senator Stille introduced

Senate Bill No. 171, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 46a.

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

Senator Stille introduced

Senate Bill No. 172, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending the title and section 1 (MCL 125.271), the title as amended by 1998 PA 152 and section 1 as amended by 1996 PA 47.

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

Senator Stille introduced

Senate Bill No. 173, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending the title and section 1 (MCL 125.201), the title as amended by 1998 PA 151 and section 1 as amended by 1996 PA 46.

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

Senator Stille introduced

Senate Bill No. 174, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending the title and section 3 (MCL 125.583), the title as amended by 1996 PA 571.

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

Senators A. Smith, Cherry, Byrum, Leland, Miller, Gast and McManus introduced

Senate Bill No. 175, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 40 (MCL 125.310), as added by 1996 PA 570, and by adding section 16h.

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

Senators A. Smith, Cherry, Byrum, Miller, Leland and McManus introduced

Senate Bill No. 176, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 40 (MCL 125.240), as added by 1996 PA 569, and by adding section 16h.

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

Senator McManus introduced

Senate Bill No. 177, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80159 (MCL 324.80159), as added by 1995 PA 58.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators McManus, Gast and A. Smith introduced

Senate Bill No. 178, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending section 12 (MCL 207.112), as amended by 1996 PA 56.

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

Senators McManus, Koivisto, North, Gougeon, Bennett, Byrum, Sikkema and Schwarz introduced

Senate Bill No. 179, entitled

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

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

Senators McManus, Koivisto, North, Gougeon, Bennett, Byrum, Sikkema and Schwarz introduced

Senate Bill No. 180, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43902 and 43905 (MCL 324.43902 and 324.43905), as added by 1995 PA 57.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Peters, Schwarz, Byrum, Goschka, Murphy, Hammerstrom and A. Smith introduced

Senate Bill No. 181, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20104 and 20106 (MCL 333.20104 and 333.20106), section 20106 as amended by 1996 PA 267, and by adding part 204.

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

Senators Hammerstrom, Sikkema, McCotter, North and McManus introduced

Senate Bill No. 182, 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 Judiciary.

Senators Hammerstrom, Sikkema, North, McManus and Goschka introduced

Senate Bill No. 183, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1308, 1311a, and 1311c.

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

Recess

Senator Rogers moved that the Senate recess until 6:15 p.m.

The motion prevailed, the time being 10:24 a.m.

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

During the recess, Senator Leland entered the Senate Chamber.

Senator Rogers moved that rule 3.902 be suspended to allow guests admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Joint Convention

The Sergeant at Arms announced that a committee from the House of Representatives who, through their Chairperson, Representative Allen, reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Posthumus, announced that the hour had arrived for the meeting of the two Houses in Joint Convention.

Senator Rogers moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention.

The motion prevailed, the time being 6:40 p.m.

(For proceedings in Joint Convention, see House Journal No. 4, p. 56.)

The Senate reconvened at the expiration of the recess at 7:55 p.m. and was called to order by the President pro tempore, Senator Schwarz.

The President pro tempore, Senator Schwarz, announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the State Message of Governor Engler.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 60, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402b (MCL 550.1402b), as added by 1996 PA 516.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 3, line 12, after "COVERAGE" by inserting a comma and "MEDICARE, OR MEDICAID".
2. Amend page 3, following line 15, by inserting:

"(E) IF THE PERSON IS ELIGIBLE FOR CONTINUATION OF HEALTH COVERAGE FROM THAT GROUP HEALTH PLAN PURSUANT TO THE CONSOLIDATED BUDGET RECONCILIATION ACT OF 1985, PUBLIC LAW 99-272, 100 STAT. 82, HE OR SHE HAS ELECTED AND EXHAUSTED THAT COVERAGE.".

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, January 26, 1999, at 3:00 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, January 26, 1999, at 3:00 p.m., Room 810, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Gast, Peters and Young

Senator McCotter moved that the Senate adjourn.
The motion prevailed, the time being 7:55 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, February 2, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.