

No. 21
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 10, 1999.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

The roll was called by the Assistant 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—excused
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—excused
Schwarz—present
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Kenneth R. Sikkema of the 31st District offered the following invocation:

Our Lord and our God, we come to You this morning with an attitude of gratefulness and thankfulness. We thank You for the prosperity this state has enjoyed in the last several years and the blessings of many material goods that You have given us. But we also thank You for the great blessing of freedom and liberty, of being able to freely assemble, being elected in a free way without coercion, and the freedom to debate issues here as we represent our constituents.

We also come to You with humility and a request for forgiveness for those actions of ours where we have fallen short of not just Your expectations, but our expectations of ourselves. We ask forgiveness for those times where we have been motivated by personal or partisan motivations and where we've been motivated by pride.

Finally, Lord, we ask for an extra measure of those things and traits we need to exercise our responsibilities on behalf of our fellow citizens: courage, wisdom and understanding. This and much more we ask for this day and all future days. In Your name. Amen.

Motions and Communications

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

Senator Rogers moved that Senator Jaye be temporarily excused from today's session.
The motion prevailed.

Senator Rogers moved that Senator Dunaskiss be excused from today's session.
The motion prevailed.
Senator Dunaskiss is attending a conference on the Year 2000 problem.

Senator Rogers moved that Senator Schuette be excused from today's session.
The motion prevailed.
Senator Schuette is attending the funeral of a personal friend.

Senator Leland entered the Senate Chamber.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

February 22, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:19 a.m. this date, administrative rule (99-02-3) for the Michigan Jobs Commission, entitled "*Vocational Rehabilitation*," effective 15 days hereafter.

February 22, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:24 a.m. this date, administrative rule (99-02-4) for the Michigan Jobs Commission, entitled "*State Research Fund*," effective 15 days hereafter.

February 22, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:26 a.m. this date, administrative rule (99-02-5) for the Michigan Jobs Commission, Michigan Travel Commission, entitled "*Grant Awards*," effective 15 days hereafter.

February 23, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:27 a.m. this date, administrative rule (99-02-6) for the Department of Environmental Quality, Environmental Response Division, entitled "*Baseline Environmental Assessments*," effective 15 days hereafter.

February 23, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:29 a.m. this date, administrative rule (99-02-7) for the Department of Environmental Quality, Environmental Response Division, entitled "*Environmental Contamination Response Activity*," effective 15 days hereafter.

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

The communications were referred to the Secretary for record.

The following communication was received:
Department of Consumer and Industry Services

March 1, 1999

The Michigan Department of Consumer and Industry Services hereby transmits to the Clerk of the House a comprehensive "Report of Usage of Increased Licensing Fees" detailing the expenditure of the additional money resulting from the 1989 amendatory acts that increased the fees.

If you have any questions, please call me at 373-7486.

Sincerely,
Tom Martin
Office of Policy and Legislative Affairs

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

March 9, 1999

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Geological Survey Division, Department of Environmental Quality, March 1999.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 9:
House Bill Nos. 4086 4242

Messages from the Governor

The following message from the Governor was received:

Date: March 9, 1999
Time: 9:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 60 (Public Act No. 7), being

An act to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide

for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," by amending section 402b (MCL 550.1402b), as added by 1996 PA 516.

(Filed with the Secretary of State on March 9, 1999, at 3:45 p.m.)

Respectfully,
John Engler
Governor

Senator Jaye entered the Senate Chamber.

Messages from the House

Senate Bill No. 102, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as added by 1998 PA 328.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 6, after "resolution." by inserting "THE CLERK OF THE ELIGIBLE LOCAL ASSESSING DISTRICT SHALL NOTIFY IN WRITING THE ASSESSOR OF THE LOCAL TAX COLLECTING UNIT IN WHICH THE ELIGIBLE DISTRICT IS LOCATED AND THE LEGISLATIVE BODY OF EACH TAXING UNIT THAT LEVIES AD VALOREM PROPERTY TAXES IN THE ELIGIBLE LOCAL ASSESSING DISTRICT IN WHICH THE ELIGIBLE DISTRICT IS LOCATED. BEFORE ACTING ON THE RESOLUTION, THE GOVERNING BODY OF THE ELIGIBLE LOCAL ASSESSING DISTRICT SHALL AFFORD THE ASSESSOR AND A REPRESENTATIVE OF THE AFFECTED TAXING UNITS AN OPPORTUNITY FOR A HEARING."

2. Amend page 2, line 18, after "ENGAGED" by inserting "PRIMARILY".

3. Amend page 4, line 2, after "district." by inserting "AS USED IN THIS SUBDIVISION, NEW PERSONAL PROPERTY DOES NOT INCLUDE BUILDINGS DESCRIBED IN SECTION 14 (6) AND PERSONAL PROPERTY DESCRIBED IN SECTION 8 (H), (I), AND (J).".

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the amendments made to the bill by the House,

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

Roll Call No. 55

Yeas—34

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

Nays—1

Jaye

Excused—2

Dunaskiss

Schuette

Not Voting—0

In The Chair: Schwarz

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

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

Senate Joint Resolution G

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 287, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 626c.

The question being on the passage of the bill,

Senator Stille offered the following amendments:

1. Amend page 1, line 6, after "BY" by striking out the balance of the line through all of line 7 and inserting "A FINE OF NOT MORE THAN \$500.00:".
2. Amend page 2, line 19, after "A" by striking out the balance of the line through "\$5,000.00" on line 20 and inserting "MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00".
3. Amend page 2, line 22, after "(1)" by inserting a comma and "1 OF WHICH IS SUBSECTION (1)(H), (I), OR (J),".
4. Amend page 3, line 3, after "(1)" by inserting a comma and "1 OF WHICH IS SUBSECTION (1)(H), (I), OR (J),".
5. Amend page 3, line 8, after the first "THAN" by striking out "15 YEARS OR A FINE OF NOT MORE THAN \$7,500.00" and inserting "5 YEARS OR A FINE OF NOT MORE THAN \$2,500.00".

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

The question being on the passage of the bill,

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

The motion prevailed.

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

Senate Bill No. 390

The motion prevailed.

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 pro tempore, Senator Schwarz, designated Senator Hammerstrom as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 334, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 1998 PA 510.

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Emmons' statement is as follows:

I have at my desk today an outstanding person who has been working in my office for free. He is Captain Robbie Robertson. He is from Georgia, and he is up here going to law school and will soon be going back to Georgia to run for some high office in Georgia. I'd like my colleagues to welcome him.

I want to thank him personally for the class and the organization that he has brought to my office.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Sikkema and Gast introduced

Senate Bill No. 420, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 1997 PA 61.

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

Senators Jaye and Shugars introduced

Senate Bill No. 421, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500; and to repeal acts and parts of acts.

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

Senator Jaye introduced

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 bill was read a first and second time by title and referred to the Committee on Gaming and Casino Oversight.

Senator Jaye introduced

Senate Bill No. 423, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 3 (MCL 432.203), as amended by 1997 PA 69.

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

Senator Jaye introduced

Senate Bill No. 424, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding section 14a.

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

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:53 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.