

No. 22
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 11, 1999.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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—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

Pastor Mark Nieman of Marlette Baptist Church of Marlette offered the following invocation:

Father in Heaven, I thank You that You have given to us people like these to help us to run a government that we need so badly. Father, I thank You very much that You have given to us this time, this session.

Father, we know this morning that we need You. We are a very needy people. We cannot do things without You, without Your help. So, Father, today I just ask that You would be with these men and women, that You would give them strength, that You would keep them from discouragement, that, Lord, they would know that they're doing what You would have them to do, and that they're part of Your plan.

Thank You, Lord, for loving us. Thank You for caring for us. In Jesus' name we pray. Amen.

Senator Leland entered the Senate Chamber.

Motions and Communications

Senators McCotter and North entered the Senate Chamber.

Senator Rogers moved that Senators Gast, Goschka, Gougeon, McManus, Schuette, Schwarz and Van Regenmorter be temporarily excused from today's session.

The motion prevailed.

Senators Gast, Gougeon and McManus are attending the Capital Outlay Joint Subcommittee meeting.

Senator V. Smith moved that Senators Emerson, Young and Koivisto be temporarily excused from today's session.

The motion prevailed.

Senator Koivisto is attending the Capital Outlay Joint Subcommittee meeting.

Senator Schwarz entered the Senate Chamber.

The following communication was received:

Department of Civil Service

March 8, 1999

Enclosed is the Appropriation/Fiscal Analysis Report for the Department of Civil Service for fiscal year 1997-98.

This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,

John F. Lopez

State Personnel Director

The communication was referred to the Secretary for record.

The following communications were received:

Office of the Auditor General

March 10, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of Southgate Center, Department of Community Health, March 1999.

March 10, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Traffic and Safety Division, Bureau of Highway Technical Services, Michigan Department of Transportation, March 1999.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, March 10:
House Bill No. 4060

Messages from the Governor

The following message from the Governor was received and read:

March 10, 1999

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

Michigan Gaming Control Board

The Honorable Geraldine Bledsoe Ford, 1947 Hyde Park, Detroit, Michigan 48207, county of Wayne, as a member representing Democrats, succeeding Reverend Jim Holley of Detroit, who has resigned, for a term expiring on December 20, 2000.

Sincerely,
John Engler
Governor

The appointment was referred to Committee on Government Operations.

Senator Young entered the Senate Chamber.

Third Reading of Bills

Senator Schuette entered the Senate chamber.

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

Senate Joint Resolution G

Senate Bill No. 287

Senate Bill No. 390

The motion prevailed.

The following bill was read a third time:

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.

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. 56

Yeas—29

Bennett	Emmons	Miller	Shugars
Bullard	Hammerstrom	Murphy	Sikkema
Byrum	Hart	North	Smith, V.
Cherry	Hoffman	Peters	Steil
DeBeaussaert	Jaye	Rogers	Stille
DeGrow	Leland	Schuette	Vaughn
Dingell	McCotter	Schwarz	Young
Dunaskiss			

Nays—1

Smith, A.

Excused—7

Emerson	Goschka	Koivisto	Van Regenmorter
Gast	Gurgeon	McManus	

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 32

Senate Resolution No. 33

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 32.

A resolution to congratulate the Wayne County Medical Society as they celebrate 150 years of service to the residents of Wayne County.

Whereas, With great respect for the consistency of its outstanding service, we salute the people behind the success of the Wayne County Medical Society (WCMS) as this organization marks its 150th anniversary. With its record in adapting to a world of changes, the WCMS has set a standard of excellence that has been of great value to its membership and the countless families of Wayne County who have been the direct recipients of this group's good work. This milestone is being marked with a special ceremony in April at the WCMS headquarters; and

Whereas, Tracing its roots back to 1849 as the local component of the Michigan State Medical Society and the American Medical Association, the organization was founded with a membership of just 50 physicians. Its main mission includes the following:

1) Promote and encourage the unity and loyalty of the physicians of the community into a strong and cohesive medical society;

2) Bring into one organization the physicians of this county and with other county societies to form the Michigan State Medical Society and the American Medical Association;

3) Provide Continuing Medical Education credit for physicians and to maintain a program of educational service to the public on matters of health and scientific advancement; and

4) Insure that the high quality of medical care and the patient's freedom to choose a physician be maintained.
; and

Whereas, During its 150 years of success, the official residence of the WCMS has remained in Detroit, currently housed at the David Whitney Building. Over the years, the WCMS has had a positive impact on the public health of both Detroit and Wayne County. Its most memorable accomplishment came under the direction of President Dr. Francis P. Rhoades, who led a polio immunization drive which immunized thousands of Detroiters and all but eliminated the threat of this crippling disease; and

Whereas, With a current membership of over 4,200 physicians, the WCMS runs a free medical and dental clinic at the Webber School in Detroit. Every child is afforded free services, including physical exams, health education, dental fluoride treatments, and prophylaxis. The WCMS also sponsors an annual Christmas Party for children in foster care, and last year they sponsored a teen pregnancy conference with over 500 Detroit Public Schools children in attendance; and

Whereas, Few things can testify to WCMS's ability to get results than 150 years of success. Generations of physicians and families have relied on this organization to provide a very important service. This heritage of service promises much continued success; now, therefore, be it

Resolved by the Senate, That we commend and congratulate the Wayne County Medical Society for 150 years of service in Wayne County. May the administration, staff, and membership know of our admiration and warmest wishes for many more years of prosperity; and be it further

Resolved, That a copy of this resolution be transmitted to the Wayne County Medical Society in celebration of this historic milestone.

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

Senators Schwarz, Rogers, Byrum, Young, Van Regenmorter, Gougeon, Emmons, Hammerstrom, Vaughn, North, McCotter, Gast, Stille, Steil, Leland, A. Smith, DeBeaussaert, Dingell, McManus, Bennett, Emerson, Shugars, Goschka, Bullard, Hart, Miller and Koivisto offered the following resolution:

Senate Resolution No. 33.

A resolution to commemorate 1999 as the Year of the Barn in Michigan.

Whereas, Michigan's historic barns are examples of great innovation and workmanship that are rapidly disappearing. Skillful craftsmen created these structures using techniques that are fast becoming lost, including using hand-hewn

timber with handmade mortise and tenon joints held together with wooden pegs. Most of Michigan's traditional barns are approximately 100 years old and were built between 1890 and 1900 and are unique landmarks providing a sense of place in our agricultural and rural heritage. Barns are renewable resources that can be restored through adaptive reuse to serve today's farmers and rural dwellers, and many are made from materials that may be irreplaceable today; and

Whereas, Many of our more nontraditional barns such as the octagonal barn and the round barn are even more rapidly disappearing. All barns need to be saved for future generations to see and enjoy and learn from the great store of history and culture contained in our barns, which are a celebration of our rural life and livelihood; and

Whereas, Michigan's historic barns are representative of American barns, and Michigan will be hosting the Smithsonian Institution Traveling Exhibit, "*Barn Again: Celebrating An American Icon.*" Brought to Michigan through a partnership between the Michigan Humanities Council and the Smithsonian Institution Traveling Exhibition Service, the exhibit will tour Michigan between June 1999 and April 2000, making stops at the Wolcott Mill Historic Center in Ray, Kensington Metropark Farm Center in Milford, Iron County Museum in Caspian, North Berrien Historical Museum in Coloma, Courthouse Square in Charlotte, Missaukee District Library in Lake City, and Rawson Memorial Library in Cass City; and

Whereas, Michigan is viewed as a leader in barn and farmstead preservation efforts through the efforts of the Michigan Barn Preservation Network and will work with communities hosting the Smithsonian exhibit to create and develop community activities to complement the exhibit and relate the role of barns as both working farm structures and cultural icons of an agricultural way of life from the past. Grants from the Michigan Humanities Council have been provided to host sites to develop related community programs that may range from barn dances and quilting bees to farm and barn exhibits, farm tours, college classes, and other activities; and

Whereas, Whenever traveling the highways and byways of our great state, the barn is a noticeable and cherished part of any rural scenery that we should work to preserve and protect; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to commemorate 1999 as the Year of the Barn; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Barn Preservation Network as a representative group of those involved in barn preservation and barn restoration, working to ensure that these icons of agriculture, history, culture, and architecture are maintained for future generations to learn from and enjoy.

Senator Van Regenmorter entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that rule 2.106 be suspended to allow the Capital Outlay Joint Subcommittee to meet during Senate session.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hart, Vaughn, Murphy and Miller introduced

Senate Bill No. 425, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90g. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Hart introduced

Senate Bill No. 426, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21722. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Dingell, Byrum, Koivisto, McManus, Jaye and North introduced

Senate Bill No. 427, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 223a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Jaye introduced

Senate Bill No. 428, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Bullard, Stille and Steil introduced

Senate Bill No. 429, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30509 (MCL 324.30509), as added by 1995 PA 59.

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

Senators Bullard, Bennett, Young, Shugars and Steil introduced

Senate Bill No. 430, entitled

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

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

Senators Bullard, Bennett, Young, Hammerstrom and Steil introduced

Senate Bill No. 431, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9a.

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

Senators Koivisto, Emerson, McManus, Goschka, Gougeon and Gast entered the Senate Chamber.

Senator Bullard introduced

Senate Bill No. 432, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

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

Senators Bullard, Young, Hammerstrom, Shugars and Stille introduced

Senate Bill No. 433, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 311 (MCL 206.311), as amended by 1987 PA 254, and by adding section 51f.

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

Senators Bullard, Bennett, Hammerstrom and Stille introduced

Senate Bill No. 434, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 1 (MCL 125.271), 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.

Senators Bullard, Young and Steil introduced

Senate Bill No. 435, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1997 PA 176.

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

Senator Murphy introduced

Senate Bill No. 436, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745a (MCL 333.17745a), as added by 1993 PA 305.

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

House Bill No. 4060, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80152 (MCL 324.80152), as added by 1995 PA 58.

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 Natural Resources and Environmental Affairs.

House Bill No. 4086, entitled

A bill to repeal 1947 LA 9, entitled "The act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb."

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 Hunting, Fishing and Forestry.

House Bill No. 4242, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 558 (MCL 168.558), as amended by 1997 PA 137.

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 Government Operations.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 260, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416b.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Dale L. Shugars

Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: Senator Murphy

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

The Committee on Health Policy reported

Senate Bill No. 261, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406n.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Dale L. Shugars

Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: Senator Murphy

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

The Committee on Health Policy reported

Senate Bill No. 262, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053e.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Dale L. Shugars

Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: Senator Murphy

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

The Committee on Health Policy reported

Senate Bill No. 414, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," (MCL 550.901 to 550.962) by adding section 33.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Dale L. Shugars

Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: Senator Murphy

The bill and the substitute 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, March 9, 1999, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Judiciary reported

House Bill No. 4059, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1603 (MCL 324.1603), as added by 1995 PA 60.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, March 10, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources submits the following:

Meeting held on Wednesday, March 10, 1999, at 8:00 a.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus (C), Gast, Koivisto, Hoffman and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Wednesday, March 10, 1999, at 1:30 p.m., Room 404, Capitol Building

Present: Senators Schwarz (C), Steil and Young

Scheduled Meetings

Finance Committee - Tuesday, March 16, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-3760).

Health Policy Committee - Tuesday, March 16, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Natural Resources and Environmental Affairs Committee - Tuesday, March 16, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:16 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, March 16, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.