

No. 6
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, February 1, 2000.

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 not present.

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

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

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

Senator Leon Stille of the 32nd District offered the following invocation:

Our good and gracious God, we pause this brisk morning to give You thanks and ask for Your guidance on our deliberations and efforts today.

With winter's splendor all around us, we are reminded of Your authority, Your imprint on life, and Your compassion for mankind. We acknowledge the bounty You have blessed us with and give thanks for the many blessings bestowed upon us.

Now we ask for Your guidance and direction for our work in this chamber today. Keep us mindful of the constituents we serve and the quality of life we are charged with nurturing.

We proceed in Your name. Amen.

Senators Young and Cherry entered the Senate Chamber.

Motions and Communications

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:03 a.m.

10:20 a.m.

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

During the recess, Senators Murphy, Emmons, DeGrow, Gougeon, Schuette, Bennett, Van Regenmorter, Steil, Sikkema, North, Jaye, Shugars, Dunaskiss, Johnson, Hammerstrom, Goschka, McManus, McCotter, Gast, Bullard and Schwarz entered the Senate Chamber.

A quorum of the Senate was present.

Senator Rogers moved that Senator Gast be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Peters moved that Senators Leland and Emerson be temporarily excused from today's session.
The motion prevailed.

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

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

Senate Bill Nos.	924	925	926	927	928	929	930	931	932	933	934	935	936	938
Senate Joint Resolutions	P	Q												
House Bill Nos.	5229	5230	5231	5232	5233	5234	5235	5236						

The Secretary announced the printing and placement in the members' files on Friday, January 28, of:

Senate Bill Nos.	939	940	941	942	943	944	945	946	948
House Bill Nos.	5237	5238	5239						

Messages from the Governor

The following messages from the Governor were received and read:

January 27, 2000

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

Manufactured Housing Commission

Mr. Edward Menczer, 35101 Glengary Circle, Farmington Hills, Michigan 48331, county of Oakland, as a member representing resident organizations, succeeding Ms. Dorothy M. VerSluis of East Grand Rapids, whose term has expired, for a term expiring on May 9, 2003.

January 28, 2000

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

Commission for the Blind

Mr. Donald R. Bowman, 1001 Maplehill Avenue, Lansing, Michigan 48910, county of Ingham, as a member representing blind members, succeeding Mr. Emile Georges Najm of Troy, whose term has expired, for a term expiring on September 30, 2002.

Mr. Earl J. Steenstra, 2164 Wilmont Drive, SE, Kentwood, Michigan 49508, county of Kent, as a member representing blind members, succeeding himself, for a term expiring on September 30, 2002.

January 28, 2000

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

Michigan Board of Occupational Therapists

Mrs. Nancy R. Lori, 507 North River Hills, Kingsford, Michigan 49802, county of Dickinson, as a member representing the general public, succeeding herself, for a term expiring on December 31, 2003.

January 31, 2000

There are herewith presented for consideration and confirmation by the Senate, the following appointments and 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, 2002.

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, 2002.

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, 2002.

Mr. Esteban Cabello, 5608 Charlesworth, Dearborn Heights, Michigan 48127, county of Wayne, as a member representing professional engineers, succeeding Mr. Bruce Lane Hawkinson of Norway, whose term has expired, for a term expiring on January 31, 2002.

Ms. Cheryl Ann Whitton, 2402 John R., Apt. 103, Troy, Michigan 48083, county of Oakland, as a member representing architects, succeeding Mr. Mark E. English of Detroit, whose term has expired, for a term expiring on January 31, 2001.

January 31, 2000

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

General Industry Safety Standards Commission

Mr. Andy C. Brown, 520 South Huron, Cheboygan, Michigan 49721, county of Cheboygan, as a member representing employers, succeeding himself, for a term expiring on March 26, 2003.

Mr. John P. Pettinga, 8555 S. Maple Court, Zeeland, Michigan 49461, county of Ottawa, as a member representing employees, succeeding Mr. Guy Richard Butts II of Prior Lake, who has resigned, for a term expiring on March 26, 2003.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House**Senate Bill No. 385, entitled**

A bill to prohibit certain state agencies and certain local governmental units from placing certain information on certain documents; to impose certain duties on certain state officials; and to prescribe remedies and penalties.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to prohibit state agencies and local governmental units from disclosing personal information and placing personal information on certain documents.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 46, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 1993 PA 22.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senators Leland and Emerson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:

Berrien-Cass-Van Buren Michigan Works!

January 27, 2000

In accordance with state requirements, the Berrien, Cass, and Van Buren Michigan Works office is required to make available and publish the Workforce Investment Act Transition Plan for Adult Services to community-based organizations, local educational and other public agencies in the Michigan Works Service Delivery Area. Please review the summary enclosed with this letter.

If you have any questions or comments feel free to contact the Berrien, Cass, and Van Buren Michigan Works office. Information for the complete plan and request for alternate formats, such as large print, audio tape, etc. can be obtained by contacting Michigan Works Berrien-Cass-Van Buren, 185 East Main Street, Suite 303, Benton Harbor, Michigan 49022, Phone (800) 533-5800, website: <http://www.omw.org>.

Sincerely,
Patti Holden
Contract and Compliance Officer

The communication was referred to the Secretary for record.

The following communication was received:

State Budget Office

January 27, 2000

I am pleased to transmit to you the enclosed unaudited financial statements of the General Fund and the School Aid Fund for the fiscal year ended September 30, 1999, as required by Public Act 431 of 1984, as amended. The audited State of Michigan Comprehensive Annual Financial Report (SOMCAFR) is scheduled to be available in February 2000.

These unaudited financial statements report a preliminary unreserved fund balances of \$189.2 million for the General Fund and \$572.8 million for the School Aid Fund as of September 30, 1999. These surpluses are the direct result of continued growth in the State's economy during the past year combined with the continued efforts of Governor Engler, the Legislature and department directors to control State spending.

The \$189.2 million represents the preliminary General Fund unreserved fund balance after providing for reserves, authorized pursuant to Public Act 265 of 1999, of \$18.6 million for a public safety communications system project and \$95.1 million for the Ypsilanti forensic center project. The entire fiscal year 1998-99 unreserved fund balance will be transferred to the Budget Stabilization Fund (BSF). In addition, the unreserved fund balance of \$55.2 million remaining after the close of the fiscal year 1997-98 was transferred to the BSF during fiscal year 1998-99, authorized pursuant to Public Act 137 of 1999, section 204.

The BSF, with the addition of the current year interest earnings of \$51.2 million, two transfers totaling \$244.4 million from the General Fund and a \$73.7 million transfer to the School Aid Fund, has a year-end balance of \$1.22 billion. The BSF total fund balance equals approximately 6.6% of our combined general fund—general purpose and school aid fund revenues, and will be a significant help when the next recession occurs.

State agency program managers continued to responsibly manage programs within appropriated amounts. For fiscal year 1998-99, the net lapse of spending authority by State departments and agencies, described in Note 4, totaled \$99.4 million. When combined with the legislative and judicial branches, net General Fund lapses for the State totaled \$100.3 million.

Across State government, financial management personnel continue to make improvements in our book-closing process by making greater use of our Michigan Administrative Information Network (MAIN) and other book-closing efficiencies. This year, most departments closed their books before Christmas, the first time this has happened in recent history. As we continue our work with departments to streamline book closing, we anticipate further improvements in the timeliness of this report and our SOMCAFR.

With your cooperation, we continue to control spending with the budget and we continue to maintain our BSF at an appropriate level. I appreciate these and other efforts you had done to keep Michigan on firm financial footing.

Sincerely,
Mary A. Lannoye
State Budget Director

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Hammerstrom, Johnson, Bennett, Sikkema, McCotter and Bullard introduced

Senate Bill No. 949, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43536c.

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

Senators Koivisto, A. Smith, Dingell, Emerson, DeBeaussiaert, Byrum and Murphy introduced

Senate Bill No. 950, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213 (MCL 500.2213), as added by 1996 PA 517.

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

Senators Koivisto, A. Smith, Dingell, Emerson, DeBeaussiaert, Byrum and Murphy introduced

Senate Bill No. 951, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 404 (MCL 550.1404), as amended by 1996 PA 516.

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

Senators Koivisto, A. Smith, Dingell, Emerson, DeBeaussiaert, Byrum and Murphy introduced

Senate Bill No. 952, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20124, 21013, and 21035 (MCL 333.20124, 333.21013, and 333.21035), section 21013 as amended by 1982 PA 354 and section 21035 as added by 1996 PA 472; 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 Health Policy.

Senators Koivisto, A. Smith, Dingell, Emerson, DeBeaussiaert, Byrum and Murphy introduced

Senate Bill No. 953, entitled

A bill to create the office of patient advocacy; to prescribe its powers and duties; and to prescribe the powers and duties of certain state agencies and departments.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Koivisto, A. Smith, Dingell, Emerson, DeBeaussiaert, Byrum and Murphy introduced

Senate Bill No. 954, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21052a (MCL 333.21052a), as added by 1997 PA 67.

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

Senators Sikkema, Young, Goschka, Hammerstrom, Stille, North, Gougeon, Van Regenmorter, Gast, Bennett, Rogers, Dunaskiss, Steil, McCotter, Emmons, Bullard, Schwarz, Shugars, Schuette, Johnson, Peters and DeBeaussiaert introduced

Senate Bill No. 955, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101 and 3109 (MCL 324.3101 and 324.3109), section 3101 as amended by 1997 PA 29, and by adding sections 3109c and 3109d.

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

Senator Bullard introduced

Senate Bill No. 956, entitled

A bill to amend 1877 PA 164, entitled "An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies," by amending section 2 (MCL 397.202).

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 605 submits the following:

Meeting held on Wednesday, December 8, 1999, at 5:05 p.m., Room 404, Capitol Building

Present: Senators Van Regenmorter (C), Emmons and Emerson

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Joint meeting held on Thursday, January 27, 2000, at 11:00 a.m., House Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussiaert and Emerson

Scheduled Meetings

Appropriations Committee - Wednesday, February 2, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Health Appropriations Subcommittee - Tuesdays, February 8, February 15, February 22, and March 7, at 2:00 p.m., Rooms 402 and 403, Capitol Building (3-1777).

Corrections Appropriations Subcommittee - Tuesday, February 8, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2413).

Education Committee - Wednesday, February 2, at 3:00 p.m., Room 810, Farnum Building (3-7350).

Families, Mental Health and Human Services Committee - Wednesday, February 2, at 3:00 p.m., Room 100, Farnum Building (3-3543).

Investment Issues Subcommittee, Legislative Retirement Board of Trustees - Wednesday, February 2, at 10:30 a.m., Room 830, 8th Floor Conference Room, House Office Building (3-0575).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:29 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, February 2, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.