

No. 80
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, December 27, 2000.

11:45 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

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

O Heavenly Father, Creator of the universe, Creator of all mankind, You are the one who knows everything: past, present, and things yet to come. We come to You now, today, to ask for wisdom and peace. As we finish the 90th legislative session, let us be mindful of the blessings we have received from You in the last two years. As some of our members go onto different journeys and elsewhere, our prayers are with them. And as some of our members are faced with health concerns, we ask that You give them strength of healing and comfort that You are with them.

Father, as the snow is high and heavy this winter, we ask You to give us strength to shovel and also be mindful that it is an opportunity to get exercise rather than a hassle to clean the driveways and roofs. Also, Father, as the ice is on the roads, it's dangerous and we're concerned for travel, but it may give us an opportunity to run into others or meet others whom we do not know.

Father, we ask for the peace and comfort that You can give us in the times of the holidays, as maybe some of our loved ones are faced with health concerns. Father, we ask You to grant them the strength of healing, but also understand that You are with them all the time. In Your name we pray. Amen.

Motions and Communications

The following communications were received:
Office of the Auditor General

December 15, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Employee Discipline and Grievance Programs, Department of Corrections, December 2000.

December 26, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Automated Information Systems, Department of Military and Veterans Affairs, December 2000.

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

The communications were referred to the Secretary for record.

The following communication was received:
Department of Civil Service

December 15, 2000

In accordance with the provisions of the Michigan Constitution, Article XI, Section 5, the Civil Service Commission must certify the aggregate annual payroll of the classified state service for the preceding fiscal year.

The classified state service aggregate payroll for the fiscal year October 1, 1999 through September 30, 2000, was recorded in the state's Michigan Administrative Information Network (MAIN) and confirmed by the Department of Civil Service as \$3,696,599,918.52. In accordance with the July 26, 1977 Attorney General Opinion, this figure includes fringe benefits paid by the employer on the employees' behalf.

The Civil Service Commission certified the FY 99/00 aggregate annual payroll at its December 14, 2000 meeting.

Sincerely,
John F. Lopez
State Personnel Director

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 13, for his approval the following bills:

Enrolled Senate Bill No. 1181 at 3:18 p.m.
Enrolled Senate Bill No. 1341 at 3:20 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, December 21, for his approval the following bills:

Enrolled Senate Bill No. 453 at 2:00 p.m.
Enrolled Senate Bill No. 634 at 2:02 p.m.
Enrolled Senate Bill No. 635 at 2:04 p.m.
Enrolled Senate Bill No. 752 at 2:06 p.m.
Enrolled Senate Bill No. 764 at 2:08 p.m.
Enrolled Senate Bill No. 765 at 2:10 p.m.
Enrolled Senate Bill No. 859 at 2:12 p.m.

Enrolled Senate Bill No. 906 at 2:14 p.m.
Enrolled Senate Bill No. 1262 at 2:16 p.m.
Enrolled Senate Bill No. 1324 at 2:18 p.m.
Enrolled Senate Bill No. 1380 at 2:20 p.m.
Enrolled Senate Bill No. 1426 at 2:22 p.m.
Enrolled Senate Bill No. 120 at 2:24 p.m.
Enrolled Senate Bill No. 267 at 2:26 p.m.
Enrolled Senate Bill No. 404 at 2:28 p.m.
Enrolled Senate Bill No. 501 at 2:30 p.m.
Enrolled Senate Bill No. 613 at 2:32 p.m.
Enrolled Senate Bill No. 633 at 2:34 p.m.
Enrolled Senate Bill No. 746 at 2:36 p.m.
Enrolled Senate Bill No. 802 at 2:38 p.m.
Enrolled Senate Bill No. 885 at 2:40 p.m.
Enrolled Senate Bill No. 988 at 2:42 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 26, for his approval the following bills:

Enrolled Senate Bill No. 989 at 2:12 p.m.
Enrolled Senate Bill No. 1012 at 2:14 p.m.
Enrolled Senate Bill No. 1056 at 2:16 p.m.
Enrolled Senate Bill No. 1064 at 2:18 p.m.
Enrolled Senate Bill No. 1106 at 2:20 p.m.
Enrolled Senate Bill No. 1170 at 2:22 p.m.
Enrolled Senate Bill No. 1173 at 2:24 p.m.
Enrolled Senate Bill No. 1199 at 2:26 p.m.
Enrolled Senate Bill No. 1208 at 2:28 p.m.
Enrolled Senate Bill No. 1243 at 2:30 p.m.
Enrolled Senate Bill No. 1244 at 2:32 p.m.
Enrolled Senate Bill No. 1265 at 2:34 p.m.
Enrolled Senate Bill No. 1266 at 2:36 p.m.
Enrolled Senate Bill No. 1271 at 2:38 p.m.
Enrolled Senate Bill No. 1272 at 2:40 p.m.
Enrolled Senate Bill No. 1337 at 2:42 p.m.
Enrolled Senate Bill No. 1349 at 2:44 p.m.
Enrolled Senate Bill No. 1382 at 2:46 p.m.
Enrolled Senate Bill No. 1395 at 2:48 p.m.
Enrolled Senate Bill No. 1418 at 2:50 p.m.
Enrolled Senate Bill No. 1419 at 2:52 p.m.
Enrolled Senate Bill No. 1433 at 2:54 p.m.

The Secretary announced the printing and placement in the members' files on Monday, December 18, of:
Senate Bill No. 1436

Messages from the Governor

The following messages from the Governor were received:

Date: December 20, 2000
Time: 12:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed
Enrolled Senate Bill No. 1238 (Public Act No. 333), being

An act to amend 1993 PA 23, entitled "An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies," by amending section 904 (MCL 450.4904), as amended by 1997 PA 123.

(Filed with the Secretary of State on December 20, 2000, at 1:05 p.m.)

Date: December 20, 2000
Time: 12:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1239 (Public Act No. 334), being

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 728 (MCL 339.728), as added by 1997 PA 10.

(Filed with the Secretary of State on December 20, 2000, at 1:07 p.m.)

Date: December 20, 2000
Time: 12:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1240 (Public Act No. 335), being

An act to amend 1962 PA 192, entitled “An act authorizing the creation of professional service corporations; providing definitions; providing exceptions; providing the manner and method of creating such corporations; providing for individual liability of officers, employees and agents of such corporations in certain instances; authorizing certain investments of corporate funds; regulating the issuance and transfer of capital stock; providing forfeiture of corporate franchise in certain instances; and requiring identification as a corporation,” by amending section 4 (MCL 450.224), as amended by 1998 PA 10.

(Filed with the Secretary of State on December 20, 2000, at 1:09 p.m.)

Date: December 20, 2000
Time: 12:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1241 (Public Act No. 336), being

An act to amend 1993 PA 23, entitled “An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies,” by amending sections 102 and 902 (MCL 450.4102 and 450.4902), as amended by 1997 PA 52.

(Filed with the Secretary of State on December 21, 2000, at 2:25 p.m.)

Date: December 21, 2000
Time: 11:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1124 (Public Act No. 337), being

An act to repeal 1887 PA 229, entitled “An act establishing a lien for labor and services upon lumber, shingles, logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle-bolts, stave-bolts, staves, cord-wood, pulp-wood, hop-poles, hoop-poles, veneering wood and all other forest products, and to repeal Act No. 145 of the Session Laws of 1881, entitled “An act establishing a lien for labor and services upon logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle-bolts and staves, and to repeal Act No. 185 of the Session Laws of 1873, entitled ‘An act establishing a lien for labor and services upon logs and timber, as amended by Act No. 253 of the Public Acts of 1879’;” (MCL 426.1 to 426.15).

(Filed with the Secretary of State on December 21, 2000, at 2:27 p.m.)

Date: December 21, 2000
Time: 11:58 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1057 (Public Act No. 338), being

An act to repeal 1863 PA 211, entitled “An act to establish a military school in connection with the agricultural college,” (MCL 390.171 to 390.173).

(Filed with the Secretary of State on December 21, 2000, at 2:29 p.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received and read:

December 19, 2000

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

Blue Cross Blue Shield of Michigan Board of Directors

Ms. Sharon Ann Wise, 1831 N. Chipman Road, Owosso, Michigan 48867, county of Shiawassee, as a member representing the general public, succeeding the Honorable Maureen P. Reilly of Grosse Pointe Park, whose term has expired, for a term expiring on February 18, 2002.

The Honorable Maureen P. Reilly, 812 Park Lane, Grosse Pointe Park, Michigan 48230-1853, county of Wayne, as a member representing retirees over age 62, succeeding Ms. Barbara A. Dumouchelle of Grosse Ile, whose term has expired, for a term expiring on February 18, 2002.

December 19, 2000

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

Michigan Aeronautics Commission

Mr. Thomas E. Davis, 2261 Rochester Road, Oakland, Michigan 48363, county of Oakland, as a member representing the general public, succeeding Mr. Arnold P. Saviano of Harbor Springs, whose term has expired, for a term expiring on May 27, 2004.

The Honorable Robert G. Bender, 2998 Wood School Road, Middleville, Michigan 49333, county of Barry, as a member representing the general public, succeeding himself, for a term expiring on May 27, 2004.

December 20, 2000

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

Commission on Services to the Aging

Ms. Liselotte Hoelzel-Seipp, 15651 Holly Drive, R.R. 1, Thompsonville, Michigan 49683, county of Manistee, as a member representing the general public, succeeding herself, for a term expiring on July 28, 2003.

Ms. Esther Y. Howell, 15 Lake Shore Lane, Grosse Pointe Shores, Michigan 48236, county of Wayne, as a member representing the general public, succeeding herself, for a term expiring on July 28, 2003.

Mr. Richard E. Marion, Jr., 6536 Mathison, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing the general public, succeeding Mr. William E. Alexander of Ann Arbor, whose term has expired, for a term expiring on July 28, 2003.

Ms. Carol Ann Birch, 3774 Bridle Path Court, Ann Arbor, Michigan 48108, county of Washtenaw, as a member representing the general public, succeeding herself, for a term expiring on July 28, 2003.

Ms. Virginia V. Teich, 317 West Williams Street, Owosso, Michigan 48867, county of Shiawassee, as a member representing the general public, succeeding Mrs. Rosella H. Neumann of Alpena, whose term has expired, for a term expiring on July 28, 2003.

December 20, 2000

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

Commission on Spanish Speaking Affairs

Dr. Mariano Pallares, 22411 Foxton Drive, Novi, Michigan 48375, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on December 10, 2003.

Ms. Zoraida Sanchez, 1771 52nd Street SE, Kentwood, Michigan 49508, county of Kent, as a member representing the general public, succeeding herself, for a term expiring on December 10, 2003.

Ms. Juanita S. Rogers, 219 South Wing Street, Northport, Michigan 49670, county of Leelanau, as a member representing the general public, succeeding herself, for a term expiring on December 10, 2003.

December 20, 2000

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

Crime Victims Services Commission

Mr. William A. Forsyth, 4252 Baywood SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing prosecuting attorneys, succeeding himself, for a term expiring on September 27, 2003.

Reverend Dr. Laura E. Foster, 73 Richton, Highland Park, Michigan 48203, county of Wayne, as a member representing community-based victim advocates, succeeding herself, for a term expiring on September 27, 2003.

December 20, 2000

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

Liquor Control Commission

Mr. Daniel J. Gustafson, 5537 Wild Iris Lane, Haslett, Michigan 48840, county of Ingham, as Chair representing Republicans, succeeding Ms. Jacquelyn A. Stewart of Farmington Hills, who has died, for a term expiring on June 12, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

The following message was received and read:

December 27, 2000

I herewith return to the Senate the following Senate Bills and Senate Concurrent Resolutions which failed of passage or adoption by the House of Representatives:

| | | | | | | | | | | | | | | |
|-------------------------|----------|----------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|
| Senate Bill Nos. | 3 | 4 | 49 | 53 | 55 | 96 | 103 | 135 | 136 | 137 | 138 | 160 | 178 | 186 |
| | 195 | 197 | 201 | 211 | 217 | 239 | 262 | 281 | 299 | 308 | 311 | 312 | 319 | 320 |
| | 334 | 345 | 380 | 395 | 398 | 399 | 405 | 406 | 414 | 422 | 442 | 451 | 460 | 461 |
| | 467 | 471 | 487 | 497 | 519 | 529 | 537 | 545 | 551 | 584 | 598 | 628 | 698 | 703 |
| | 704 | 726 | 732 | 735 | 736 | 742 | 744 | 747 | 748 | 749 | 750 | 751 | 753 | 756 |
| | 762 | 772 | 805 | 812 | 828 | 943 | 944 | 983 | 1005 | 1007 | 1011 | 1014 | 1035 | 1037 |
| | 1039 | 1041 | 1042 | 1061 | 1072 | 1074 | 1078 | 1081 | 1082 | 1083 | 1084 | 1090 | 1092 | 1093 |
| | 1094 | 1095 | 1097 | 1098 | 1099 | 1100 | 1101 | 1102 | 1103 | 1104 | 1105 | 1108 | 1109 | 1116 |
| | 1121 | 1131 | 1138 | 1140 | 1143 | 1144 | 1152 | 1153 | 1174 | 1210 | 1212 | 1237 | 1245 | 1247 |
| | 1249 | 1254 | 1256 | 1277 | 1280 | 1282 | 1293 | 1295 | 1296 | 1297 | 1301 | 1314 | 1320 | 1342 |
| | 1343 | 1356 | 1357 | 1363 | 1364 | 1371 | 1372 | 1373 | 1374 | 1379 | 1381 | 1397 | 1398 | 1399 |
| | 1400 | 1401 | 1403 | 1408 | 1424 | | | | | | | | | |

| | | | | | | | | | | | |
|------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Senate Concurrent Resolution Nos. | 14 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 26 | 28 | 30 |
| | 33 | 37 | 38 | 39 | 40 | 43 | 45 | | | | |

Very respectfully,
Gary L. Randall Clerk
House of Representatives

Recess

Senator Rogers moved that the Senate recess until 12:00 noon.
The motion prevailed, the time being 11:51 a.m.

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

The following message was received and read:

December 27, 2000

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

The hour of 12:00 noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the President pro tempore, Senator Schwarz, declared the Senate adjourned without day.

CAROL MOREY VIVENTI
Secretary of the Senate.