

No. 26
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, March 23, 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
Johnson—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—excused
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator William Van Regenmorter of the 22nd District offered the following invocation:

Dear Lord, as we gather as a Senate, we recognize our weakness and our inability to have the kind of wisdom that You would expect. We ask that You will bless this body with wisdom and with compassion. These things we ask in Jesus' name. Amen.

Senators Leland and Emmons entered the Senate Chamber.

Motions and Communications

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

Senator Emerson moved that Senator Murphy be temporarily excused from today's session.
The motion prevailed.

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

Senator V. Smith is attending a funeral.

The following communications were received:
Joint Committee on Administrative Rules

Certificates of Approval

Date: March 11, 1999
Subject: Trans. No. 99-03

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Community Health pertaining to General Rules—Enforcement Systems for Long-Term Care Facilities (Part 11), dated December 21, 1998.

Date: March 11, 1999
Subject: Trans. No. 99-07

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Department of Consumer and Industry Services pertaining to Day Care Centers and Nursery Schools—Inspection and Licensing (Part 3), dated December 14, 1998.

Date: March 11, 1999
Subject: Trans. No. 99-08

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality pertaining to Surface Water Quality Division—Water Resources Protection—Water Quality Standards (Part 4), dated December 18, 1998.

Date: March 11, 1999
Subject: Trans. No. 99-10

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Department of Environmental Quality pertaining to Water Resources Protection—Water Quality Standards (Part 4) (Rule 43), dated June 25, 1998.

Sincerely,
Representative Marc Shulman
Chair

The communications were referred to the Secretary for record.

The following communications were received:
Joint Committee on Administrative Rules

March 11, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-01 submitted by the Department of Environmental Quality, Waste Management Division pertaining to Solid Waste Management.

March 11, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-02 submitted by the Department of Natural Resources, Wildlife and Fisheries Division pertaining to Endangered and Threatened Species.

March 11, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-04 submitted by the Department of Environmental Quality, Air Quality Division pertaining to Air Pollution Control—Emission Averaging and Emission Reduction Credit Trading.

March 11, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-05 submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Construction Code—Mobile Home Code (Part 6) (Recission).

March 11, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-06 submitted by the Department of State Police, Traffic Services Section pertaining to Motorcycle Helmets.

March 11, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-09 submitted by the Department of State, Bureau of Elections, pertaining to Casino Interest Registration.

March 11, 1999

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 99-11 submitted by the Department of Consumer and Industry Services, Bureau of Workers' Disability Compensation, pertaining to General Rules.

Sincerely,
Representative Marc Shulman
Chair

The communications were referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:
Meeting held on Thursday, March 11, 1999, at 2:30 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Hammerstrom (C), Steil and Van Regenmorter
Excused: Senators Hart and Murphy

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

March 12, 1999

Pursuant to Section 324 of P.A. 306 of 1998, we are forwarding copies of our evaluation reports for juvenile residential facilities that are operated by the Family Independence Agency.

We apologize for the delay in providing these reports. As you will see, many of these reports have been completed for some time and would normally be forwarded to you upon completion.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.

Director, Finance and Administrative Services

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

March 15, 1999

Enclosed is a copy of the annual financial statements, together with the Auditor's Report, for the Bureau of State Lottery for the period ended September 30, 1998.

If you have questions regarding this report, please call me; Michael J. Mayhew, C.P.A., Director of Audit Operations; or Michael R. Becker, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Secretary for record.

The following communication was received:
Department of State

March 18, 1999

Enclosed, please find a copy of the official certification of the March 16, 1999, special election conducted to fill the vacancy in the office of State Senator, District 13. The certification, completed on Thursday, March 18, 1999, by the Oakland County Board of Canvassers, documents that Shirley Johnson was elected to fill the vacancy.

Please do not hesitate to contact this office if we can be of any further assistance.

Sincerely,

Christopher M. Thomas

Director of Elections

CERTIFICATE OF ELECTION

The Oakland County Board of Canvassers, having ascertained and canvassed the votes of the Special Election held on March 16, 1999, Do Hereby Certify and Determine that Shirley Johnson, having received the greatest number of votes is elected State Senator - 13th District, term ending January 1, 2003.

In Witness Whereof, We have hereunto set our hands and affixed the seal of the Oakland County Circuit Court this 18th Day of March, in the year one thousand nine hundred and ninety-nine.

G. William Caddell

Clerk of the Oakland County Board of Canvassers

C. Elaine Skarritt

Chairperson of the Oakland Board of Canvassers

Elsie H. Reuter

Dorothy J. White

Georgia A. Moore

[SEAL]

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, March 18:
House Bill No. 4298

The Secretary announced the printing and placement in the members' files on Thursday, March 18 of:
Senate Bill Nos. 437 438 439 440 441 443 444 445 446 447 448 449

The Secretary announced the printing and placement in the members' files on Monday, March 22 of:

Senate Bill Nos. 450 451 452

House Bill Nos. 4414 4415 4416 4417 4418 4419 4420 4421 4422 4423 4424 4425 4426

House Joint Resolution G

Senator Rogers moved that rule 3.902 be suspended to allow Supreme Court Chief Justice Elizabeth Weaver admittance to the Senate floor, including the center aisle.

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

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the center aisle.

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

Senator Rogers moved that rule 3.902 be suspended to allow Senator Johnson's guests admittance to the Senate floor, including the center aisle.

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

A ceremonial swearing-in was conducted for Senator Johnson who took and subscribed to the Constitutional Oath of Office, which was administered by Chief Justice Elizabeth Weaver, and entered upon the performance of her duties as Senator.

Senator Murphy entered the Senate Chamber.

Senators Johnson, Emmons and DeGrow asked and were granted unanimous consent to make statements and moved that their statements be printed in the Journal.

The motion prevailed.

Senator Johnson's statement is as follows:

Several of my guests have walked out into the lobby, and I think I've lost track of where my husband has gone; I wanted to introduce him to all of you. Some of you have met Cliff in the past. Many of you haven't (there he is), my husband of 41 years, a young man I chased all over high school at the age of 15, and we have been together for a heck of a long time, Clifford Johnson. I'm sorry neither of our sons could be with us today, but I know they're here in spirit.

Many of my friends and, in fact, the entire kitchen cabinet, or just about, is in the Gallery or some of them joined me on the House floor. Most of those who joined me on the floor were individuals who were in my very first election back in 1980 for the State House. All of you know that you don't get here without that core support. These are people who have been tremendously dedicated to government and to my candidacy, and I thank them profusely. I promise I will never let you down. I will do my very best.

To each and every one of you who have supported and helped and encouraged my candidacy and my election, I thank you profusely. I want you to know that I am very dedicated to this chamber, to our system of government, obviously, to the people of the 13th District and to you, and I promise you sincerely I will never let you down. Thank you, again.

Senator Emmons' statement is as follows:

This certainly is a milestone. I am absolutely delighted to welcome Senator Johnson to the Senate. She follows closely on the heels of Senator Hammerstrom. It is a wonderful thing to have a women's caucus in the Republican caucus that does not have to meet in a bathroom or a closet.

On behalf of all the women in this body, we are very delighted to have you added to this. Senator Johnson is only the 13th woman to serve in this chamber since 1920. That is a long time coming, and certainly we will be trail blazers for a lot of other women to join this caucus and join this body.

We are absolutely delighted to have somebody with such experience, integrity, and enthusiasm join us. We are delighted to have you here.

Senator DeGrow's statement is as follows:

I would like to welcome Senator Johnson to the Senate as a fellow member of the Class of 1980. We have obviously served together at the same time, although in different chambers for the most part. I'm sure she will be a tremendous addition to the Senate. I've watched her through the years in the House, and she will bring the same energy and integrity to our chamber that she did there.

I also would point out a sort of a milestone. We now have more women in our caucus than we've ever had in the history of the Senate and more women in the Senate than we've ever had in the history of the Senate. I think that's important for the state to take note of, and that alone may help improve our body and give us a better perspective on life.

So, Shirley, I look forward to working with you, and welcome to the Michigan Senate.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:16 a.m.

10:55 a.m.

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

Messages from the Governor

The following messages from the Governor were received:

Date: March 18, 1999

Time: 4:55 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 259 (Public Act No. 8), being

An act to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts;" by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 251, 267, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1251, 18.1267, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding sections 237a, 281a, 430, and 451a; and to repeal acts and parts of acts.

(Filed with the Secretary of State on March 22, 1999, at 10:10 a.m.)

Respectfully,
John Engler
Governor

STATE AGENCIES; MANAGEMENT AND BUDGET

March 18, 1999

I have this day approved and signed Enrolled Senate Bill 259. This bill makes numerous valuable amendments to Public Act 431 of 1984, otherwise known as the Department of Management and Budget (DMB) Act. In particular, I

applaud the Legislature for a cooperative effort in improving the capital outlay process. Michigan's citizens will be well served by these changes.

The changes to the capital outlay process will make this a more efficient and cost effective operation for the taxpayers. Furthermore, this bill addresses the concerns from last session's Senate Bill 773, which while an improvement over the current DMB Act, removed certain authority from the state budget director when it came to work project lapses. Enrolled Senate Bill 259 has resolved those differences.

I commend the Legislature, and in particular Senator Harry Gast, for their efforts to streamline many of the legislative processes established in the DMB Act.

Sincerely,
John Engler
Governor

The following messages from the Governor were received and read:

March 17, 1999

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

Michigan Committee on Juvenile Justice

The Honorable Y. Gladys Barsamian, 12457 Woodgate Drive, Plymouth, Michigan 48170, county of Wayne, as a member representing the general public and as Chair, succeeding herself, for a term expiring on March 15, 2000.

Mr. Larry C. Inman, 8971 Crockett Road, Williamsburg, Michigan 49690, county of Grand Traverse, as a member representing local government, succeeding himself, for a term expiring on March 15, 2000.

The Honorable Elizabeth A. Weaver, North Riverwood Road, Glen Arbor, Michigan 49636, county of Leelanau, as a member representing the general public, succeeding herself, for a term expiring on March 15, 2000.

The Honorable Donald Stanley Owens, 1720 Burr Oak Court, Williamston, Michigan 48895, county of Ingham, as a member representing probate judges, succeeding himself, for a term expiring on March 15, 2000.

Mr. Douglas McNeil Paterson, 2701 Heather, East Lansing, Michigan 48823, county of Ingham, as a member representing public providers, succeeding Mrs. Sherida K. Falvay of Ortonville, whose term has expired, for a term expiring on March 15, 2000.

Ms. Margaret-Mary Chiara, 610 W. Ottawa, Lansing, Michigan 48933, county of Ingham, as a member representing the general public, succeeding Mr. Alexander N. Luvall of Detroit, whose term has expired, for a term expiring on March 15, 2000.

The Honorable Pamela A. Moskwa, 13650 Stowell Road, Dundee, Michigan 48131, county of Monroe, as a member representing probate judges, succeeding herself, for a term expiring on March 15, 2000.

Mr. Frederick G. Gibbs, 205 N. Prospect Street, St. Johns, Michigan 49979, county of Clinton, as a member representing public providers, succeeding himself, for a term expiring on March 15, 2000.

Mr. David E. Ballenberger, 5130 Rosehill Boulevard, Holly, Michigan 48442, county of Oakland, as a member representing private providers, succeeding himself, for a term expiring on March 15, 2000.

Mr. Rick M. Muniz, 68 E. 22nd Street, Holland, Michigan 49423, county of Ottawa, as a member representing private providers, succeeding himself, for a term expiring on March 15, 2000.

Ms. Jessica J. Richards, 3947 Doll, Waterford, Michigan 48329, county of Oakland, as a member representing juveniles, succeeding herself, for a term expiring on March 15, 2000.

Dr. Carl S. Taylor, 5753 E. Saginaw Highway, Grand Ledge, Michigan 48837, county of Eaton, as a member representing the general public, succeeding himself, for a term expiring on March 15 2000.

Mr. William T. Paschall, 646 E. Columbia Avenue, Pontiac, Michigan 48341, county of Oakland, as a member representing juveniles, succeeding himself, for a term expiring on March 15, 2000.

Mr. Mark A. Randon, 1512 Brooklyn, Detroit, Michigan 48826, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on March 15, 2000.

Mr. Elwood L. Brown, 4614 Atkins Road, North Street, Michigan 48049, county of St. Clair, as a member representing the general public, succeeding Ms. Carol Ann Siemon of East Lansing, whose term has expired, for a term expiring on March 15, 2000.

Sheriff Michael F. Oltersdorf, 635 S. Nanagosa Trail, Suttons Bay, Michigan 49682, county of Leelanau, as a member representing law enforcement, succeeding himself, for a term expiring on March 15, 2000.

Mr. Bruce Sullivan Feaster, 3487 Harvard, Detroit, Michigan 48224, county of Wayne, as a member representing private providers, succeeding himself, for a term expiring on March 15, 2000.

Mr. Sean P. McCallep, 709 Briarvale, Auburn Hills, Michigan 48326, county of Oakland, as a member representing youth, succeeding Ms. Dara D. Larkins of Lansing, whose term has expired, for a term expiring on March 15, 2000.

Ms. Sara N. Antoine, 3307 N. Four Mile Road, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing juveniles, succeeding Ms. Anne M. Stevenson of Lansing, for a term expiring on March 15, 2000.

The Honorable Patricia D. Gardner, 515 Madison, S.E., Grand Rapids, Michigan 49503, county of Kent, as a member representing probate judges, succeeding The Honorable Michael J. Anderegg of Marquette, whose term has expired, for a term expiring on March 15, 2000.

Chief Robert W. Metzger, Jr., 465 Meadowbrook, Adrian, Michigan 49221, county of Lenawee, as a member representing law enforcement, succeeding Chief Joseph Thomas of Southfield, for a term expiring on March 15, 2000.

March 18, 1999

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

Michigan Board of Dentistry

Dr. Martin J. Tuck, 361 South Lawn, East Lansing, Michigan 48823, county of Ingham, as a member representing dentists with a health profession specialty certification, for a term expiring on June 30, 1999.

Dr. William S. Bloom, 3828 Spanish Oaks Drive, West Bloomfield, Michigan 48323, county of Oakland, as a member representing dentists with a health profession specialty certification, for a term expiring on June 30, 1999.

Sincerely,
John Engler
Governor

The appointments were referred to Committee on Government Operations.

Senator Emerson moved that Senator Murphy be excused from the balance of today's session.

The motion prevailed.

Senator Murphy is attending a funeral.

Messages from the House

House Bill No. 4090, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57l.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Hart, Hager and LaForge as conferees.

The message was referred to the Secretary for record.

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 Jaye as Chairperson.

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

Senate Bill No. 357, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 18, following line 10, by inserting:

"Sec. 224. The department shall provide a report prepared by the department's internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities described in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other activities performed in the internal audit function. The first report is due March 1, 2000, and beginning on May 1, 2002, biennially thereafter. The reports shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the director.

Sec. 225. By March 1, 2000, the department shall submit a report to the senate and house appropriations subcommittees on agriculture, the senate and house standing committees on agriculture, and the senate and house fiscal agencies on the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474. The report shall include the following information:

(a) The total number of complaints, by county, filed under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474, since September 30, 1995.

(b) The actions undertaken by the department to address each complaint.

(c) The number of complaints resulting in reimbursement of costs to the department by the complainant pursuant to section 3a(4) of the Michigan right to farm act, 1981 PA 93, MCL 286.473a.

(d) The number of complaints resulting in reimbursement of costs to a farm operation by the complainant pursuant to section 3b of the Michigan right to farm act, 1981 PA 93, MCL 286.473b.

(e) The number of complaints upheld by the department.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 364, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 27, line 1, after “Sec. 218.” by striking out the balance of the section and inserting “Funds appropriated in part 1 for permit review shall not be provided to a non-governmental organization that acquires land for endangered species habitats. This prohibition does not apply to universities or other educational institutions.”.

2. Amend page 27, following line 9, by inserting:

“Sec. 220. The department shall provide a report prepared by the department’s internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities described in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other activities performed in the internal audit function. The first report is due March 1, 2000, and beginning on May 1, 2002, biennially thereafter. The reports shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the director.

Sec. 221. The department shall receive and retain copies of all reports funded from section 101 appropriations.”.

3. Amend page 35, following line 16, by inserting:

“GEOLOGICAL SURVEY

Sec. 1101. Funds appropriated in section 105 shall not be used to grant a permit for deep well injection operations that could result in subsurface trespass or contamination.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 368, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports and to provide for the disposition of fees and other income received by the judicial branch.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 11, following line 2, by inserting:

“Sec. 210. The department shall provide a report prepared by the department’s internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities described in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all

other activities performed in the internal audit function. The first report is due March 1, 2000, and beginning on May 1, 2002, biennially thereafter. The reports shall be submitted to the governor, auditor general, the senate and house appropriations committees, the senate and house fiscal agencies, and the director.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 369, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Substitute (S-1).

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

1. Amend page 5, line 25, by striking out “291,400” and inserting “341,400”.
2. Amend page 6, line 6, by striking out “291,400” and inserting “341,400” and adjusting the subtotals, totals and section 201 accordingly.
3. Amend page 10, line 18, by striking out all of section 211.
4. Amend page 12, following line 17, by inserting:

“Sec. 216. (1) Of the funds appropriated in section 103 for military training sites and support facilities, there shall be established a Michigan national guard tuition waiver program. Under the program, a member of the national guard who is in active status and who is enrolled as a full- or part-time student at a public or private state college or university may be eligible to have the cost of their tuition waived, not to exceed \$2,000.00 in any academic year.

(2) An eligible person means a member of the Michigan national guard including the air national guard who is in active status. An eligible person does not include a member of the Michigan national guard or air national guard who is absent without leave or who is under charges as described in the Michigan code of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

(3) The adjutant general shall administer the tuition waiver program and prescribe forms and procedures to effectively carry out the tuition waiver program.

(4) A college or university enrolling an eligible person as a part-time or full-time student shall waive the eligible person’s tuition up to an amount not to exceed \$2,000.00 for each academic year if the eligible person provides a copy of an approved application as required under subsection (6). A college or university that waives the tuition for an eligible person is eligible for reimbursement from the fund of an amount equal to the amount waived not to exceed \$2,000.00 in any academic year. Application for reimbursement under this subsection shall be made in a manner prescribed by the adjutant general.

(5) An eligible person may apply to the adjutant general for a tuition waiver. The adjutant general shall approve the application if the applicant meets the definition of an eligible person under subsection (2) and the applicant meets other required criteria established by the adjutant general under subsection (3).

(6) An eligible person applying for a tuition waiver under subsection (5) at a college or university shall provide a copy of an approved application while registering for the course of study at the college or university.

(7) If an eligible person has enrolled in a college or university located in this state and has not applied for and received a tuition waiver, the eligible person may apply for reimbursement for the full amount of the tuition paid to the college or university not to exceed \$2,000.00 in any academic year. The application shall include evidence of completion of the course of study in a manner prescribed by the adjutant general.

(8) The tuition waiver program applies to any course of instruction that is included in a degree program offered by a college or university in this state.

(9) The tuition waiver program applies to an eligible person notwithstanding any other educational incentive or benefit received by the eligible person under any other educational assistance program provided by any other law.

(10) Upon completion of a course of study, an eligible person who successfully applied for and received a tuition waiver under subsection (5) shall provide evidence of attendance and completion of the course of study in a manner prescribed by the adjutant general.

(11) An eligible person who received a tuition waiver under subsection (5) or who received reimbursement for the cost of tuition under subsection (6) and who did not complete the course of study for which it was granted shall reimburse the fund the full amount waived or received in a manner prescribed by the adjutant general.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 371, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 19, line 17, by striking out all of section 218.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 151, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending sections 5, 7, and 7a (MCL 124.5, 124.7, and 124.7a), sections 5 and 7 as amended and section 7a as added by 1988 PA 36.

Substitute (S-2).

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 68, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1999; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

1. Amend page 4, following line 24, by inserting:

"General degree reimbursement program-infrastructure, technology, equipment and maintenance 1,400,000".

2. Amend page 5, line 1, by striking out "34,100,000" and inserting "35,500,000".

3. Amend page 5, line 3, by striking out "34,100,000" and inserting "35,500,000" and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 20, line 20, by striking out lines 20 through 24 and adjusting the subtotals, totals and section 201 accordingly.

5. Amend page 29, line 14, after "287.747." by inserting "Under no circumstances shall the indemnification payments made from this appropriation exceed \$250.00 per white tail deer ordered destroyed. This amendment shall be limited to claims made after the effective date of this act."

6. Amend page 29, following line 21, by inserting:

"Sec. 302. The department of agriculture shall provide to the senate and house appropriations committees and the fiscal agencies a quarterly report on indemnification payments made from the appropriations in part 1. The reports shall be transmitted within 30 days of the close of each calendar year quarter and shall cover the activity during the prior quarter. The reports shall cover indemnification payments made during fiscal year 1998-99 and fiscal year 1999-2000. The reports shall contain the following information:

(a) Person or business receiving the indemnification payments.

(b) The number and species of animals being for which indemnification payments are made.

(c) The total amount of the indemnification payments.

(d) The departments assessed value of the animals for which indemnification payments are made.

(e) A breakdown of the indemnification payments between state and federal funds."

7. Amend page 35, following line 4, by inserting:

NATURAL RESOURCES

Sec. 550. If a contract is terminated with an operator of a state-owned gravel pit, and there remains an asphalt plant and an inventory of reclaimed asphalt products (RAP) or other stone products, the operator may continue to use the site, including bringing in stone products, until the RAP inventory is depleted or in 2 years, whichever comes first.

Sec. 551. Of the funds appropriated in section 116, the department shall prepare a transition plan for the maintenance of the Michigan natural features inventory database. This plan shall not include a contract, for this purpose, with a nongovernmental organization that acquires land for endangered species habitats. The department shall provide a preliminary plan to the senate and house appropriations subcommittees on natural resources, and the senate and house fiscal agencies no later than September 30, 1999.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 442, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 7011 and 7060 (MCL 500.7011 and 500.7060), as added by 1986 PA 121.

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 returned to the order of

Third Reading of Bills

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.

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

Senate Bill No. 306

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 311, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4h.

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. 79

Yeas—35

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

Nays—0

Excused—3

Murphy

Schuette

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Peters, Miller, DeBeaussaert, A. Smith, Byrum, Hart, McCotter, Stille, McManus, North, Johnson, Gougeon, Bennett, Sikkema, Shugars, Dunaskiss, Rogers, Koivisto, Vaughn and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 311

The motion prevailed.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 306, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307, 315, and 319 (MCL 257.307, 257.315, and 257.319), section 307 as amended by 1998 PA 330 and section 319 as amended by 1998 PA 347, and by adding section 50a.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

- 1. Amend page 2, line 4, after "(B)" by inserting "SUBJECT TO SUBSECTION (14)."
- 2. Amend page 9, line 25, after "(13)" by inserting "SUBJECT TO SUBSECTION (14)."
- 3. Amend page 10, following line 3, by inserting:

"(14) THE SECRETARY OF STATE SHALL NOT CHANGE ANY PERSON'S RESIDENCE ADDRESS ON THE QUALIFIED VOTER FILE DUE TO THAT PERSON NOTIFYING THE SECRETARY OF A CHANGE OF ADDRESS UNDER SECTION 315 UNTIL AFTER THE SECRETARY PRESCRIBES AND IMPLEMENTS AT LEAST THREE OF THE MEDIUMS CONTAINED IN SECTION 315 (1) FOR NOTIFYING THE SECRETARY OF A CHANGE OF ADDRESS."

- 4. Amend page 10, line 20, after "ADDRESS." by inserting "SUBJECT TO SECTION 301(14)."

The question being on the adoption of the amendments,

Senator Byrum requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 80

Yeas—13

Byrum	Emerson	Leland	Smith, A.
Cherry	Hart	Miller	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell			

Nays—21

Bennett	Goschka	Johnson	Shugars
Bullard	Gougeon	McCotter	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schwarz	Van Regenmorter
Gast			

Excused—3

Murphy	Schuette	Smith, V.
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Not Voting—1

McManus

In The Chair: Schwarz

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

Senator Byrum offered the following amendment:

1. Amend page 2, line 4, after "(B)" by striking out the balance of the subdivision and inserting "THE FOLLOWING STATEMENT SHALL BE INCLUDED IN CAPITAL LETTERS IN 12-POINT BOLD FACED TYPE: "IF THE RESIDENCE ADDRESS FOR YOUR DRIVERS LICENSE IS DIFFERENT FROM YOUR RESIDENCE ADDRESS FOR VOTING, THE SECRETARY OF STATE WILL AUTOMATICALLY CHANGE YOUR VOTING ADDRESS TO MATCH YOUR DRIVER LICENSE RESIDENCE ADDRESS. AS A RESULT, YOUR VOTER REGISTRATION AT YOUR OLD RESIDENCE ADDRESS WILL NO LONGER BE VALID FOR VOTING PURPOSES. THE CLERK OF THE JURISDICTION WHERE YOUR RESIDENCE ADDRESS IS LOCATED WILL PROVIDE INFORMATION ON ANY CHANGES IN YOUR POLLING PLACE LOCATION." "

The amendment was adopted, a majority of the members serving voting therefor.

Senator Byrum offered the following amendment:

1. Amend page 11, line 17, after "NOT" by inserting a comma and "WITH THE INTENT TO DEFRAUD ANY PERSON OR COMMIT A VIOLATION OF THE MICHIGAN ELECTION LAW,".

The question being on the adoption of the amendment,

Senator Byrum requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 81**Yeas—13**

Byrum	Emerson	Leland	Smith, A.
Cherry	Hart	Miller	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell			

Nays—22

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schwarz	Van Regenmorter
Gast	Johnson		

Excused—3

Murphy	Schuette	Smith, V.
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Not Voting—0

In The Chair: Schwarz

Senator Byrum offered the following amendments:

1. Amend page 2, line 4, after “THAT” by inserting a comma and “EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (13);”.

2. Amend page 10, line 3, after “FILE.” by inserting “HOWEVER, A PERSON WHO IS A STUDENT AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE, A PERSON EMPLOYED IN THE SERVICE OF THE UNITED STATES OR OF THIS STATE, OR A PERSON ENGAGED IN THE NAVIGATION OF THE WATERS OF THIS STATE OR OF THE UNITED STATES OR OF THE HIGH SEAS, MAY CHANGE THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR’S OR CHAUFFEUR’S LICENSE WITHOUT CHANGING HIS OR HER RESIDENCE ADDRESS ON THE QUALIFIED VOTER FILE OR MAY CHANGE HIS OR HER ADDRESS ON THE QUALIFIED VOTER FILE WITHOUT CHANGING THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR’S OR CHAUFFEUR’S LICENSE.”.

3. Amend page 10, line 20, after “ADDRESS.” by inserting “EXCEPT AS OTHERWISE PROVIDE IN SECTION 307(13);”.

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

Senator Peters requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 82

Yeas—13

Byrum	Emerson	Leland	Smith, A.
Cherry	Hart	Miller	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell			

Nays—22

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Jaye	Schwarz	Van Regenmorter
Gast	Johnson		

Excused—3

Murphy	Schuette	Smith, V.
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Not Voting—0

In The Chair: Schwarz

Senator A. Smith offered the following amendment:

1. Amend page 10, line 3, after “FILE” by inserting a comma and “AND SHALL PROVIDE THE PERSON WITH A NEW VOTER REGISTRATION CARD IF THE LOCATION WHERE THE PERSON VOTES CHANGES DUE TO THE CHANGE OF ADDRESS”.

The question being on the adoption of the amendment,
 Senator A. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 83**Yeas—14**

Byrum	Emerson	Leland	Smith, A.
Cherry	Hart	Miller	Vaughn
DeBeaussaert	Jaye	Peters	Young
Dingell	Koivisto		

Nays—21

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emmons	Johnson	Schwarz	Van Regenmorter
Gast			

Excused—3

Murphy	Schuette	Smith, V.
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Not Voting—0

In The Chair: Schwarz

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. 84**Yeas—23**

Bennett	Goschka	Leland	Shugars
Bullard	Gougeon	McCotter	Sikkema
DeGrow	Hammerstrom	McManus	Steil
Dunaskiss	Hoffman	North	Stille
Emmons	Jaye	Rogers	Van Regenmorter
Gast	Johnson	Schwarz	

Nays—12

Byrum	Dingell	Koivisto	Smith, A.
Cherry	Emerson	Miller	Vaughn
DeBeaussaert	Hart	Peters	Young

Excused—3

Murphy

Schuette

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Byrum, A. Smith and Dingell, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 306.

Senator Byrum's statement is as follows:

I voted "no" on Senate Bill No. 306. The Qualified Voter File is a work in progress. It's not totally operational, and it's not without mistakes.

My attempts to correct Senate Bill No. 306 to make it significantly better were not adopted by this body. Those attempts included a requirement to have in place a minimum of two additional methods in which you could change your driver's license. Secondly, an intent to defraud—to be proven before criminal penalties could start. And third, match exemptions for students, military and merchant marines that exist in the election law to the vehicle code. We should be about encouraging people to participate in one of the most basic rights—voting. We should not be discouraging that participation.

For these reasons, I voted "no" on Senate Bill No. 306.

Senator A. Smith's statement is as follows:

I voted "no" on this piece of legislation for two reasons. First, I think that the attempt to use the driver's license as the voter's residence address creates a situation in this state where certain individuals are placed at a great disadvantage for maintaining their political identity and their political jurisdiction.

This bill is designed to make it easy for a data system and makes it very inconvenient for voters themselves to exercise their right to vote in a jurisdiction in which they choose to be politically active. This is done for the convenience of an electronic system. I think when we begin to draw the election process and people's participation in it, around an electronic demand of a programming system, then we ought to start re-examining what we are doing.

The Secretary of State has indicated, as Senator Byrum pointed out, that the Qualified Voter File is a work in progress. It is not there yet, and because it has serious programming flaws, we are trying to create an adaptation that requires that people live where they choose not to live.

Within the bill itself, we have conflicting definitions of what "residence" is. The bill adopts as a definition of residence the language of the election law. Then it turns right around within itself and says that despite what section 11 of the election law says, your driver's license is your voting residence.

Disenfranchising individuals for electronic convenience is a grave mistake, and I think we need to take a look at what we've done here with this legislation. I sincerely hope that the House will take a hard look at this bill and decide that its time has not yet come.

Senator Dingell moved that the statement he made during the discussion of the amendment offered by Senator Byrum be printed as his reasons for voting "no."

The motion prevailed.

Senator Dingell's statement is as follows:

Mr. President, the comments of one my colleagues on the other side leads me to wonder what the effect of this legislation will be. Does he mean to paint persons such as George Bush as a tax evader, who was accused of being such while he was President of the United States? Also, does he really mean this to apply to such persons such as John Engler, who still votes in Mt. Pleasant, and yet doesn't own any property there, and hasn't for a long time, hasn't resided there for a long time?

The concept of one's voting residence has always been tied in American history to something called "domicile". I can remember these wonderful explanations that George Bush used to give when attacked by the press for being evidently a tax evader of what domicile was and the importance of it. George Bush, while he was President, hadn't had any more of a residence in Texas than a hotel room in 20 years. He'd lived in China. He'd lived in New York City, being an ambassador to the United Nations. He'd been head of the CIA. He'd been a member of Congress, and he really had no residence whatever in Texas for a long time, but he claimed to be a domiciliary of Texas, even though he hadn't lived there in 20 years. He voted in Texas, and the press gave him hell about being a tax evader and avoiding taxes in New York City and avoiding taxes in the Washington, D.C., area and avoiding taxes in every other place.

What I'm hearing from the majority party today is that George Bush was a tax evader. Also, we have a Governor who votes in Mt. Pleasant I'm told, yet he hasn't lived there in a long time. He hasn't owned property there in a long time. Are we going to see John Engler on his tax return next year list Lansing as his residence and all that that entails? I'll be very interested to hear the responses from the majority party—it'd be sort of neat to have the press there covering fingerprinting for the Governor.

Senator Shugars moved that he be named co-sponsor of the following bill:

Senate Bill No. 306

The motion prevailed.

Resolutions

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

Senate Resolution No. 36

The resolution consent calendar was adopted.

Senators Shugars, Dunaskiss, Leland, Young, Gougeon, Jaye, McManus, Goschka, Sikkema, McCotter, Stille, Bennett, Emmons, Gast, Schwarz, Hammerstrom, Rogers, Van Regenmorter, North, Steil and DeGrow offered the following resolution:

Senate Resolution No. 36.

A resolution commemorating March 25, 1999, as Greek Independence Day.

Whereas, Hellenic culture has had a tremendous influence over western civilization in excess of 2,000 years. Democracy remains the most cherished gift to our world from the Greeks of ancient times. This manner of government, placing authority directly into the hands of the people, has long fulfilled the needs and aspirations of freedom-loving nations around the world. Our founders chose to adopt the democratic system when declaring America's liberty, just as the Greek Constitution enshrines democracy as the governing rule of the Hellenic republic; and

Whereas, It is one of history's great ironies that Greece, the birthplace of democracy, was subject to foreign domination, culminating in almost 400 years of political suppression by the Ottoman Empire. The Greeks' age-old love of liberty remained strong, however, and in 1821, Greece began its successful struggle for self-determination; and

Whereas, Today as we commemorate the 178th anniversary of Greek independence, the citizens of Greece and the United States remember that with democracy come great responsibilities — to seek peaceful solutions to civil differences, to foster freedom and human rights in all nations, and to ensure that our laws continue to build upon our strong democratic foundation; and

Whereas, Standing shoulder-to-shoulder, Americans and Greeks fought for these ideals on the battlefields of World War II and through the dark days of the Cold War. Today, as we celebrate Greek independence, we also remember all those around the world who still endure oppression and are denied economic, social, or political freedom. In recent years, we have seen many nations break the bonds of tyranny, and we must continue to support others who seek to embrace democracy's promise. In doing so, we look forward to a day when people everywhere enjoy the rights and liberties that Greeks and Americans are so proud to share; now, therefore, be it

Resolved by the Senate, That the estimated 50,000 people of Greek ancestry who reside in Michigan know of our great appreciation for their rich cultural traditions and heralded freedom that they have brought to this state and country; and be it further

Resolved, That a copy of this resolution be transmitted to Ted Corakis, President of AHEPA, so that those of Greek ancestry may know of our admiration and esteem for Greece's contribution to democracy and the rich heritage our Greek citizens in Michigan enjoy.

Senator DeBeaussaert was named co-sponsor of the resolution.

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

March 23, 1999

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the conference committee on House Bill 4090:

Senator Beverly Hammerstrom

Senator Joel Gougeon

Senator Joe Young, Jr.

Please make this communication part of the official Senate record.

Sincerely,
Dan L. DeGrow
Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Young, Goschka and Jaye asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

Colleagues, I rise today to share troubling news. We have failed to protect our most vulnerable senior citizens, our mothers and fathers who reside in nursing homes.

Two federal reports have confirmed our worst fears. The U.S. General Accounting Office has raised serious questions about our state's response to public complaints about nursing homes.

The GAO report says state regulators belittled residents and their families' complaints about violations, frequently reducing the importance when citing nursing homes. Second, state investigators have failed to follow up on those complaints within the required 45 days. In addition, the investigators did not follow up on the complaints in person, relying instead upon a letter from the nursing home operators to confirm that they had corrected the problem. Lastly, the federal probe discovered that homes were cited for repeat problems year after year—even to the point where residents died untimely deaths as a result.

This administration's lax attitude toward regulation has placed Michigan among the poorest health and safety enforcers for nursing home residents.

We should all be concerned. We should be concerned for our parents and concerned for the senior citizens whose rights we have been elected to protect. We must step up to the responsibilities before us and correct this situation while we have the opportunity.

I am proud to say that we took a small step last week.

Nursing home residents won a partial victory during the Senate Appropriations Committee meeting. With the help of my colleagues, I was able to secure money for a residential satisfaction survey by the Department of Consumer and Industry Services. It is important because our current information on the quality of nursing homes comes only from nursing home operators. While many of them are good care providers, we must ensure that all nursing homes are the kind of homes we would allow our parents to live in. A more objective study by the department is one way to evaluate the situation for all residents.

However, we must continue the job. I will be asking each of you to support three amendments which would significantly improve the quality of life for each senior living in Michigan.

First, we must restore full funding to the program which rewards good nursing homes. Unfortunately, the Governor has played a "shell game" with this money. The so-called new plan which he touted in this year's budget is only a fraction of last year's funding. We must restore the full \$25 million. That should be the minimum amount, because we now know that our efforts have not been sufficient. I call upon my colleagues here and in the House of Representatives to, at the very least, return to last year's funding.

Secondly, we must increase the number of inspectors in the department. Clearly, current staff levels are not adequately protecting our parents because they do not have enough staff. The appropriations process is our opportunity to increase the number of employees, and now is the time for us to act. Our small number of inspectors currently cite homes, but are unable to make follow up visits to ensure that the problems have been corrected. We need to send our inspectors out a second time or sadly, even a third until we are certain that corrective steps have been taken. The small

number of on-site inspectors we have now can allow problems to fester between visits. Even the most diligent inspection efforts will be lax if long delays impede the effort.

Lastly, too few people are aware of their right to report nursing home problems to the state. We need to fund a public awareness campaign to politicize the department's complaint line. By making the hotline number available, we can encourage better reporting and hopefully catch problems before tragedy occurs.

About 50,000 Michigianians live in the 458 nursing homes around the state. Consider, then, the magnitude of the GAO's findings that 25 percent of nursing homes had health and safety problems which resulted in actual harm to residents and that 40 percent of the nursing homes with severe problems were repeat offenders. This means 13,000 Michigan residents, approximately the population of many of our smaller counties, are in harm's way every day in a nursing home. These seniors should be enjoying the golden years of their lives. Instead, they are in peril at the hands of their caregivers.

It is our responsibility to make the state accountable for enforcing regulations. It is, after all, our own parents and grandparents who are at risk.

We have the opportunity to correct these problems today, and it is imperative that we begin to act today. Any delay places our most vulnerable senior citizens in untenable situations. We must respond as if our own parents were in these homes.

Senator Goschka's statement is as follows:

Members of the Senate, I would like to bring to your attention that I'm very honored today to have at my desk Mr. Peter Scott Simmons. He is the father of my chief of staff, Peter Eric Simmons and John Anthony Simmons. He is formerly the chief of staff for former Congressman Chuck Douglas from the state of New Hampshire. The Simmons hale from North Hampton, New Hampshire, and have a very proud history in that state in elective politics.

I'm very proud also to announce, although it's been done in previous moments by my chief of staff, Peter Eric Simmons is engaged to marry SueZahn Belle Lyons on August 7 of this year. I'm very proud to have the Simmons family here today, and I would like us all to recognize them, if we could, from the Senate.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, this week is National Diabetes Week, and it truly is a privilege to have been a sponsor of legislation to make the treatment of diabetes more affordable. It truly is a decision that a number of low-income individuals take when they try to economize, putting their own health at risk. So we in Michigan, recognizing the regressive nature of the sales tax, have exempted prescription drugs from the state sales tax. We've exempted food from the state sales tax. Unfortunately, it's taken till now, but I am grateful that the Senate early in this legislative session has worked to exempt the testing and equipment and supplies required for the treatment and testing diabetes from the state sales tax.

Also, this puts into perspective and recognizes the growing number of diabetics in the state of Michigan and nation. Michigan's got the fifth highest rate of diabetes in the nation with 375,000 diagnosed diabetics, and it's estimated that another 200,000 people in Michigan have diabetes but have not been diagnosed. Approximately 180,000 die annually die nationwide from this disease. So many of us have friends, we have neighbors, we have family members who have suffered from this disease. Just like food, this is essential for their lives, and I urge speedy consideration of this legislation in the House. I'm grateful to the Senate colleagues who were able to pass this during National Diabetes Week.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Goschka, Schuette, Rogers and Shugars introduced

Senate Joint Resolution K, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 46 of article IV, to provide for the death penalty in certain circumstances.

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

Senator Van Regenmorter introduced

Senate Bill No. 453, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44 (MCL 211.44), as amended by 1996 PA 57.

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

Senators McCotter and Emmons introduced

Senate Bill No. 454, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 1990 PA 283.

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

Senator Young introduced

Senate Bill No. 455, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4s.

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

Senators Peters, Byrum, Dunaskiss, McManus, A. Smith, DeBeaussaert, Hart, Stille and Gougeon introduced

Senate Bill No. 456, entitled

A bill to amend 1970 PA 207, entitled "An act to exempt certain dogs from license fees," by amending section 1 (MCL 287.291), as amended by 1984 PA 112.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senator Stille introduced

Senate Bill No. 457, entitled

A bill to authorize the department of natural resources to convey an easement across certain state owned property in Muskegon county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

Senators Bullard and Dunaskiss introduced

Senate Bill No. 458, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 74113 (MCL 324.503 and 324.74113), section 503 as amended by 1998 PA 419 and section 74113 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 Bullard and Steil introduced

Senate Bill No. 459, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 175.

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

Senators Jaye and Dingell introduced

Senate Bill No. 460, 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," by amending the title and sections 1, 6a, 8, 9d, 10, 12, 12a, 12c, and 14 (MCL 28.421, 28.426a, 28.428, 28.429d, 28.430, 28.432, 28.432a, 28.432c, and 28.434), the title as amended and sections 9d and 10 as added by 1990 PA 320, section 1 as amended by 1992 PA 219, section 6a as amended by 1991 PA 34, and section 12c as added by 1992 PA 220, and by adding sections 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, and 5m; 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 Hunting, Fishing and Forestry.

Senator Jaye introduced

Senate Bill No. 461, entitled

A bill to amend 1971 PA 79, entitled "Age of majority act of 1971," by amending section 3 (MCL 722.53).

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

Senators Sikkema and Young introduced

Senate Bill No. 462, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2521.

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

Senators Stille, McCotter, Shugars, North, McManus and Byrum introduced

Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 7, 8, 10, and 22 (MCL 125.1502, 125.1507, 125.1508, 125.1510, and 125.1522), the title as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; 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 Local, Urban and State Affairs.

Senators DeBeaussaert, Cherry, Emerson, Young and Bullard introduced

Senate Bill No. 464, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5801 and 5867 (MCL 600.5801 and 600.5867) and by adding section 5867a.

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

Senators DeBeaussaert, Cherry, Emerson, Young and Bullard introduced

Senate Bill No. 465, entitled

A bill to amend 1945 PA 200, entitled "An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof," by amending section 1 (MCL 565.101), as amended by 1997 PA 154.

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

House Bill No. 4298, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

The House of Representatives has passed the bill.

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

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 79, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 361, entitled

A bill to make appropriations for the departments of consumer and industry services, career development, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 365, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 366, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2000; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 370, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe

certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 372, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2000; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Koivisto, Young, Vaughn, DeBeaussaert and Emerson

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 Appropriations submits the following:

Meeting held on Wednesday, March 17, 1999, 2:00 p.m., Senate Appropriations Room, Capitol Building

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

The Committee on Local, Urban and State Affairs reported

House Bill No. 4011, entitled

A bill to amend 1905 PA 157, entitled "An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; and to provide the powers and duties of certain local units of government and certain officials," by amending section 6 (MCL 41.426), as added by 1989 PA 79.

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

1. Amend page 3, following line 15, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 336 of the 90th Legislature is enacted into law."

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

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Shugars and Murphy

Nays: None

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

The Committee on Local, Urban and State Affairs reported

House Bill No. 4013, entitled

A bill to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending section 8 (MCL 125.38).

With the recommendation that the bill pass.

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

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Meeting held on Wednesday, March 17, 1999, at 3:00 p.m., Room 405, Capitol Building

Present: Senators McCotter (C), Shugars, Miller and Murphy

Excused: Senator Van Regenmorter

Scheduled Meetings

Capital Outlay Joint Appropriations Subcommittee - Thursday, March 25, at 8:45 a.m., House Appropriations Room, Capitol Building (3-6960).

Legislative Retirement Board of Trustees - Wednesday, March 24, at 4:00 p.m., House Conference Room, 1st Floor, Capitol Building (3-1725).

Transportation and Tourism Committee - Thursday, March 25, at 1:00 p.m., Room 110, Farnum Building (3-1758).

Scheduled Meeting Canceled

Administrative Rules Joint Committee - Thursday, March 25, at 2:30 p.m., Rooms 402 and 403, Capitol Building (3-6476).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 2:14 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 24, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

