

No. 31
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, April 15, 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—excused
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—excused
Murphy—present
North—present
Peters—present

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

Pastor Aaron W. Shaw of East Marion Baptist Church of Deckerville offered the following invocation:

Heavenly Father, we ask a blessing this day over the affairs of this state. It's by no chance that these men and women sit and govern these affairs, for it's by Your sovereign hand that they have been appointed. May they be empty vessels this morning for Your bidding that the affairs discussed today may all be pleasing unto You.

We do thank You for the privilege of living in this state and for this nation. May we be good stewards of that privilege and may Your gracious hand be upon us this day. We ask all this in Christ's name. Amen.

Senator Hammerstrom entered the Senate Chamber.

Motions and Communications

Senator V. Smith moved that Senator Miller be excused from today's session.

The motion prevailed.

Senator Miller is excused due to a death in the family.

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

The motion prevailed.

Senators Dunaskiss, Cherry and A. Smith entered the Senate Chamber.

Senator Rogers moved that Senator Bullard be excused from today's session.

The motion prevailed.

Senator Rogers moved that Senators Goschka and Schuette be temporarily excused from today's session.

The motion prevailed.

Senator Murphy entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, April 14:

House Bill No. 4084

The Secretary announced the printing and placement in the members' files on Wednesday, April 14 of:

Senate Bill No. 500

House Bill No. 4452

Messages from the Governor

The following message from the Governor was received and read:

April 14, 1999

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

Civil Rights Commission

Dr. Yahya Mossa-Basha, 4455 Lansing Drive, West Bloomfield, Michigan 48323, county of Oakland, as a member representing the general public, succeeding Mr. Tim A. Attalla of Dearborn, whose term has expired, for a term expiring on December 31, 1999.

Sincerely,
John Engler
Governor

The appointment was referred to Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Young introduced

Senate Bill No. 508, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17763 (MCL 333.17763), as amended by 1997 PA 153.

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

Senators North, Dunaskiss, Johnson and Bullard introduced

Senate Bill No. 509, entitled

A bill to amend 1950 (Ex Sess) PA 23, entitled "Airport zoning act," by amending section 24 (MCL 259.454).

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

Senator Byrum introduced

Senate Bill No. 510, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

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

Senators Koivisto, North and McManus introduced

Senate Bill No. 511, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 71603 (MCL 324.71603), as added by 1998 PA 286.

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

Senator Koivisto introduced

Senate Bill No. 512, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43502 and 43537 (MCL 324.43502 and 324.43537), as amended by 1996 PA 585.

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

Senators Stille and McManus introduced

Senate Bill No. 513, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, 2619, 2621, 2623, 2625, 2627, 2629, 2633, 2635, and 2637 (MCL 339.2601, 339.2603, 339.2605, 339.2607, 339.2609, 339.2611, 339.2613, 339.2615, 339.2617, 339.2619, 339.2621, 339.2623, 339.2625, 339.2627, 339.2629, 339.2633, 339.2635, and 339.2637), section 2601 as amended by 1994 PA 125 and sections 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, 2619, 2621, 2623, 2625, 2627, 2629, 2633, 2635, and 2637 as added by 1990 PA 269, and by adding sections 2614 and 2636.

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

Senators Stille and McManus introduced

Senate Bill No. 514, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 2, 6, and 38 (MCL 338.2202, 338.2206, and 338.2238), sections 2 and 6 as added by 1988 PA 461 and section 38 as added by 1990 PA 268.

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

Senators Dunaskiss and McManus introduced

Senate Bill No. 515, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30510 and 30512 (MCL 324.30510 and 324.30512), as added by 1995 PA 59.

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 McManus introduced

Senate Bill No. 516, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 20 (MCL 125.220).

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 McManus introduced

Senate Bill No. 517, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 20 (MCL 125.290).

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

Senators Johnson and McManus introduced

Senate Bill No. 518, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 5 (MCL 125.585), as amended by 1986 PA 191.

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

Senators Dunaskiss, Bullard, Johnson and McManus introduced

Senate Bill No. 519, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 5 (MCL 213.55), as amended by 1996 PA 474.

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

Senators McManus, Goschka and Schuette entered the Senate Chamber.

House Bill No. 4084, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 2, 3, and 5 (MCL 52.202, 52.203, and 52.205), section 5 as amended by 1980 PA 401, and by adding section 5b.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 58, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," by amending section 1 (MCL 19.131), as amended by 1982 PA 229.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Leland entered the Senate Chamber.

Senate Bill No. 336, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 358 (MCL 168.358), as amended by 1990 PA 7.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:15 a.m.

10:25 a.m.

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

During the recess, Senator Emerson entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:26 a.m.

10:50 a.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senators Byrum and Koivisto 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 the media and guests of Senators Byrum and Koivisto to film on the Senate floor, including the center aisle.

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:52 a.m.

11:09 a.m.

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

During the recess, Senators Byrum and Koivisto presented a resolution to Coach Tom Izzo acknowledging the outstanding accomplishments of the Michigan State University men's basketball team.

Senators Byrum and Koivisto presented a resolution to the Michigan State University hockey team acknowledging their outstanding season.

Senator Byrum introduced the president of Michigan State University, Peter McPherson, who spoke briefly.

Senator Emerson spoke briefly.

Third Reading of Bills

Senator Rogers moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 381

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 381, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10205.

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. 127**Yeas—35**

Bennett
Byrum
Cherry

Goschka
Gugeon
Hammerstrom

McCotter
McManus
Murphy

Sikkema
Smith, A.
Smith, V.

DeBeaussiaert
DeGrow
Dingell
Emerson
Emmons
Gast

Hart
Hoffman
Jaye
Johnson
Koivisto
Leland

North
Peters
Rogers
Schuette
Schwarz
Shugars

Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Bullard

Miller

Not Voting—1

Dunaskiss

In The Chair: President

The Senate agreed to the title of the bill.

Senator Rogers moved that the balance of the order of Third Reading of Bills be postponed for today.
The motion prevailed.

Committee Reports

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 374, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 10 (MCL 125.2690), as amended by 1998 PA 239.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Jaye, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4318, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales,” by amending section 1 (MCL 445.111), as amended by 1998 PA 126.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:
Meeting held on Tuesday, April 13, 1999, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Schuette (C), McCotter, Jaye, Leland and Peters

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:
Meeting held on Tuesday, April 13, 1999, at 7:00 p.m., VFW Post 351, Utica, Michigan
Present: Senators Jaye (C) and Dingell
Excused: Senators Bullard, Hoffman and Byrum

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Education submits the following:
Meeting held on Wednesday, April 14, 1999, at 1:00 p.m., Senate Appropriations Room, Capitol Building
Present: Senators Bennett (C), Goschka and Vaughn

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:
Meeting held on Wednesday, April 14, 1999, at 2:00 p.m., Room 110, Farnum Building
Present: Senators Jaye (C), Hoffman, Dingell and Byrum
Excused: Senator Bullard

Scheduled Meetings

Capital Outlay Joint Appropriations Subcommittee - Thursday, April 22, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Hunting, Fishing and Forestry Committee - Thursday, April 22, at 2:30 p.m., Room 100, Farnum Building (3-7670).

School Aid Appropriations Subcommittee - Monday, April 26, at 5:00 p.m., Muskegon Intermediate School District, 630 Harvey Street, Muskegon (3-1635).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 11:15 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, April 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

