

No. 59
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, September 22, 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
DeBeaussiaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

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

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

Senator Gary Peters of the 14th District offered the following invocation:

Heavenly Father, whose blessed Son came not to be served but to serve, bless all who, following in His steps, give themselves to the service of others that with wisdom, patience, and courage, they may minister in His name to the suffering, the friendless, and the needy.

For the love of Him who laid down His life for us, Your Son, our Savior, who lives and reigns with You and the Holy Spirit, one God, forever and ever. Amen.

Motions and Communications

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

Senator V. Smith moved that Senators Miller and Young be temporarily excused from today's session.
The motion prevailed.

Senator DeGrow entered the Senate Chamber.

Senator Rogers moved that Senators Bullard, Emmons, Stille and Van Regenmorter be temporarily excused from today's session.
The motion prevailed.

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

Senator Schwarz is attending the Board of Trustees meeting of the American Legacy Foundation in Washington, DC.

Senators Stille, Emmons and Miller entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, September 21:
House Bill No. 4099

Messages from the Governor

The following messages from the Governor were received and read:

September 21, 1999

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:
Nursing Home Administrators Board of Control

Ms. Geraldine Pleasant, 801 West Alma, Flint, Michigan 48505, county of Genesee, as a member representing the general public, succeeding Dr. Gloria S. Smith of East Lansing, whose term has expired, for a term expiring on December 31, 2002.

September 21, 1999

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:
Automobile Theft Prevention Authority Board of Directors

Mr. Chales E. Wilson, Jr., 1242 Zimmer Place, Williamston, Michigan 48895, county of Ingham, as a member representing law enforcement authorities, succeeding Chief Benny N. Napoleon of Detroit, who has resigned, for a term expiring on July 1, 2002.

September 21, 1999

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

Board of Professional Engineers

Mr. Paul B. Lapham, 310 W. Wheaton Avenue, Clare, Michigan 48617, county of Clare, as a member representing the Board of Land Surveyors, succeeding Mr. Earl W. Applekamp of Ewen, whose term has expired, for a term expiring on March 31, 2001.

Mr. Abe A. Munfakh, 45798 Turtlehead, Plymouth, Michigan 48170, county of Wayne, as a member representing professional engineers, succeeding himself, for a term expiring on March 31, 2003.

Ms. Alicia M. Diaz, 1130 Parker #603, Detroit, Michigan 48214, county of Wayne, as a member representing the general public, succeeding Ms. Ronnie Jean Neumann of Saginaw, who has resigned, for a term expiring on March 31, 2002.

September 21, 1999

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

Worker's Compensation Appellate Commission

Mr. Jürgen O. Skoppek, 1217 Brook Trail, Lansing, Michigan 48917, county of Ingham, as a member representing the general public and as Chair, succeeding himself, for a term expiring on October 1, 2003.

Ms. Marie Elena Martell, 1718 Greencrest, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding herself, for a term expiring on October 1, 2003.

Mr. Richard B. Leslie, 10921 Charring Cross Circle, Whitmore Lake, Michigan 48189, county of Livingston, as a member representing the general public, succeeding himself, for a term expiring on October 1, 2003.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Van Regenmorter, Bullard and Young entered the Senate Chamber.

Senators Johnson, Goschka and Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 19.

A concurrent resolution to memorialize the Congress of the United States to support more flexibility for the states in the Welfare-to-Work program.

Whereas, In recent years, our country has made great strides in revamping the entire concept of welfare. Michigan has been especially effective in fostering increased self-sufficiency in tens of thousands of men and women; and

Whereas, Michigan's leadership in encouraging people to work, to pursue valuable training and education, and to escape dependence on public support has been most remarkable. Earlier this year, the Family Independence Agency caseload dropped well below 90,000, to a level Michigan has not seen in more than a generation. Indeed, as recently as 1994, the Family Independence Agency caseload stood at over 225,000; and

Whereas, A key contributor to Michigan's achievements has been its flexibility in developing and implementing programs like Project Zero and the MICHild health insurance program and initiatives to provide meaningful preparation for work. Programs to concentrate resources on target counties and communities have allowed for proper consideration of local situations and needs. This concept has proven to be most successful; and

Whereas, The federal Welfare-to-Work program, established as part of the Balanced Budget Act of 1997, is up for reauthorization. As it is examined, there are several areas that can be modified to provide greater flexibility. Provisions appropriate for change include loosening requirements regarding state matches for funds, expanding eligibility standards, and changing the way funds are used for education and training. These changes can help to bring about even more victories in the lives of individuals and families; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to support more flexibility for the states in the Welfare-to-Work program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Rogers moved that the concurrent resolution be referred to the Committee on Families, Mental Health and Human Services.

The motion prevailed.

Senator Shugars offered the following resolution:

Senate Resolution No. 78.

A resolution to express support for efforts to increase public awareness and support for the restoration, revitalization, and perpetuation of the remainder of A.M. Todd's publicly held collection of paintings being coordinated by the Kalamazoo Historic Conservancy for the Preservation of Art.

Whereas, A.M. Todd not only gained a national business reputation as "The Mint King," but he also greatly impacted his home community as a patron of the arts. As a prolific collector, he traveled to Europe eight times between 1907 and 1923 acquiring paintings, books, statues, and other aesthetic objects. The subject of his art objects ranged from paintings of Western landscape and storied landmarks to Victorian themes to the atrocities of war following World War I; and

Whereas, The mission of A.M. Todd was to improve the lot of humanity through the appreciation of art, history, and literature. During his lifetime, he often held Sunday afternoon open houses at his company's 22-room headquarters at Rose Street and Kalamazoo Avenue. Upon his death in 1931, the A.M. Todd collection was disbursed to several public institutions, including Western Michigan University, Kalamazoo College, Nazareth College, the Kalamazoo Valley Museum, the First Presbyterian Church, the University of Michigan, Sturgis Hospital, and the YWCA; and whereas, A.M. Todd donations carried a caveat that they must remain on public display. However, with no unified, coordinated, and sustained effort, the pledge lost its clout. The Todd paintings came off public walls and ended up in dank storage areas. It is estimated that one-third of the collection is missing, and the rest are deteriorating. Of the 402 paintings in the original Todd collection, 268 have been located, and their cumulative value has been set between \$4 million and \$6 million; and

Whereas, The Kalamazoo Historic Conservancy for the Preservation of Art was founded in April 1997 to establish a permanent fund for the preservation of the community's public art holdings, of which the A.M. Todd project is the conservancy's first major undertaking. Joining the conservancy in this project are the Kalamazoo Institute of Arts, the A.M. Todd Co., Kalsec Inc., the University of Michigan, Nazareth College, Kalamazoo College, Sturgis Hospital, Western Michigan University, the Irving S. Gilmore International Keyboard Festival, the Kalamazoo Valley Museum, and descendants of A.M. Todd. This collaboration has been instrumental in the process of tracking down missing components of the collection, determining the fates of the lost paintings, coordinating the restoration plans, organizing the publishing of the catalogue, planning the exhibition, and the initial fund-raising; and

Whereas, The conservancy plans to establish a fund through a local foundation that will be designated for the restoration of this community's inventory of public art as well as seeking other funding sources. The governing board of the conservancy is committed to allocating financial resources, both by additional fund-raising and catalogue sales, to create and maintain such public art treasures; now, therefore, be it

Resolved by the Senate, That we express support for efforts to increase public awareness and financial support in the restoration, revitalization, and perpetuation of the A.M. Todd art collection; and be it further

Resolved, That copies of this resolution be transmitted to the Kalamazoo Historic Conservancy for the Preservation of Art.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Rogers moved that the rule be suspended.

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

The resolution was adopted.

Senator Rogers was named co-sponsor of the resolution.

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

Senate Resolution No. 79

The resolution consent calendar was adopted.

Senators North, Rogers, Goschka, Koivisto and Emerson offered the following resolution:

Senate Resolution No. 79.

A resolution observing October 17-23, 1999, as Michigan School Bus Safety Week.

Whereas, It is with great respect for the accomplishments of Michigan's school bus drivers, mechanics, supervisors, and all school transportation personnel that we commemorate October 17-23, 1999, as Michigan School Bus Safety Week. During this special observance, we encourage all Michigan citizens to recognize the dedication and skill of school transportation employees; and

Whereas, Each day, more than 875,000 students ride on 21,000 school buses, traveling over 433 million miles annually. Driving so many miles, coordinating the countless routes, and supervising the dozens of students on each vehicle requires an outstanding effort. Fortunately for the people of Michigan, there are thousands of exemplary professionals who have devoted their careers to transporting our children safely; and

Whereas, On behalf of our young people, it is a pleasure to commend the men and women who accept and meet the challenge of school transportation. The observance of Michigan School Bus Safety Week is a welcome opportunity to thank these patient, skilled, and caring public servants. Those involved in this pursuit should be very proud of their contribution to education; and

Whereas, This special week serves as a fitting time to urge all Michigan drivers to become more aware of school bus safety regulations. Serious injuries and deaths occur when motorists fail to stop for school buses. Now that the school year has begun, we remind drivers to be cautious and attentive around school buses. It is also an appropriate time to ask students to listen to their bus drivers and pay close attention to bus safety rules; now, therefore, be it

Resolved by the Senate, That we proudly commemorate October 17-23, 1999, as Michigan School Bus Safety Week, and we commend everyone who has contributed to the successful operation of our state's school buses. We also encourage all citizens to drive carefully and to be alert around school buses. By working together, we can make this the safest school year ever; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association for Pupil Transportation as evidence of our esteem.

Senators Stille, Young and Hoffman were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Rogers, Hammerstrom, Sikkema, Shugars, Bennett, Johnson, Steil, Gougeon, Schwarz, Gast, North, Goschka, Hoffman and Stille introduced

Senate Bill No. 717, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38e (MCL 208.38e), as added by 1996 PA 593.

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

Senators Rogers and Hammerstrom introduced

Senate Bill No. 718, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 415 (MCL 750.415).

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

Senators Hammerstrom and Rogers introduced

Senate Bill No. 719, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16u of chapter XVII (MCL 777.16u), as added by 1998 PA 317.

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

Senator Jaye introduced

Senate Bill No. 720, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 1998 PA 227 and section 16226 as amended by 1998 PA 109, and by adding sections 5114b and 16269.

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

Senator Jaye introduced

Senate Bill No. 721, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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

Senator Jaye introduced

Senate Bill No. 722, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57 (MCL 400.57), as added by 1995 PA 223, and by adding section 57i.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Jaye introduced

Senate Bill No. 723, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1151 (MCL 380.1151); 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 Education.

Senator Jaye introduced

Senate Bill No. 724, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 18b.

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

Senators Schwarz, Shugars and Gast introduced

Senate Bill No. 725, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20965 (MCL 333.20965), as amended by 1997 PA 78.

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

Senators Leland and Murphy introduced

Senate Bill No. 726, entitled

A bill to abolish the existing Detroit city council; to establish a new 9-member Detroit city council; to reapportion the city of Detroit into 9 single-member election districts; to impose certain residency requirements on candidates for the Detroit city council; and to impose certain duties on certain officials for the city of Detroit.

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

Senators Miller, McCotter, Dingell and Murphy introduced

Senate Bill No. 727, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

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

Senators A. Smith, Gast, Schwarz, V. Smith, Leland, Murphy, North, McManus, Koivisto, Byrum, Dingell, Gougeon, Hoffman, Hammerstrom, Dunaskiss, Vaughn, Cherry, Hart and Steil introduced

Senate Bill No. 728, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 274 (MCL 206.274), as amended by 1997 PA 82.

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

Senator Stille introduced

Senate Bill No. 729, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 29 (MCL 421.29), as amended by 1995 PA 25.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

Senators A. Smith, Young, Emerson, Rogers, Sikkema, Hart, Murphy, V. Smith, Schwarz and Leland introduced

Senate Bill No. 730, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 237a (MCL 750.237a), as added by 1994 PA 158.

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

Senators Jaye, Steil, Shugars, Gougeon, Sikkema and Gast introduced

Senate Bill No. 731, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending the title and section 3 (MCL 408.383).

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

Senators Sikkema, Dunaskiss, Johnson, Hammerstrom, Bullard, Goschka and Shugars introduced

Senate Bill No. 732, entitled

A bill to amend 1998 PA 116, entitled "Personal watercraft safety act," by amending section 31 (MCL 281.1431).

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

Senators Sikkema, Dunaskiss, Johnson, Bullard and Goschka introduced

Senate Bill No. 733, entitled

A bill to amend 1970 PA 169, entitled "Local historic districts act," by amending sections 5, 9, and 11 (MCL 399.205, 399.209, and 399.211), as amended by 1992 PA 96.

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

House Bill No. 4099, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b. 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 Education.

Senator Miller asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Miller's statement is as follows:

I wanted to make a comment about a young lady who works for me who is leaving my staff. I wanted her to come over this morning because she has worked here, Mr. Governor, as a Page, and this summer she continued her progress as an intern on my staff. She's now has accepted a full-time position working for the House.

Even though she made the commitment to move over to the lower chamber, Mr. Governor, I still wanted to say that Katie Sperti worked here, and she is a recent graduate this spring at Michigan State University, your alma mater. She is an outstanding woman, and I had the privilege to know her family and know this young lady. I know she'll do an exceptional job in the House of Representatives. I just wanted to put that in the record that it's been my privilege and pleasure to have Katie Sperti work on my staff, and I wish her the best in the House.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Tuesday, September 21, 1999, at 9:00 a.m., Room 428, Capitol Building

Present: Senators Hammerstrom (C), Gougeon, Jaye, Goschka, Johnson and Vaughn

Excused: Senator Hart

Scheduled Meetings

Appropriations Committee - Wednesday, September 29, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Banking and Financial Institutions Committee - Thursday, September 23, at 1:00 p.m., Room 210, Farnum Building (3-1801).

Local, Urban and State Affairs Committee - Wednesday, September 29, at 3:00 p.m., Room 405, Capitol Building (3-1707).

Michigan Capitol Committee - Wednesday, October 13, at 12:00 p.m., Room H-41, Ground Floor, Capitol Building (3-0289).

Natural Resources and Environmental Affairs Committee - Tuesday, September 28, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senate Fiscal Agency Governing Board - Wednesday, September 29, at 2:30 p.m. or immediately following the Appropriations Committee meeting, Room S-324, Capitol Building (3-6960).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:22 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, September 22, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.