

No. 62
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, September 29, 1999.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was 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—excused
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—excused
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

Senator Virgil C. Smith, Jr., of the 2nd District offered the following invocation:

Our gracious Heavenly Father, we thank You for this day. We yield to You and trust You to give us Your guidance and Your strength to carry out the task before us.

Father, Your Word says that if any man lacks wisdom, let him ask of God. We ask You for it on this day. Lord, impart Your wisdom into our lives. Help us to work and diligently seek for what we should do and how we should do it.

Father, as You show us this way, we will be sure to give You all the glory, the honor, and the praise. In Your name we pray. Amen.

Motions and Communications

Senator Schuette entered the Senate Chamber.

Senator Rogers moved that Senators Dunaskiss and Hoffman be temporarily excused from today's session. The motion prevailed.

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

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

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

Senator Leland entered the Senate Chamber.

Senator Rogers moved that rule 3.902 be suspended to allow the guest of Senators McManus and McCotter admittance to the Senate floor.

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 on the Senate floor, including the center aisle and Gallery.

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

Senators Miller and Hoffman 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 10:06 a.m.

10:15 a.m.

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

During the recess, Senators McCotter and McManus introduced Miss Michigan, Audrie Chernauckas of Livonia, and presented her with a Great Seal of the state of Michigan.

Miss Michigan responded briefly.

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

September 21, 1999

As Director of the Department of Consumer and Industry Services, I take great pleasure in forwarding to you the fourth legislative report as required by statute on the activities and the progress of survey and remonumentation in the State of Michigan.

Public Act 345, 1990 created the Survey and Remonumentation Commission and P.A. 346 provided the funding for the function of survey and remonumentation. Since the original Commission was appointed in June, 1991, a statewide Model County Plan for county remonumentation has been developed, Administrative Rules for Act 345 have been promulgated by the Department and adopted by the Legislature, and \$28 million in grants has been made available to all 83 counties in the State of Michigan.

Details of these activities are included in the enclosed report. If you have any questions regarding the survey and remonumentation program, please feel free to contact me.

Sincerely,
Kathleen M. Wilbur
Director

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 28, for his approval the following bills:

Enrolled Senate Bill No. 592 at 1:19 p.m.

Enrolled Senate Bill No. 625 at 1:21 p.m.

The Secretary announced the printing and placement in the members' files on Tuesday, September 28 of:
Senate Bill No. 744

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:

Senate Bill No. 763

The bill was referred to the Committee on Farming, Agribusiness and Food Systems.

Messages from the Governor

The following message from the Governor was received and read:

September 28, 1999

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

Board of Marriage and Family Therapy

Ms. Lisa Lazar, 251 Knollwood Drive, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing the general public, succeeding herself, for a term expiring on June 30, 2003.

Sincerely,
John Engler
Governor

The appointment was referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 182, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7208, 7220, and 7227 (MCL 333.7208, 333.7220, and 333.7227) and by adding section 7339.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide

for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 7208, 7220, 7227, and 7408a (MCL 333.7208, 333.7220, 333.7227, and 333.7408a), section 7408a as amended by 1999 PA 74, and by adding section 7339.

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

Senator Dunaskiss entered the Senate Chamber.

Third Reading of Bills

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

Senate Bill No. 633, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411a (MCL 750.411a), as amended by 1996 PA 303.

The above bill was read a third time.

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. 438

Yeas—33

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

Nays—0

Excused—2

Johnson	Murphy
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Not Voting—3

Cherry	Emerson	Gast
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In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 634, entitled

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

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. 439

Yeas—34

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

Nays—0

Excused—2

Johnson	Murphy
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Not Voting—2

Emerson	McManus
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In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 635, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1f of chapter IX (MCL 769.1f), as added by 1998 PA 345.

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. 440

Yeas—36

Bennett	Emmons	Leland	Shugars
Bullard	Gast	McCotter	Sikkema
Byrum	Goschka	McManus	Smith, A.
Cherry	Gougeon	Miller	Smith, V.
DeBeaussaert	Hammerstrom	North	Steil

DeGrow
Dingell
Dunaskiss
Emerson

Hart
Hoffman
Jaye
Koivisto

Peters
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Johnson

Murphy

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Hammerstrom, Sikkema, Steil, Goschka, Gast, Dunaskiss, Bennett, Gougeon, North, McCotter, Koivisto and Byrum moved that they be named co-sponsors of the following bills:

Senate Bill No. 633

Senate Bill No. 634

The motion prevailed.

Senators Sikkema, Gast, Dunaskiss, Bennett, North, Koivisto and Byrum moved that they be named co-sponsors of the following bill:

Senate Bill No. 635

The motion prevailed.

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 pro tempore, Senator Schwarz, designated Senator Dunaskiss as Chairperson.

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

Senate Bill No. 501, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1237. 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.

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

Senate Bill No. 596, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into

a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions,” by amending section 8 (MCL 490.8), as amended by 1992 PA 246.

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.

Resolutions

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

Senate Resolution No. 83

The resolution consent calendar was adopted.

Senator Hammerstrom offered the following resolution:

Senate Resolution No. 83.

A resolution honoring Brice Calhoun Custer, who has chosen to release his new book, *Sacrificial Lion, George Armstrong Custer*, in Monroe, Michigan.

Whereas, The Civil War and the Michigan Cavalry Brigade made George Armstrong Custer a hero; and

Whereas, The battle of the Little Bighorn in the Montana Territory made George Armstrong Custer a legend; and

Whereas, This legend has taken on a life of its own since that fateful day of June 25, 1876; and

Whereas, The story of George Armstrong Custer evokes curiosity and speculation; and

Whereas, This speculation has led to distortion of the facts and confusion; and

Whereas, All generations of the family of George Armstrong Custer have served this country honorably on the field of battle; and

Whereas, Brice Calhoun Custer, a retired major in the United States Air Force (USAF), has written a book to enlighten all about his famous namesake, so everyone can make up their own minds; and

Whereas, He is the only surviving Custer family member after the General’s wife, Libbie, to answer the call to write; and

Whereas, Major Custer’s book reminds us of these cherished traditions and Michigan’s role in the settlement of the western frontier; now, therefore, be it

Resolved by the Senate, That we salute and recognize with highest praise retired Major Brice Calhoun Custer, USAF, for his outstanding dedication, determination, and honesty in the portrayal of the life of his great uncle, George Armstrong Custer, and the release of his new book in Monroe, Michigan, on October 3, 1999; and be it further

Resolved, That a copy of this resolution be transmitted to Brice Calhoun Custer of Georgetown, Texas, as a reflection of our esteem and gratitude.

Senators Stille and Goschka were named co-sponsors of the resolution.

Senators Sikkema, McManus and Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 22.

A concurrent resolution to memorialize the Congress of the United States to investigate antitrust violations in the agricultural processing industry.

Whereas, In recent years, concern has grown over the possible extent and impact of monopolistic situations in certain aspects of the agricultural processing industry. There have been reports of price fixing and other violations by major corporate leaders in handling and processing agricultural products. These cases have caused many to question the integrity of the marketplace for several types of goods; and

Whereas, Mergers and the growth of international corporations in all aspects of agriculture are bringing changes to farming. Along with concerns over the impact on the traditional family farm and the impact on American agriculture, there are many who feel that the huge companies have become so large that a few entities can control the market often enough to eliminate competition. In the current situation, with depressed prices for many commodities in the midst of a robust economy, many farmers and processors worry about what will happen in the next downturn; and

Whereas, The strength of American agriculture is critical to the long-term best interests of our nation. For agriculture to thrive, the market must be fair. Faith in the system of determining prices cannot endure the threat that antitrust protections are being violated; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to investigate antitrust violations in the agricultural processing industry; 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 Farming, Agribusiness and Food Systems.

The motion prevailed.

Senators Shugars, Stille and Goschka were named co-sponsors of the concurrent resolution.

Senators Sikkema, McManus and Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 23.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to require price reporting for agricultural products.

Whereas, Amidst an era of unprecedented economic strength and consistent growth, American agriculture is facing significant and lasting problems. This fact is reflected not only in very low commodity prices, but also by the number of farms. A steady trend seems to indicate a continuing decline in the number of farms and a marked increase in the role of corporations in farming in parts of the country; and

Whereas, With a greater number of corporate conglomerates and mergers in the agriculture industry, more pressure is being exerted upon individual family farms. In certain sectors of the farm economy, giant companies make it almost impossible for traditional farms to succeed; and

Whereas, Many observers have questioned the continuing disparity between the prices paid for some agricultural products to the farmers and the price of the product as it enters the marketplace. While prices for many commodities are very low and have decreased considerably in the recent past, there seems to be little correlating reductions in the costs for consumers. This situation can be addressed through requirements for price reporting. Requiring a meat packing company, for example, to report publicly the price it paid for livestock would promote fairness. There have been several legislative proposals to make price reporting a requirement in order to increase accountability in a vital segment of our national economy; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to require price reporting for agricultural products; 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 Farming, Agribusiness and Food Systems.

The motion prevailed.

Senators Shugars, Stille and Goschka were named co-sponsors of the concurrent resolution.

Senators Emerson and DeGrow offered the following resolution:

Senate Resolution No. 82.

A resolution observing October 1999 as Child Health Month.

Whereas, Our children's health is of paramount concern to all residents of Michigan, so much so, that we constantly seek to minimize the dangers they face from any source; and

Whereas, Substance abuse by young people is not limited to alcohol, cigarettes, and illegal drugs. Substances can be sniffed, huffed or puffed, or inhaled and usually are legal and can commonly be found in any residential home; and

Whereas, Dangerous products that can be inhaled include many common household items, such as cooking spray, felt-tip markers, furniture polish, oven cleaner, air freshener, hair sprays, nail polish removers, butane, glues and adhesives, spray paints, and even typewriter correction fluid; and

Whereas, Kids use inhalants because they are inexpensive, easy to get and hide, legal to possess, and therefore easy to cover up the abuse. Most parents are not aware of the dangers inhalants present; and

Whereas, Abuse of inhalants can cause severe permanent damage to the body, especially the brain. Short-term effects of inhalants include, but are not limited to, vomiting, nausea, headaches, dizziness, slurred speech, and hallucinations; and

Whereas, Inhalant use can cause death by many means, including asphyxia, choking, suffocation, and cardiac arrest, induced by inhaling dangerous chemicals into the body; and

Whereas, Studies show that 20 percent of 8th graders have used some form of inhalants. Inhalant abuse is on the rise among young people, having nearly doubled in the last decade; and

Whereas, The Michigan Chapter of the American Academy of Pediatrics concurs with the above and is urging all its members and their patients to support Child Health Month in Michigan; now, therefore, be it

Resolved by the Senate, That October 1999 be recognized as Child Health Month in Michigan; and be it further

Resolved, That as part of the observation of Child Health Month, all Michigan residents are urged to learn more about the dangers and abuse of inhalants and take responsibility for increasing awareness among parents and children; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Chapter of the American Academy of Pediatrics, the director of the Michigan Department of Community Health, and the directors of the various local health departments in Michigan.

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 question being on the adoption of the resolution,

Senator Rogers moved that further consideration of the resolution be postponed until Wednesday, October 13.

The motion prevailed.

Introduction and Referral of Bills

Senator North introduced

Senate Bill No. 764, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 9 and 151 (MCL 259.9 and 259.151), as amended by 1996 PA 370.

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

Senator North introduced

Senate Bill No. 765, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 1, 4, and 20 (MCL 125.581, 125.584, and 125.600), section 1 as amended by 1995 PA 36 and section 20 as added by 1996 PA 571.

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

Senator Bennett introduced

Senate Bill No. 766, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1104 (MCL 380.1104), as amended by 1995 PA 289.

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

Senators Shugars, North and McCotter introduced

Senate Bill No. 767, entitled

A bill to authorize an entertainment forum or shopping center to detain, remove, or eject certain individuals under certain circumstances.

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

Senator Schuette introduced

Senate Bill No. 768, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 669 (MCL 257.669), as amended by 1995 PA 248.

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

Senators Bennett and McCotter introduced

Senate Bill No. 769, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 1994 PA 138.

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

Senators McManus, Bullard, Bennett, Sikkema and McCotter introduced

Senate Bill No. 770, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811n.

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

Senators Steil, Bennett, Gast and Rogers introduced

Senate Bill No. 771, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 1998 PA 532.

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

Senators Shugars, McCotter, Young, Hammerstrom, Sikkema, Johnson, Byrum, Rogers, Stille and Dunaskiss introduced

Senate Bill No. 772, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

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

Senators Shugars, North, Young, McCotter, Hammerstrom, Johnson, Byrum, Rogers, Schuette and Dunaskiss introduced

Senate Bill No. 773, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

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

Senator Young introduced

Senate Bill No. 774, entitled

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

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

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

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.

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.

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

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 Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, September 28, 1999, at 3:00 p.m., Room 810, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Gast, Peters and Young

Scheduled Meetings

Capital Outlay Joint Appropriations Subcommittee - Thursday, September 30, at 8:45 a.m., House Appropriations Room (3-6960).

Human Resources, Labor, Senior Citizens and Veterans Affairs Committee - Thursday, September 30, at 1:00 p.m., Room 210, Farnum Building (3-2420).

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

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:41 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, September 30, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

