No. 32 JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 30, 2000.

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	Han
Bullard—present	Hart
Byrum—present	Hof
Cherry—present	Jaye
DeBeaussaert—present	Johi
DeGrow—present	Koi
Dingell—present	Lela
Dunaskiss—present	McC
Emerson—present	McN
Emmons—excused	Mill
Gast—present	Mur
Goschka—present	Nor
Gougeon—present	Pete

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—excused
McCotter—present
McManus—excused
Miller—present
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 Regenmorternre	

Van Regenmorter—present

Vaughn—present Young—present Senator Leon Stille of the 32nd District offered the following invocation:

Dear God, be with us this morning as we conduct the business before us in this chamber. Grant us a good measure of common sense and good judgment that we might apply in the best interest of all the citizens of this state. We pause to honor You and give thanks for the blessings and opportunities so graciously granted us. Be with those with special needs and hardships that their lives might be enriched. We ask these things in Your name. Amen.

Senators V. Smith and Young entered the Senate Chamber.

Motions and Communications

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

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

The motion prevailed.

Senator Rogers moved that Senators Emmons and McManus be excused from today's session.

The motion prevailed.

Senators Emmons and McManus are attending an agricultural conference at the National Conference of State Legislatures.

Senators A. Smith, Murphy and Dingell entered the Senate Chamber.

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

The motion prevailed.

Senator Jaye's statement is as follows:

Just as there are seasons in Michigan of winter, spring, summer, and fall each year, there are also seasons in the Michigan Legislature, cycles of events that legislators, staff, and others in and outside state government experience each year.

Just as predictably as the Michigan snow melts and is replaced by green grass on the Capitol lawn, buds on the trees, and flowers, the state of Michigan has new budget bills that come before the Legislature. And as a result of hard work and research by my staff, central staff, and suggestions from taxpayers across Michigan, each spring during the budget season, I offer many, many budget amendments. I understand that the large number of Jaye budget amendments have been a source of irritation, weariness, and occasionally aggravation for many of my fellow legislators, both in the State House and now the State Senate, particularly the chairman of the Senate Appropriations Committee, Senator Harry Gast. Therefore, last week many were particularly impressed by the character and class exhibited by my colleague, Senator Gast, who put aside all the previous aggravations and bedevilment that I caused with various budget amendments. The Appropriations Committee chairman Harry Gast spoke in favor of a Jaye budget amendment which I offered last week.

So, as I promised last week that I would provide the same consideration that the former State Representative Margaret O'Connor provided to the former House Appropriations Committee chairman Dominic Jacobetti, when Representative Margaret O'Connor was able to get her first major budget amendment passed 11 years ago, which was a big kiss. But especially for Senator Harry Gast—Harry, perhaps you could join me up here for a moment—I am a little more shy than Margaret O'Connor, so I've got something else. Especially for my colleague and friend, Senator Harry Gast, the venerable and esteemed chair of the Senate Appropriations Committee, whose kind words of support made my budget amendment a unanimous success, I present to him the biggest kiss of all!

The following communication was received: State Court Administrative Office

March 16, 2000

Please find enclosed the 1999 Annual Grievance Report to the Legislature, supplemented by the 1999 Citizen Advisory Committee Report to the Legislature.

Michigan law provides a grievance process for Friend of the Court constituents who wish to address concerns about office operations or employees. Using a form developed by the State Court Administrative Office (see Attachment A),

constituents describe their problem or concern and request resolution. The Friend of the Court is required investigate and respond to each grievance. If the constituent is not satisfied with the response, they may request review by the chief circuit judge. At any time during the proceedings, the constituent may file a grievance regarding office operations with the appropriate local citizens advisory committee (see attachment B for the statute describing the grievance process).

In addition to preparing this Annual Grievance Report, the State Court Administrative Office's Friend of the Court Bureau regularly responds to constituent concerns, provides technical assistance to citizen advisory committees, and provides education regarding the functions of circuit courts and friend of the court offices. Educational efforts have included providing litigants with information about the statutory grievance process and providing educational information to citizen advisory committees, as well as providing general information about how Michigan's Friend of the Court system functions.

We appreciate your consideration, and welcome your suggestions or questions with respect to the grievance procedure, the Annual Grievance Report to the Legislature, or its supplement, the Citizen Advisory Committee Report to the Legislature.

Sincerely, John D. Ferry, Jr. State Court Administrator

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, March 29, for his approval the following bill:

Enrolled Senate Bill No. 1045 at 11:10 a.m.

The Secretary announced the printing and placement in the members' files on Wednesday, March 29, of: Senate Bill Nos. 1180 1181 1186 1187

Messages from the Governor

The following messages from the Governor were received and read:

March 29, 2000

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office: **Michigan Beef Industry Commission**

Mr. Albert F. Hass, 775 Carpenter Road, Bad Axe, Michigan 48413, county of Huron, as a member representing cattle feeders, succeeding Ms. Pamela Bontekoe of Greenville, who has resigned, for a term expiring on May 31, 2002.

March 29, 2000

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

Mr. Joseph Hale, 18175 Hilton, Southfield, Michigan 48075, county of Oakland, as a member representing master electricians and electrical contractors, succeeding Mr. David Kurtz of Northville, whose term has expired, for a term expiring on July 15, 2002.

March 29, 2000

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

State Board of Land Surveyors

Mr. Rainy Hamilton, Jr., 17505 Parkside, Detroit, Michigan 48221, county of Wayne, as a member representing the Board of Architects, succeeding himself, for a term expiring on March 31, 2003.

Dr. Ralph J. Hodek, Route 2, Box 455, Chassell, Michigan 49916, county of Houghton, as a member representing the Board of Professional Engineers, succeeding Mr. Goray Mookerjee of Arlington, whose term has expired, for a term expiring on March 31, 2004.

Mr. Victor J. Lukasavitz, Jr., 809 East Rolston Road, Linden, Michigan 48451, county of Genesee, as a member representing licensed land surveyors, succeeding Mr. Norman C. Caldwell of Owosso, whose term has expired, for a term expiring on March 31, 2004.

March 29, 2000

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office: Self-Insurers' Security, Second Injury, Silicosis, and Logging Industry Board of Trustees

Mr. Edward L. Gallagher, Jr., 9885 Bridge Lake Road, Clarkston, Michigan 48348, county of Oakland, as a member representing employers, succeeding himself, for a term expiring on April 30, 2004.

Sincerely, John Engler Governor

The appointments were referred to the Committee on Government Operations.

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 Gougeon as Chairperson. After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hoffman, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 1172, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by repealing section 421 (MCL 32.821). The bill was placed on the order of Third Reading of Bills.

The President, Lieutenant Governor Posthumus, resumed the Chair.

Resolutions

Senator Young offered the following resolution:

Senate Resolution No. 151.

A resolution to memorialize the Congress of the United States to consider a temporary suspension of a portion of the federal gas tax.

Whereas, After an extended period of stability in the world market, oil prices have escalated significantly in the past several weeks. The sharp rises in per barrel costs, which ripple through virtually all aspects of the economy, have already driven gasoline costs to record levels. Predictions for prices in the near term are for even more increases, possibly to per gallon levels nearly twice those of last summer; and

Whereas, At the root of the increases are actions by the cartel of oil-producing nations. Production levels are being tightly controlled by the OPEC membership, and efforts to return stability to oil supplies by permitting increased production have been frustrating; and

Whereas, The impact of the artificial imbalance being brought to curb oil production levels is perhaps the most serious threat to the strong economy in the United States and many other countries. While rising fuel costs are most readily apparent at the gas pump, oil costs have a major impact on heating costs, virtually all agricultural production, and every aspect of the economy; and

Whereas, As the politics of oil production levels is working its course, steps need to be taken to bring swift relief to the economy. While long-term moves to alternative energy sources and stepped-up domestic production offer the best solution to this problem, there are temporary measures that ought to be explored fully. At a time when our federal government is running a budget surplus, suspending some portion of the federal gas tax, for example, can bring immediate price relief. In addition to the positive financial impact, this action would send the message to our own citizens and OPEC members that our country is committed to stability in energy pricing; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to consider a temporary suspension of a portion of the federal gas tax; 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 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 the resolution be referred to the Committee on Finance.

The motion prevailed.

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Gougeon 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 Gougeon's statement is as follows:

I wanted to bring your attention this morning to a report released yesterday from the Michigan Hospital Association. Before I get into this report, I would just like to comment that all the hospitals that I have in my district—and I have many—and all the hospitals that you have in your districts—and you have many—are considered by all of us to be the crown jewels of our communities. Each of us would do anything we could to preserve the operational ability and the integrity of our hospitals. I'm no exception to that.

Mr. President, the last two years, as chair of the subcommittee on appropriations for community health, I've traveled this state, and I've visited a number of hospitals directly. I've also met with groups of hospital CEOs and CFOs. I'm well aware of the concerns that the Senators in this chamber have about their own hospitals. They've been brought to my attention. And in many cases, on their behalf, I've visited with those hospitals. I've visited with some of the biggest hospitals in the city of Detroit—the Detroit Medical Center. I've spent time with their CFOs, and I've also visited with some of the smallest hospitals in the state of Michigan. Without exception, each of these is the most important they can possibly be to their communities. I couldn't agree more.

Now this Michigan Hospital Association report has done what I consider a very thorough job of examining the status of Michigan hospitals, and it indicates within this report that there's been some \$5.6 billion cut from Medicare in hospitals in this state. It also decries the cuts in Medicaid funding. We've considered all that in our subcommittee, and I want the colleagues to know here on the floor that I'm sympathetic to those views. We've examined them. I've worked with the Senate Fiscal Agency to try to analyze them, but you should also know before you feel some guilt for the words in this report that this body ten years ago was financing Medicaid to the point of \$2.7 billion. Today we finance it to the point of \$5.2 billion. That's an 87 percent increase in Medicaid expenditures through appropriations from this body in just a ten-year period.

Now this report also indicates that \$5.6 billion has been cut from Medicare and that underfunding in the state of Michigan for Medicaid amounts to \$127 million. I think everybody in this body is aware that our subcommittee is totally focused on increasing funding for Michigan's hospitals and doctors far above the \$127 million level. Our subcommittee has increased the expenditures not only for doctors and hospitals, 11 percent and 4 percent, but we've also increased the disproportionate share lately being the amount of money of \$19 million to add to \$45 million from the Rogers amendment.

So we have focused. In fact, our budget this year has been totally focused on doctors and hospitals. I have to say that I'm disappointed that none of that is listed in this report. What is listed in this report is their concern about the 11 percent increase in administrative costs. Today I call on the hospitals to work with me to reduce that by agreeing to Senate Bill No. 938. That is, the billing provisions in Senate Bill No. 938 on covered services. They've disagreed with those billing provisions in the Senate, and they continue to disagree with them in the House. If I had more time, I would explain the degree of that disagreement, but suffice it to say, I call for their support to working with me to solve these high administrative costs.

Senator Jaye's statement is as follows:

No amendment, no piece of legislation can pass without bipartisan cooperation, and particularly in the Senate, I've learned that individual relationships mean more than a political party. And it is very rare, in fact, it's impossible for an amendment to be adopted unanimously without the cooperation of the other side of the aisle. I hope I have an opportunity—Senator Smith I hope you'll join me—to provide a very rare recognition of a bipartisan cooperation. In addition to Senator Harry Gast's kind words of encouragement, I was also very privileged to have a member from the other aisle, one of the ranking members of the Senate Appropriations Committee, to also speak on behalf of the Jaye amendment. So I've got a spring bouquet for the flower from Ann Arbor, Senator Alma Wheeler Smith. Thank you for your kind support.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Hart and Vaughn introduced

Senate Bill No. 1188, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406q.

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

Senators Hart and Vaughn introduced

Senate Bill No. 1189, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416b.

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

Senators Hart and Vaughn introduced

Senate Bill No. 1190, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053g.

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

Senators Stille, Emmons, Gougeon, Bennett, Young, Jaye and Vaughn introduced

Senate Bill No. 1191, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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

Senators Dunaskiss and Young introduced

Senate Bill No. 1193, entitled

A bill to ensure the availability of certain communication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal certain acts and parts of acts.

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

Committee Reports

The Committee on Health Policy reported

Senate Concurrent Resolution No. 33.

A concurrent resolution to urge the Department of Consumer and Industry Services and the Department of Community Health to review health problems associated with tattooing and body piercing.

(For text of resolution, see Senate Journal No. 10, p. 74.)

With the recommendation that the concurrent resolution be adopted.

Dale L. Shugars Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Murphy

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Health Policy reported

Senate Resolution No. 121.

A resolution to urge the Department of Consumer and Industry Services and the Department of Community Health to review health problems associated with tattooing and body piercing.

(For text of resolution, see Senate Journal No. 10, p. 73.)

With the recommendation that the resolution be adopted.

Dale L. Shugars Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Murphy

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Health Policy reported

Senate Bill No. 1043, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7214, 7401, 7402, 7403, and 7404 (MCL 333.7212, 333.7214, 333.7401, 333.7402, 333.7403, and 333.7404), section 7212 as amended by 1998 PA 248, section 7214 as amended by 1982 PA 352, section 7401 as amended by 1998 PA 319, sections 7402 and 7404 as amended by 1994 PA 38, and section 7403 as amended by 1996 PA 249, and by adding section 7401b.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Dale L. Shugars Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

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 Health Policy submits the following:

Meeting held on Tuesday, March 28, 2000, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Murphy

The Committee on Farming, Agribusiness and Food Systems reported

House Bill No. 5196, entitled

A bill to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts.

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

- 1. Amend page 8, line 23, after "March 4, 1907," by striking out "Chapter" and inserting "chapter".
- 2. Amend page 38, line 6, after "section" by striking out "3139" and inserting "3137".
- 3. Amend page 53, line 24, after "MCL 333.12909," by inserting "and rules promulgated under section 12909(3),".
- 4. Amend page 69, line 18, after "of" by striking out "9 C.F. R. part 319" and inserting "part 319 of title 9 of the Code of Federal Regulations".
- 5. Amend page 81, line 5, after "of" by striking out the balance of the line through "381" on line 6 and inserting "part 381 of title 9 of the Code of Federal Regulations".

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

George A. McManus, Jr. Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following: Meeting held on Wednesday, March 29, 2000, at 1:30 p.m., Room 405, Capitol Building Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submits the following:

Meeting held on Tuesday, March 14, 2000, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Goschka and Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources submits the following:

Meeting held on Tuesday, March 28, 2000, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus (C), Gast, Koivisto and DeBeaussaert

Excused: Senator Hoffman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Consumer and Industry Services submits the following:

Meeting held on Wednesday, March 29, 2000, at 1:00 p.m., Senate Appropriations Room, Capitol Building Present: Senators Bennett (C), Stille and Young

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Governing Board submits the following:

Meeting held on Wednesday, March 29, 2000, at 2:00 p.m., Senate Appropriations Room, Capitol Building Present: Senators Gast (C), Schwarz, DeGrow, Cherry and A. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Wednesday, March 29, 2000, at 3:00 p.m., Senate Appropriations Room, Capitol Building Present: Senators McManus (C), Gast and Koivisto

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Wednesdays, April 5 (CANCELED), April 12, and May 10, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Career Development Strategic Fund Agency - Tuesday, April 11, 1:00 p.m., and Tuesday, May 2, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Consumer and Industry Services - Wednesdays, April 5 and April 12, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Environmental Quality - Thursdays, April 6 and May 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Family Independence Agency - Tuesday, April 4, 1:00 p.m., Room 210, Farnum Building; Thursday, April 6, 1:00 p.m., Room 100, Farnum Building; Tuesday, April 11, 1:00 p.m., Room 210, Farnum Building; Thursday, April 13, 3:00 p.m., Room 100, Farnum Building; Tuesday, May 2, 1:00 p.m., Room 210, Farnum Building; and Tuesday, May 9, 1:00 p.m., Room 210, Farnum Building (373-1760)

General Government - Tuesday, May 2, 1:00 p.m., Room 404, Capitol Building; Tuesday, May 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Wednesday, May 10, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, April 12, May 3, and May 10, 1:00 p.m., Room 210, Farnum Building (373-2413)

Natural Resources - Tuesdays, April 4 and May 9, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Transportation - Thursdays, April 6, April 13, and May 11, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Education - Wednesday, April 5, 3:30 p.m., Room 110, Farnum Building (373-7350)

Families, Mental Health and Human Services - Wednesdays, April 5 and April 12, 3:00 p.m., Room 100, Farnum Building (373-3543)

Financial Services - Wednesday, April 5, 9:00 a.m., Room 100, Farnum Building (373-1758)

Law Revision Commission - Friday, April 7, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Michigan National Tower (373-5613)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment Issues - Wednesdays, April 5, 9:00 a.m., 9th Floor Conference Room, S0929 House Office Building; April 12, 10:30 a.m., 8th Floor Conference Room, S0830 House Office Building; Tuesday, April 18, 9:00 a.m., 9th Floor Conference Room, S0929 House Office Building; and Wednesday, April 19, 10:30 a.m., 9th Floor Conference Room, S0929 House Office Building (373-0575)

Natural Resources and Environmental Affairs - Thursday, April 6, 6:00 p.m., Lake Superior State University, Cisler Student and Conference Center - Ontario-Michigan Room, 650 Easterday Avenue, Sault Ste. Marie; and Monday, April 10, 6:00 p.m., Monroe City Hall, Council Chamber, 120 East First Street, Monroe (373-0797)

Transportation and Tourism - Tuesday, April 4, 3:00 p.m., Room 110, Farnum Building (373- 1758)

Senator Rogers moved that the Senate adjourn. The motion prevailed, the time being 10:24 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, April 4, at 10:00 a.m.

CAROL MOREY VIVENTI Secretary of the Senate.