

No. 61
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, September 21, 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
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

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

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

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

We give You thanks, most gracious God, for the beauty of earth and sky and sea; for the richness of mountains, plains, and rivers; for the songs of birds and the loveliness of flowers. We praise You for these good gifts and pray that we may safeguard them for our posterity. Grant that we may continue to grow in our grateful enjoyment of Your abundant creation.

To the honor and glory of Your name, now and forever. Amen.

Motions and Communications

Senators Cherry, DeGrow and Hammerstrom entered the Senate Chamber.

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

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

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

Senators Leland, Bennett, Emmons, Emerson, A. Smith, Young, Miller, Jaye and Stille entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Wednesday, September 20, of:

**Senate Bill Nos. 1321 1322 1323 1324 1325 1326 1327 1328 1329 1330 1331 1332 1333 1334
1335 1336 1337 1338 1342**

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jaye introduced

Senate Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 27 to article I, to recognize a right to access natural resources.

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

Senators Johnson, Hammerstrom, Jaye, Bennett, Goschka, Stille, Shugars, Steil, Rogers, Emmons, Sikkema and Schuette introduced

Senate Bill No. 1363, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289.

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

Senator Bullard introduced

Senate Bill No. 1364, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 203 (MCL 259.203).

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

Senator Hoffman introduced

Senate Bill No. 1365, entitled

A bill to authorize the department of management and budget to convey certain state owned property in the county of Jackson in exchange for certain other property in the county of Jackson.

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

Senator Jaye introduced

Senate Bill No. 1366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36505 and 40114 (MCL 324.36505 and 324.40114), section 36505 as amended by 1998 PA 470 and section 40114 as added by 1995 PA 57.

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

Senator Jaye introduced

Senate Bill No. 1367, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40113c.

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

Senator Jaye introduced

Senate Bill No. 1368, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43541 (MCL 324.43541), as amended by 1996 PA 585.

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

Senator Jaye introduced

Senate Bill No. 1369, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30103 (MCL 324.30103), as added by 1995 PA 59.

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

Senators Hart, DeBeaussiaert, McManus, Dingell, Byrum, Cherry, Young and Murphy introduced

Senate Bill No. 1370, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20196.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Rogers moved that, pursuant to rule 1.114, upon receipt of the following bill returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bill to the Governor:

Senate Bill No. 967

The motion prevailed.

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1339

Senate Bill No. 1340

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

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 Bennett as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1339, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 1, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, 19, 20, 23, 26, 28, 29, 29a, 30, 30a, 30b, 30c, 31, 33, 35, 39, 40, 41, 42, 44, and 45 (MCL 287.701, 287.703, 287.704, 287.705, 287.706, 287.708, 287.709, 287.712, 287.714, 287.715, 287.716, 287.719, 287.720, 287.723, 287.726, 287.728, 287.729, 287.729a, 287.730, 287.730a, 287.730b, 287.730c, 287.731, 287.733, 287.735, 287.739, 287.740, 287.741, 287.742, 287.744, and 287.745), sections 3, 8, 9, 14, 30a, and 30b as amended and section 30c as added by 1998 PA 552, sections 4, 5, 6, 12, 16, 19, 20, 23, 28, 29, 30, 33, 39, 40, 41, 42, and 44 as amended and section 29a as added by 1996 PA 369, section 15 as amended by 1990 PA 40, and sections 26, 31, and 35 as amended by 1994 PA 41, and by adding sections 11a, 11b, 13a, 26a, and 30d; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 41, following line 2, by inserting:

"(11) NOT LESS THAN ANNUALLY, WITHIN 60 DAYS AFTER THE CLOSE OF THE FISCAL YEAR, THE DIRECTOR SHALL MAKE A WRITTEN REPORT TO THE STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE HAVING JURISDICTION ON AGRICULTURAL AND FARMING ISSUES. THE REPORT WILL INCLUDE THE FOLLOWING:

(A) THE AMOUNT EXPENDED FOR BOVINE TUBERCULOSIS ERADICATION DURING THE PRECEDING FISCAL YEAR.

(B) AN EXPLANATION OF THE EXPENDITURES FOR BOVINE TUBERCULOSIS ERADICATION DURING THE PRECEDING FISCAL YEAR.

(C) THE STATUS OF BOVINE TUBERCULOSIS ERADICATION EFFORTS IN MICHIGAN."

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

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

Senate Bill No. 1340, entitled

A bill to create incentives to locate and maintain value-added agricultural processing and production ventures within this state; to create certain funds and advisory boards; to authorize expenditures and grants from the funds; to finance the development of certain programs; to provide for appropriations; and to prescribe the powers and duties of certain state officials.

Substitute (S-1).

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

1. Amend page 3, following line 26, by inserting:

"(7) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to administer this act."

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

Resolutions

Senator McCotter offered the following concurrent resolution:

Senate Concurrent Resolution No. 43.

A concurrent resolution to memorialize the President and the Congress of the United States to support the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

Whereas, For more than fifty years, the North Atlantic Treaty Organization (NATO) has played a pivotal role in promoting stability and peace in Europe. This highly successful venture is predicated on the commitment of its member nations to ideals that closely parallel the precepts of democracy, internationally recognized human rights, and civilian control of the military that are fundamental to the United States; and

Whereas, Since its establishment, NATO has gradually expanded its membership to reflect the changing face of Europe. Countries that have joined this alliance have shared the same commitment to the long-term strength and stability of the region that is vital to our nation and the world. The most recent additions have in common the peaceful transition to a free-market economy after long years under the yoke of Communism; and

Whereas, The Baltic nations of Latvia, Estonia, and Lithuania have clearly demonstrated the principles of NATO. These three countries, each with strong dedication to peace and exemplary records of resisting oppression, have a great deal to contribute to the alliance. Latvia, Estonia, and Lithuania have set examples of the ideals of freedom through their institutions and cultures. The addition of these nations to NATO will only make more secure the bonds of peace and democracy; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President and the Congress of the United States to support the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization; and be it further

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

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Appropriations - Senator Murphy replacing Senator Vaughn.

The standing committee appointment was approved, a majority of the members serving voting therefor.

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

Senate Bill No. 1346

The bill was referred to the Committee on Families, Mental Health and Human Services.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Goschka's statement is as follows:

Earlier this week a very dear cousin of mine, 27 year-old Tonya Sevcech from Chesaning, passed away. All of us in the family loved Tonya. I know that she will be greatly missed by my aunt and her grandma, Shirley Sevcech, as well as by her parents, Tom and Carol Sevcech, by her siblings, and by all the rest who knew her.

This is indeed a sad day for our family, but I very much want to bring to the forefront that people matter, and Tonya Sevcech, my cousin, was a very dear, beautiful young lady, a member of the family who will be greatly missed by all of us.

All of us will have good memories of Tonya Sevcech. We'll remember her fondly, and we will always have warm memories of the joy that she brought to our lives. We loved Tonya, and we always will.

Committee Reports

The Committee on Health Policy reported

House Bill No. 4621, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 24a.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4780, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 24b; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

Senate Concurrent Resolution No. 39.

A concurrent resolution to memorialize the Congress of the United States to reauthorize the Ryan White Comprehensive AIDS Resources Emergency Act.

(For text of resolution, see Senate Journal No. 56, p. 1307.)

With the recommendation that the concurrent resolution be adopted.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, September 19, 2000, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senator Murphy

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 1339, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 1, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, 19, 20, 23, 26, 28, 29, 29a, 30, 30a, 30b, 30c, 31, 33, 35, 39, 40, 41, 42, 44, and 45 (MCL 287.701, 287.703, 287.704, 287.705, 287.706, 287.708, 287.709, 287.712, 287.714, 287.715, 287.716, 287.719, 287.720, 287.723, 287.726, 287.728, 287.729, 287.729a, 287.730, 287.730a, 287.730b, 287.730c, 287.731, 287.733, 287.735, 287.739, 287.740, 287.741, 287.742, 287.744, and 287.745), sections 3, 8, 9, 14, 30a, and 30b as amended and section 30c as added by 1998 PA 552, sections 4, 5, 6, 12, 16, 19, 20, 23, 28, 29, 30, 33, 39, 40, 41, 42, and 44 as amended and section 29a as added by 1996 PA 369, section 15 as amended by 1990 PA 40, and sections 26, 31, and 35 as amended by 1994 PA 41, and by adding sections 11a, 11b, 13a, 26a, and 30d; and to repeal acts and parts of acts.

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.

George A. McManus, Jr.
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 1340, entitled

A bill to create incentives to locate and maintain value-added agricultural processing and production ventures within this state; to create certain funds and advisory boards; to authorize expenditures and grants from the funds; to finance the development of certain programs; to provide for appropriations; and to prescribe the powers and duties of certain state officials.

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.

George A. McManus, Jr.
Chairperson

To Report Out:

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

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 Farming, Agribusiness and Food Systems submits the following:

Meeting held on Tuesday, September 19, 2000, at 2:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

The Committee on Financial Services reported

House Bill No. 5066, entitled

A bill to establish conditions to the transfer of structured settlement rights; to establish a procedure for approval of the transfer of structured settlement rights; and to create circuit court jurisdiction for proceedings for approval of structured settlement rights.

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars, Miller and Leland

Nays: None

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

The Committee on Financial Services reported

House Bill No. 5537, entitled

A bill to authorize and provide the terms and conditions under which information and signatures can be transmitted, received, and stored by electronic means.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Shugars, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, September 20, 2000, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Emmons, Dunaskiss, Shugars, Miller and Leland

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

Senate Bill No. 1064, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 409 (MCL 436.1409) and by adding section 411.

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, Steil, 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

Senate Bill No. 1341, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 1998 PA 416.

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, Steil, 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 Wednesday, September 20, 2000, at 2:15 p.m., Room 210, Farnum Building

Present: Senators Schuette (C), McCotter, Steil, Leland and Peters

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Public hearing held on Tuesday, September 19, 2000, at 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submits the following:

Meeting held on Wednesday September 20, 2000, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gougeon (C), McManus and DeBeaussiaert

Scheduled Meetings

Appropriations - Wednesday, September 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Retirement - Tuesday, September 26, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1777)

Economic Development, International Trade and Regulatory Affairs - Tuesday, September 26, 1:00 p.m., Room 110, Farnum Building (373-7946)

Legislative Retirement Board of Trustees - Thursday, September 28, 3:00 p.m., Room H65, Capitol Building (373-0575)

Michigan Capitol Committee - Tuesday, October 3, 12:00 noon, Room 405, Capitol Building (373-0289)

Senate Fiscal Agency Governing Board - Wednesday, September 27, 3:00 p.m. or immediately following Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Transportation and Tourism - Tuesday, September 26, 3:00 p.m., Room 110, Farnum Building (373-1758)

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:35 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, September 26, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.