

No. 44
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, May 22, 2001.

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—excused
Emerson—present
Emmons—present
Garcia—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
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Mike Goschka of the 33rd District offered the following invocation:

Our Father, we do thank You. You are God, and despite all things that go on in each of our lives, You are in control and You are sovereign. Anything that goes on in our lives and in this state, ultimately, You are the only one with whom we have to do.

We pray that as we deliberate this week on the various matters before the Senate and on this day that we will take our responsibilities seriously; that we will recognize Your calling in our lives to bring us to this place.

We also pray, in particular, for the leaders of the caucuses, Senator Dan DeGrow and Senator John Cherry, Jr., that You will give them wisdom and that You will give them power.

We pray that Your will be done in our state and in this chamber and You truly receive honor and glory in each of us. I pray this all in the name of Jesus Christ. Amen.

Senators Hoffman and Gast entered the Senate Chamber.

Motions and Communications

Senator Emerson moved that Senator Vaughn be excused from this week's sessions.
The motion prevailed.

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

Senator Emmons moved that Senator Dunaskiss be excused from today's session.
The motion prevailed.

Senator Schwarz entered the Senate Chamber.

Senator Emmons moved that rule 2.106 be suspended to allow the Select Committee to Examine Qualifications of Senator Jaye to meet during Senate session.

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

Senator Emmons moved that rule 3.902 be suspended to allow her guests admittance to the Senate floor, including the center aisle.

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

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:07 a.m.

10:15 a.m.

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

During the recess, Senator Hammerstrom introduced to the Senate the Bedford High School Varsity Girls Volleyball Team, Division I State Champions, and presented them with a special tribute.

Coach Manore responded briefly.

During the recess, Senator Bullard entered the Senate Chamber.

The following communication was received:
Department of Transportation

April 10, 2001

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2000.

The report is being forwarded to the Legislature for their information pursuant to Section 10e(21) of Act 51 of Public Acts of 1951, as amended.

Sincerely,
Gregory J. Rosine
Director

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, May 17, for his approval the following bills:

Enrolled Senate Bill No. 38 at 3:35 p.m.
Enrolled Senate Bill No. 104 at 3:37 p.m.
Enrolled Senate Bill No. 150 at 3:39 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, May 17, of:

Senate Bill Nos. 477 478 479
House Bill Nos. 4779 4780

The Secretary announced the printing and placement in the members' files on Friday, May 18, of:

House Bill No. 4796

The Secretary announced the printing and placement in the members' files on Monday, May 21, of:

Senate Bill Nos. 480 481 482 483 484 485 486 487 488 489 490 491 492 493
494 495 496 497 498
House Bill Nos. 4781 4782 4783 4784 4785 4786 4787 4788 4789 4790 4791 4792 4793 4794
4795

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Emmons 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 Byrum 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. 152, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 1997 PA 29, and by adding section 3103a.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 7, line 4, after "HAVE" by striking out "NOT".
2. Amend page 7, line 5, after "APPROPRIATE" by inserting a comma and "DURING THE PREVIOUS 12 MONTHS."
3. Amend page 7, line 16, after "APPROPRIATE," by striking out "ARE NOT" and inserting "HAVE BEEN".
4. Amend page 7, line 17, after "METHODS" by inserting "DURING THE PREVIOUS 12 MONTHS".
5. Amend page 8, line 1, by striking out all of subsection (5) and inserting:

"(5) THE OWNER OR OPERATOR OF AN OCEANGOING VESSEL OR A NONOCEANGOING VESSEL THAT IS NOT ON AN APPLICABLE LIST PREPARED UNDER SUBSECTION (4) AND ANY PERSON WHO USES AN OCEANGOING VESSEL OR A NONOCEANGOING VESSEL FOR SHIPPING THAT IS NOT ON AN APPLICABLE LIST PREPARED UNDER SUBSECTION (4) ARE NOT ELIGIBLE FOR A GRANT, LOAN, OR AWARD ADMINISTERED BY THE DEPARTMENT."

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 Emmons moved that consideration of the following concurrent resolution be postponed for today:

Senate Concurrent Resolution No. 11

The motion prevailed.

Senators Scott, Young, Smith, Murphy, DeBeaussaert, Miller, Peters, Bullard, Hart, Byrum, North, Schuette, Bennett, Sikkema, Jaye, Steil, Goschka, Hoffman, Cherry, Garcia, Shugars, Johnson, Dingell and Leland offered the following resolution:

Senate Resolution No. 68.

A resolution to urge the Department of Management and Budget to ensure accessibility to parking at fair rates for state employees being transferred to the Cadillac Place facility in Detroit.

Whereas, With the recent acquisition by the state of the old General Motors Building in Detroit, hundreds of state employees previously working at other facilities in and around the city will now be transferred to Cadillac Place. The state employees making the move are now being told that parking costs for their new workplace may range as high as \$125 per month; and

Whereas, General Motors, which offered free parking to its employees working in the building, maintained its control of the parking facility when it transferred the building to the state. The transferred state employees will now be expected to absorb what amounts to a significant reduction in net compensation through parking fees that may run well over \$1,000 a year. Previously, most of these workers paid \$16 per month at the State Plaza, and some, at other locations in the area, paid nothing for parking. There is little doubt that the new arrangement, which would amount to considerably more than state employees pay in Lansing, represents a major burden for these workers; and

Whereas, The individual employees to be impacted by the new rates have, rightfully, expressed their deep disappointment in the new arrangements and hope that steps can be taken to rectify this unfair situation. Clearly, it is appropriate for state authorities to do all they can to address these legitimate concerns and assure a fair resolution of this problem; now, therefore, be it

Resolved by the Senate, That we urge the Department of Management and Budget to ensure accessibility to parking at fair rates for state employees being transferred to the Cadillac Place facility in Detroit; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Management and Budget.

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

Recess

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

The motion prevailed, the time being 10:25 a.m.

10:31 a.m.

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

Introduction and Referral of Bills

Senator Shugars introduced

Senate Bill No. 499, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by repealing chapter 37 (MCL 500.3701 to 500.3728).

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

Senator Shugars introduced

Senate Bill No. 500, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 244 (MCL 500.244), as amended by 1992 PA 182.

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

Senators Schuette, Byrum, Bullard, Hammerstrom, Steil, Garcia and Goschka introduced
Senate Bill No. 501, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2000 PA 297.

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

Senator Hoffman introduced

Senate Bill No. 502, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," (MCL 259.1 to 259.208) by adding section 80f.

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

Senators Garcia and Steil introduced

Senate Bill No. 503, entitled

A bill to regulate deferred presentment service for issued checks; to provide for licensing and fees; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Senators Bennett, Steil, Sikkema, Bullard and McCotter introduced

Senate Bill No. 504, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8121, 8123, and 8130 (MCL 600.8121, 600.8123, and 600.8130), section 8121 as amended by 2000 PA 449, section 8123 as amended by 2000 PA 448, and section 8130 as amended by 1988 PA 135.

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

Senator Hoffman introduced

Senate Bill No. 505, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 12 of chapter XVII (MCL 777.1 and 777.12), section 1 of chapter XVII as amended by 2000 PA 279 and section 12 of chapter XVII as amended by 2000 PA 459.

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

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 464, 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 the title and sections 1a, 6, 6c, 25, and 26 (MCL 490.1a, 490.6, 490.6c, 490.25, and 490.26), the title as amended and section 6c as added by 1986 PA 278, section 1a as amended by 1995 PA 163, section 6 as amended by 1993 PA 246, and sections 25 and 26 as amended by 1992 PA 246, and by adding sections 25a, 25b, and 25c.

With the recommendation that the bill pass.

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

Valde Garcia
Chairperson

To Report Out:

Yeas: Senators Garcia, Shugars, Goschka, Steil, Miller and Scott

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submits the following:
 Meeting held on Thursday, May 17, 2001, at 9:00 a.m., Room 210, Farnum Building
 Present: Senators Garcia (C), Shugars, Goschka, Steil, Miller and Scott
 Excused: Senator Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources submits the following:
 Meeting held on Wednesday, May 16, 2001, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators McManus (C), Gast, Hoffman, Koivisto and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:
 Meeting held on Thursday, May 17, 2001, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Gast (C), Schwarz, McManus, Gougeon, Johnson, Koivisto, Smith and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:
 Meeting held on Thursday, May 17, 2001, at 3:00 p.m., Room 210, Farnum Building
 Present: Senators Bennett (C), Johnson, Stille, Peters and Leland

Scheduled Meetings

Appropriations - Wednesday, May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Banking and Financial Institutions - Thursday, May 24, 9:00 a.m., Room 210, Farnum Building (373-2420)

Families, Mental Health and Human Services - Wednesday, May 23, 3:00 p.m., Room 100, Farnum Building (373-3543)

Financial Services - Wednesday, May 23, 9:00 a.m., Room 100, Farnum Building (373-1758)

Human Resources and Labor - Wednesday, May 23, 1:00 p.m., Room 110, Farnum Building (373-1801)

Hunting, Fishing and Forestry - Wednesday, May 23, 8:30 a.m., Room 110, Farnum Building (373-2426)

Judiciary - Wednesday, May 23, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Legislative Retirement Board of Trustees - Wednesday, May 23, 3:00 p.m., Room 252, Capitol Building (373-0575)

Senator Emmons moved that the Senate adjourn.
 The motion prevailed, the time being 10:34 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, May 23, at 10:00 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate.