

No. 16
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 25, 1999.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
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
Koivisto—present
Leland—excused
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—present
Young—present

Pastor Dave Friedkin of First Baptist Church of St. Clair offered the following invocation:

Loving Heavenly Father, great and merciful God Almighty, it's our privilege as Your children to stand before You this morning with bowed heads. May our posture truly represent our willing and submissive hearts and attitudes before You, as we have met to carry out Your business on behalf of your people in this state!

Forgiving God, we acknowledge our propensity to stray from the standard of holiness and righteousness that You've set before us in Your Word and by Your works. From our President to the pastors and priests whom You have raised up as leaders, both politically and spiritually, we confess our moral failures and sins. We acknowledge that instead of leadership, which has been inspiring, it has, at times, been infectious to our people. We've perpetuated the sin of our forefathers whereby every man has done that which is right in our own eyes.

O God, this morning we praise You anew for the forgiveness You grant us for the patience with which You deal with us and for the unmerited grace with which You have chosen to love us. May we, Your servants, seek this day the higher standard of Your character as we carry out the responsibilities entrusted to us by the people. May we seek Your wisdom and direction in our affairs this day. God, grant Your blessing and provisions to the meeting of each of the needs represented by those in this legislative session.

We pray these things to Your glory and in recognition of Your supreme worthiness, thanking You for being a God who loves us and provides for our eternal salvation. Through Jesus Christ our Lord we pray. Amen.

Motions and Communications

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

Senator V. Smith moved that Senator Miller 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.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

January 8, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Arts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:18 p.m. this date, administrative rule (99-01-3) for the Department of Environmental Quality, Drinking Water and Radiological Protection Division, entitled "*Supplying Water to the Public*," effective 15 days hereafter.

February 3, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Arts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:30 a.m. this date, administrative rule (99-02-1) for the Department of Consumer and Industry Services, Director's Office, entitled "*Marriage and Family Therapy*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, February 24:
House Bill No. 4103

The Secretary announced the printing and placement in the members' files on Wednesday, February 24 of:
Senate Bill No. 390

Senators Young and Cherry entered the Senate Chamber.

Messages from the House

Senate Bill No. 60, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402b (MCL 550.1402b), as added by 1996 PA 516.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 12, after "COVERAGE" by striking out the balance of the subdivision and inserting "AND IS NOT ELIGIBLE FOR MEDICARE OR MEDICAID."
2. Amend page 3, line 15, by striking out "THE" and inserting "A".
3. Amend page 3, line 15, after "CORPORATION" by inserting a comma and "A HEALTH INSURER, OR A HEALTH MAINTENANCE ORGANIZATION".
4. Amend page 3, following line 15, subdivision (E), after "PERSON" by striking out "IS" and inserting "WAS".
5. Amend page 3, line 18, by striking out all of enacting section 1.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the amendments made to the bill by the House,

Senator Miller entered the Senate Chamber.

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 35

Yeas—35

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

Nays—0

Excused—2

Dunaskiss	Leland
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Not Voting—0

In The Chair: President

Senator Dunaskiss entered the Senate Chamber.

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Rogers moved that rule 3.902 be suspended to allow the Peach Queen, the guest of Senator Jaye, admittance to the Senate floor.

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

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 51, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 613a (MCL 168.613a), as amended by 1995 PA 87.

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. 36

Yeas—35

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

Nays—1

McCotter

Excused—1

Leland

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 102, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as added by 1998 PA 328.

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. 37**Yeas—32**

Bennett	Emerson	McCotter	Shugars
Bullard	Emmons	McManus	Sikkema
Byrum	Goschka	Miller	Smith, A.
Cherry	Gougeon	Murphy	Smith, V.
DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Van Regenmorter
Dingell	Hoffman	Rogers	Vaughn
Dunaskiss	Koivisto	Schuette	Young

Nays—4

Gast	Jaye	Schwarz	Stille
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Excused—1

Leland

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Schwarz moved that his name be removed as co-sponsor of the following bill:

Senate Bill No. 102

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, Lieutenant Governor Posthumus, designated Senator Young 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 without amendment, the following bill:

Senate Bill No. 201, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 803 (MCL 168.803), as amended by 1997 PA 137.

The bill was placed on the order of Third Reading of Bills.

Introduction and Referral of Bills

Senators DeBeaussaert, Peters, A. Smith, Young and Byrum introduced

Senate Bill No. 391, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 6.

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

Senator Bennett introduced

Senate Bill No. 392, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 1996 PA 574.

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

Senator Dingell introduced

Senate Bill No. 393, entitled

A bill to enact the uniform principal and income act; to prescribe the manner in which receipts and expenditures of trusts and estates are credited and charged between income and principal; to make uniform the law with respect to principal and income allocation; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senator Dingell introduced

Senate Bill No. 394, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3133.

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

House Bill No. 4103, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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. 125, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 732 (MCL 257.320a and 257.732), section 320a as amended by 1998 PA 350 and section 732 as amended by 1998 PA 348.

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

1. Amend page 13, following line 25, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2000." and renumbering the remaining enacting section.

Ken Sikkema
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 126, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81134, 81135, and 82141 (MCL 324.81134, 324.81135, and 324.82141), section 81134 as amended by 1998 PA 355 and sections 81135 and 82141 as added by 1995 PA 58.

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

1. Amend page 8, following line 7, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2000." and renumbering the remaining enacting section.

Ken Sikkema
Chairperson

To Report Out:

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

Nays: None

The bill and the amendment 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, February 23, 1999, at 3:00 p.m., Room 810, Farnum Building

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

Scheduled Meetings

Administrative Rules Joint Committee - Thursday, March 4, at 2:30 p.m., Rooms 402 and 403, Capitol Building (3-6476).

Economic Development, International Trade and Regulatory Affairs Committee - Tuesday, March 2, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:30 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, March 2, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

