

No. 57

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, June 17, 1999.

12:00 Noon.

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—present
Young—present

Reverend Dale Parsons of North Branch Wesleyan Church of North Branch offered the following invocation:

Heavenly Father, in the wonderful name of Jesus Christ of Nazareth we come before You today. We ask for Your help, Lord, that what we do today is ordained of You. The word tells us that You have ordained the powers that be. Father, we thank You for giving us the privilege. Those who work in this room and stand before You, Father, and do Your bidding. We ask Your blessing, Father, upon every member and upon every person. We ask for Your presence in this place and seek Your help and Your assistance. Father, we seek to honor You and glorify You. Work Your will among us today, and be with those as they go on vacation this summer, Father, as they take a rest from duties of this office. Dear Lord, may Your blessing be upon them as they return. Thank You for what You do among us today and for Your presence most of all. In Jesus' name we pray. Amen.

Motions and Communications

The following communications were received:

Office of the Auditor General

June 15, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Michigan Commission on Law Enforcement Standards Division and the Training Division, Office of Organizational Development, Michigan Department of State Police, June 1999.

June 15, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Mid-Michigan Correctional Facility, Department of Corrections, June 1999.

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communications were referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 16, for his approval the following bills:

Enrolled Senate Bill No. 151 at 4:48 p.m.

Enrolled Senate Bill No. 381 at 4:50 p.m.

Enrolled Senate Bill No. 528 at 4:52 p.m.

Enrolled Senate Bill No. 558 at 4:54 p.m.

Enrolled Senate Bill No. 571 at 4:56 p.m.

The Secretary announced the printing and placement in the members' files on Tuesday, June 15 of:

Senate Bill Nos. 642 643 644 645 646 647 648 649 650 651

The Secretary announced the printing and placement in the members' files on Wednesday, June 16 of:

**House Bill Nos. 4767 4768 4769 4770 4771 4772 4773 4774 4775 4776 4777 4778 4779 4780
4781 4782 4783 4784 4785 4786 4787 4788 4789 4790 4791 4792 4793 4794
4795**

Senators V. Smith, Schwarz, Hoffman, Dunaskiss, Sikkema, McCotter, North, Hammerstrom, Dingell and Johnson entered the Senate Chamber.

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Miller, Emmons, Young, Gougeon, Gast and McManus entered the Senate Chamber.

Senators Schwarz, McCotter, Cherry, Hammerstrom, Miller, Byrum, McManus, Goschka, North, Shugars and Stille asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schwarz's statement is as follows:

The Kellogg Company, which is the largest employer in my district and for almost 100 years has been a major employer, this morning announced that they are planning to close their south plant, which is their oldest plant in Battle Creek, and displace 700 workers. This follows a cut of over 500 salaried individuals in November of 1998, and three years prior to that, a cut of 1,000 hourly employees in the Battle Creek plant. Neither myself nor the Governor's office nor Battle Creek Unlimited (the economic development arm of Battle Creek) nor the Michigan Economic Development Corporation nor anyone was informed that this move was coming, or what the move was going to be other than a phone call for a meeting this morning at 7:00 a.m., which I attended with a number of other people, including Representative Schauer, who represents Battle Creek in the House of Representatives.

I think this is the most irresponsible corporate behavior that I've ever witnessed in 20 years of holding office and a lifetime of observing that company. My family has been a stockholder in the Kellogg Company for over 60 years. I maybe am one of the only people still around who had the opportunity to shake the hand of and talk with both John Harvey and W.K. Kellogg. This obviously happened when I was very young, but it did happen on a number of occasions.

The state was not given the opportunity to confer with the Kellogg Company or to prepare any sort of response to the Kellogg Company in perhaps trying to turn this decision around. There's a 60-day cooling off period now in the contract required by the federal law. I am barely hopeful that at least some of this decision can be turned around.

What hurts more than anything else and what really rubs our nose in it in Michigan is those jobs—some of them—are going to be sent to Omaha, Nebraska, or to Lancaster, Pennsylvania, or to Memphis, Tennessee, or to London, Ontario. The state of Michigan and the city of Battle Creek have bent over backwards for the last three decades to cooperate with the Kellogg Company, and we are not unappreciative of what the company has done for Battle Creek. They have responded in kind up until about eight or nine years ago when that response stopped, and that also coincided with the time that numbers of their officers retired and other corporate officers took over the company.

I thought the body should know and want to go on record as observing that this is unacceptable corporate behavior. We understand that people need to do things in a corporation to keep the corporation alive, to keep it vibrant, and to keep it in good financial health, but we're here to help. Corporate assassins parachuting into a corporate board room making decisions that are going to affect the lives of probably, at a minimum, 500 families in Battle Creek, Michigan, who have mortgages to pay, college tuitions to pay, food to put on the table, and car payments to make is absolutely irresponsible behavior. I want to go on record, Mr. President, as indicating that it is just exactly that.

Senator McCotter's statement is as follows:

My intern, Paul Cusick, from Catholic Central has done a wonderful job in my office. He will be leaving shortly, and I just wanted to thank him for all of his efforts. I wanted the body to know that he has been the recipient of the Presidential Scholarship, which is a very coveted scholarship, and very few of them are given out. Obviously, he's a man of great intelligence. He has a long future ahead of him, hopefully in the private sector where he can be productive. I wish him the best.

Senator Goschka entered the Senate Chamber.

Senator Cherry's statement is as follows:

Mr. President, I can fully appreciate the disappointment and chagrin that the good Senator from the 24th District just explained on the Senate floor regarding the recent announcement by Battle Creek's major corporate citizen. That kind of decision is a decision that has more than business implications; it reverberates through a community, and it causes consternation, stress and disappointment within families. It raises real questions about the future not only of a community, but the individuals who live within it. I can appreciate the challenge that confronts him and his community.

I know that we are facing right now in Genesee County, General Motors is making a very similar decision about Buick City in which they're closing down a complete Buick manufacturing operation that was rated by J.D. Powers as the world's most efficient assembly plant, which is no insignificant accomplishment. This goes to show that you can do your best work and still not achieve the kind of corporate commitment that good work and dedication and company loyalty would expect.

I can fully sympathize with the good Senator from the 24th District. My heart goes out to his community. It's unfortunate that Michigan sees this behavior from one community to the next by its corporate citizens. Buick City is a devastating blow to Genesee County, but it's not the first blow that that county's taken. General Motors has repeated this from time to time over the last decade. It's unfortunate our hard working citizens' communities that have made commitments to major corporations, both in terms of infrastructure and tax consideration, are treated so cavalierly. I would hope that at some point here Michigan will see better days in that respect.

Senator Hammerstrom's statement is as follows:

I'd like my colleagues to recognize today one of my staff members who will be leaving us during the summer. Joan Cripe first started working in the legislative process when she worked for then-Representative Frank Fitzgerald part-time when she was a student at Michigan State. When she graduated, she came to work full-time in my office in the House and has moved over with me into the Senate and has served as my committee clerk since she's been here in the Senate.

Many of you may not realize, but a little over a year ago, Joan had a very exciting experience when she became engaged in the Rose Garden of the White House. Her future husband is also a member of a staff here in Lansing and engaged this as a surprise to her. So she will be getting married. Keeping with that historical tradition, they will be getting married over the 4th of July weekend. But then later in the summer, she's going to be moving to New York because she's going to be entering law school at Albany University.

So I know my office is going to miss Joan a lot, but we wish her all the best for her future happiness and success. Thank you, Joan.

Senator Miller's statement is as follows:

I have some sad news today to report. That is, you know, we work here in this body, all 38 of us, and our job is made a lot easier, Mr. President, because of the great staff and support team that we have here all the way down from the Secretary of the Senate to the Sergeants and the Technicians. When I first came here, this gentleman had already been here for 15 years, since 1961. He left these chambers in 1993. He spent almost 32 years here, Mr. President, and that's Marty Selfridge who, when he left here and when you hear that he worked here for 32 years, you think he must have been a real elderly man. He started here as a 19-year-old and spent the better part of his life here because he was only 56 years old when he died June 3 of this year of cancer.

Today, Mr. President, was the celebration of life at 11:00 a.m. In this chamber, as you can see, we're doing the business for all the people of Michigan, and I'm sure that Marty would be looking down today because he spent so many years here. Like I said, when he left here in 1993, he was the main technician—chief Senate Technician—and he was the one—you never saw him too much—who made things in this chamber work, such as the lights glowing, the sound being loud enough and making sure that this Senate Chamber looked as elegant as it does today.

Being that Marty spent so many years here and made this a better body for all of us, I think that this chamber owes him a moment of silence since they are now celebrating a mass on his behalf this morning at 11:00 a.m. I hope that we would give Marty Selfridge a moment of silence for the 32 years of service that he dedicated to make Michigan a better state for all the millions of people who never knew him but realized that he was the one behind the scenes who helped make this body a better body for all us to work in.

A moment of silence was observed for the memory of Marty Selfridge.

Senator Byrum's statement is as follows:

I, too, in my office have to acknowledge that to all things there is a season. I've had a young woman who has been with me for a year and a half, and she has just in the last several months been my right hand person on the floor of the Senate. She has decided to pursue a life-long dream of hers. She's been accepted to American University, the Washington College of Law. Over the summer she will be leaving my office and going to Washington, D.C., to pursue a career in law. I would like to recognize Stacia Borrello and thank her for all of her good work on behalf of the citizens, clearly, of the 25th District and all of the state of Michigan.

Senator Bullard entered the Senate Chamber.

Senator McManus' statement is as follows:

I was shocked as I walked in the chamber this morning to hear Senator Schwarz talking about the possible and probable loss of a major agricultural processing firm from the state of Michigan.

Early in this session, our leader asked me to chair a committee task force on farmland preservation. I said I would chair a committee not on farmland preservation, but on agricultural preservation. Preserving farmland is of no use unless we have some farmers to farm it. And farmers can't farm it if they don't have a market for their products. One of the things that we've seen happen in Michigan in the last 18 to 24 months is the loss of a considerable number of agricultural processing firms. In our hearings, we related that there were 2,700 jobs lost up until this morning. According to the Senator's comments, now we can add 500 more, so we're up to 3,200 jobs lost in the factory. That doesn't include what happens out on the farm.

The Kellogg Company is a major user of grain. That cereal you eat comes from wheat and oats and corn, and it's grain raised on farms in the state of Michigan. Now Kellogg will probably continue to make cereal someplace else, but are they going to be using Michigan grain? And if they do, we have to transport it to wherever they're at, which places the Michigan farmer at a tremendous disadvantage. This state is a peninsula; there is only one way out to the south. That increases our transportation costs considerably.

So I want to add my remarks to the good Senator's on the importance, number one, of keeping this plant in Michigan. But I also want to indicate the tremendous loss it is to Michigan farm communities for our processing plants to move out and not provide our farmers with a market. If our farmers don't have a market and they don't have a place to sell their stuff, they're not going to be there, and that land will not be preserved for farming because there isn't any place to sell the goods. It's happened in the livestock business, it's happened in the fruit business, and now it's happening in the grain business.

I want to add my assistance in any way possible to keep these plants in Michigan. We need to have a market for our ag products. We don't need our processing firms moving out. If there is anything we can do in state government to keep them here, I will be willing to assist, and I hope the other 37 of you would also be willing to assist. Our ag preservation committee task force is trying to address these issues on some things we can do in state government. Some of these decisions are federally affected; others are company decisions. But let it be known that the loss of a company like this is not only a loss for jobs in the factory where they grind up the corn, it's also a major loss out in the farm community that affects not only income to farmers, but it affects our environment.

Senator Goschka's statement is as follows:

I would like to direct your attention to the east balcony, where we're very fortunate to have today in our presence Ms. SueZahn Belle Lyons. She is the fiancée of my Chief of Staff, Peter Eric Simmons. They are going to be married on August 7, 1999, at 3:00 p.m., at the First Congregational Church of Ann Arbor. She is the daughter of Roland Becker "Bob" Lyons and Betty Zahn Lyons. We are very proud to have the very beautiful SueZahn Belle Lyons here today. I would ask that she would stand so that we could all give her a very warm Senate welcome.

Senator North's statement is as follows:

As many of you are probably aware, I was raised in the community of Battle Creek. I was an employee of the Kellogg Company, worked there nights and went to school days at Western Michigan University. My step-father actually built part of the manufacturing facility there. My mother still lives there, and I am down there weekly to visit her. She lives three doors down from my distinguished colleague, Senator Schwarz.

I just want to echo his remarks about the fact that this shot just came out of the blue. There was no contact with the appropriate agencies which should have had input into this decision-making. I certainly concur in Senator Schwarz's remarks that it is the height of corporate irresponsibility.

Senator Shugars' statement is as follows:

I rise in response to the announcement today, and I hope over the summer break that all my colleagues both in the House and the Senate and the Administration find out what particularly were the reasons for this. Obviously, we know some of the business-related reasons, but I think it is very, very important that the elected officials of this state find out every single possible thing that we could do to prevent this from happening in other communities in this state. It may be tax policy, it may be product liability, it may be labor laws, or it may be whatever. But we better really be thinking about that over this summer and in the fall be prepared because I think that you're going to start seeing more and more of this happening as businesses and manufacturing facilities become obsolete not only from old age, but economic obsolescence and the incentive to rebuild. As they rebuild, they're going to look at other states and other countries that are more competitive from all costs of doing business. My suggestion is that we all put on our thinking caps and look at everything because if we don't, we're going to continuously hear these type of stories occurring. We better sharpen our pencils and make sure that we have the best policies possible in the future for the state so these things don't happen or we minimize them.

Senator Stille's statement is as follows:

I have the pleasure today of having with me my number one grandson. I know you don't believe I am old enough to have a ten-year-old grandson, but this is living proof. And I would like my colleagues to welcome my grandson, Justin, who is spending the day with me today.

Also, today is the last day in my office for Todd Harcek, who has been with me a little over a year and served me extremely well here in the Senate. I would just like to have all of my patriots here give Todd a warm sendoff. He's going to be going over to the House to join Marc Shulman's office. He's done an admirable job for me, and I know he'll continue his efforts over there in a great way. So I'd like you to join me in wishing Todd the best of luck on the other side of the Capitol.

By unanimous consent the Senate returned to the order of
Resolutions

Senator Rogers offered the following concurrent resolution:

Senate Concurrent Resolution No. 17.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, June 17, 1999, it stands adjourned until Tuesday, September 21, 1999, at 10:00 a.m. for the Senate and 2:00 p.m. for the House of Representatives.

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 concurrent resolution was adopted.

Senator Rogers offered the following concurrent resolution:

Senate Concurrent Resolution No. 18.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, June 17, 1999, it stands adjourned until Tuesday, September 21, 1999, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Friday, June 18, 1999, it stands adjourned until Tuesday, September 21, 1999, at 2:00 p.m.

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 concurrent resolution was adopted.

Senator McManus offered the following resolution:

Senate Resolution No. 73.

A resolution to request the Michigan Board of Dentistry to reconsider disciplinary subcommittee sanctions imposed on Kimberlee Miller, and to clarify who may lawfully engage in the practice of teeth whitening to the general public.

Whereas, Health professional licensing boards have been created by the Michigan Legislature to protect the health, safety, and welfare of Michigan citizens by ensuring that providers meet required standards of practice; and

Whereas, An allegation was made against Kimberlee Miller, a dental hygienist, for alleged violations of the Public Health Code resulting in the practice of teeth whitening to consumers without the supervision of a dentist; and

Whereas, An administrative law judge who heard testimony on this case found no violation of the dental statutes or rules that had been cited in the complaint and found that the procedure of teeth whitening was not within the scope of the practice of dentistry; and

Whereas, A disciplinary subcommittee of the Board of Dentistry rejected the administrative law judge's findings and rewrote the decision; and

Whereas, The disciplinary subcommittee imposed a sanction consisting of the revocation of Ms. Miller's license for six months and a fine of \$3,000; and

Whereas, This decision is the final decision of the board and is appealable only to the Court of Appeals; and

Whereas, The United States Food and Drug Administration (FDA) has not taken an official position on the regulation of teeth whitening products, and, as a result of a court case brought by one of the manufacturers, the agency agreed in 1992 to further evaluate the status of tooth bleaching preparations to determine if they should be regulated as "new drugs" or as "cosmetics"; and

Whereas, The FDA has not yet completed that evaluation, yet the disciplinary subcommittee of the Board of Dentistry ruled in their final order that the FDA currently considers tooth whitening preparations containing carbamide peroxide as a "new drug"; now, therefore, be it

Resolved by the Senate, That the membership of this legislative body believes that the sanctions imposed on Kimberlee Miller by the Michigan Board of Dentistry were severe considering lawful parameters of practice have not been clarified through statute or administrative ruling and the FDA has not taken an official position on the status of teeth whitening preparations in the market; and be it further

Resolved, That the Michigan Senate, therefore, requests that the disciplinary subcommittee of the Board of Dentistry reconsider the sanctions it imposed against Ms. Miller and clarify who may lawfully engage in the practice of teeth whitening to the general public; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Board of Dentistry.

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

Senator Goschka was named co-sponsor of the resolution.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 544, entitled

A bill to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending sections 1, 4a, 4g, 4j, and 4q (MCL 205.51, 205.54a, 205.54g, 205.54j, and 205.54q), section 1 as amended by 1998 PA 451, section 4a as amended by 1998 PA 490, section 4g as amended by 1998 PA 60, section 4j as added by 1985 PA 225, and section 4q as added by 1998 PA 258, and by adding sections 4r, 4t, 4u, 4v, 4w, 4y, and 4z.

The House of Representatives has concurred in the Senate substitute (S-4) to the House substitute (H-6) and agreed to the title.

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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

Senate Bill No. 405, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d.

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. 434

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bullard, Gougeon and McManus introduced

Senate Bill No. 666, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending sections 1, 2, 3, 6, 8, 10, 12, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 51, 52, 53, 54, 101, 102, 103, 104, 105, 106, 151, 152, 153, 154, 155, 156, 157, 158, 161, 191, 192, 199, 200, 221, 222, 223, 241, 242, 243, 244, 245, 247, 261, 262, 263, 265, 266, 267, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 301, 302, 303, 304, 306, 307, 322, 322b, 323, 324, 326, 327, 328, 391, 392, 393, 395, 421, 422, 423, 425, 429, 430, 431, 433, 463, 464, 465, 466, 467, 468, 469, 472, 473, 474, 476, 478, 483, 490, 491, 499, 513, 515, 517, 518, 519, 520, 521, 524, 525, 532, 540, 541, 601, 602, 626, and 627 (MCL 280.1, 280.2, 280.3, 280.6, 280.8, 280.10, 280.12, 280.21, 280.23, 280.24, 280.25, 280.26, 280.27, 280.28, 280.29, 280.30, 280.31, 280.32, 280.33, 280.51, 280.52, 280.53, 280.54, 280.101, 280.102, 280.103, 280.104, 280.105, 280.106, 280.151, 280.152, 280.153, 280.154, 280.155, 280.156, 280.157, 280.158, 280.161, 280.191, 280.192, 280.199, 280.200, 280.221, 280.222, 280.223, 280.241, 280.242, 280.243, 280.244, 280.245, 280.247, 280.261, 280.262, 280.263, 280.265, 280.266, 280.267, 280.269, 280.270, 280.273, 280.274, 280.275, 280.276, 280.277, 280.278, 280.279, 280.280, 280.282, 280.283, 280.301, 280.302, 280.303, 280.304, 280.306, 280.307, 280.322, 280.322b, 280.323, 280.324, 280.326, 280.327, 280.328, 280.391, 280.392, 280.393, 280.395, 280.421, 280.422, 280.423, 280.425, 280.429, 280.430, 280.431, 280.433, 280.463, 280.464, 280.465, 280.466, 280.467, 280.468, 280.469, 280.472, 280.473, 280.474, 280.476, 280.478, 280.483, 280.490, 280.491, 280.499, 280.513, 280.515, 280.517, 280.518, 280.519, 280.520, 280.521, 280.524, 280.525, 280.532, 280.540, 280.541, 280.601, 280.602, 280.626, and 280.627), sections 21 and 464 as amended by 1989 PA 134, section 33 as amended by 1982 PA 356, section 223 as amended by 1989 PA 61, section 280 as amended by 1983 PA 176, section 282 as amended by 1984 PA 80, sections 283 and 499 as amended by 1989 PA 149, section 423 as amended by 1996 PA 552, and section 433 as amended by 1982 PA 449, and by adding sections 7, 7a, 7b, 7c, 13, 14, 34, 35, 55, 56, 57, 58, 59, 107, 108, 109, 110, 111, 112, 113, 201, 275a, 277a, 329, 330, 467a, 467b, 474a, 500, 519a, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 603, 604, 605, 606, 607, 615, 616, and 617; 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 Farming, Agribusiness and Food Systems.

Senators Dunaskiss, Hoffman, Goschka and Dingell introduced

Senate Bill No. 667, entitled

A bill to provide equal access to broadband internet access; and to provide for penalties.

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

Senator Bullard introduced

Senate Bill No. 668, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 19 (MCL 487.2052, 487.2053, 487.2054, 487.2055, 487.2056, 487.2057, 487.2058, 487.2059, 487.2060, 487.2061, 487.2062, 487.2064, 487.2065, 487.2066, 487.2067, and 487.2069), sections 5, 7, 8, 11, 12, and 15 as amended by 1992 PA 76, and by adding sections 10a, 10b, 10c, 10d, 10e, 10f, 10g, 16a, and 16b; 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 Banking and Financial Institutions.

Senator McManus introduced

Senate Bill No. 669, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by amending the title, as amended by 1991 PA 98, and by adding section 831.

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

Senators Bullard and Steil introduced

Senate Bill No. 670, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2431, 3208, 3216, and 3240 (MCL 600.2431, 600.3208, 600.3216, and 600.3240), section 3240 as amended by 1996 PA 214, and by adding section 3181.

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

Senators North, Koivisto and Bullard introduced

Senate Bill No. 671, entitled

A bill to provide for the establishment of cultural and recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

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

Senators North, Koivisto, Sikkema, Dunaskiss, McCotter and McManus introduced

Senate Bill No. 672, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48738 (MCL 324.48738), as added by 1995 PA 57.

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

Senator Dingell introduced

Senate Bill No. 673, entitled

A bill to provide for actions on behalf of the people of the state for damages caused by unlawful burning; and to provide for remedies and sanctions.

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

Senators Schwarz, Hammerstrom, Johnson, Bennett, Shugars, Emmons, Rogers, McManus and Murphy introduced

Senate Bill No. 674, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 4 (MCL 691.1504), as added by 1986 PA 21.

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

Senator Byrum introduced

Senate Bill No. 675, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

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

Senator Byrum introduced

Senate Bill No. 676, 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 402c.

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

Senator Byrum introduced

Senate Bill No. 677, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052b.

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

Senator Byrum introduced

Senate Bill No. 678, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by amending the title, as amended by 1988 PA 100, and by adding chapter 8A.

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

Senator Byrum introduced

Senate Bill No. 679, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by amending the title, as amended by 1998 PA 332, and by adding part 211.

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

Senator Byrum introduced

Senate Bill No. 680, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86, and by adding section 253; 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 Finance.

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 committees:

Banking and Financial Institutions - Senator Shugars as Vice Chairperson.

Financial Services - Senator Emmons as Vice Chairperson.

The standing committee appointments were approved, a majority of the members serving voting therefor.

Recess

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

The motion prevailed, the time being 12:45 p.m.

1:00 p.m.

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

Recess

Senator Rogers moved that the Senate recess until 2:00 p.m.

The motion prevailed, the time being 1:01 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Recess

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

The motion prevailed, the time being 2:01 p.m.

2:47 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 546, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90g. The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) 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 substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 435**Yeas—23**

Bennett	Emmons	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Steil
DeGrow	Hammerstrom	North	Stille
Dingell	Hart	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuetz	

Nays—8

Byrum	Leland	Smith, A.	Vaughn
Emerson	Peters	Smith, V.	Young

Excused—0**Not Voting—7**

Cherry	Hoffman	Koivisto	Schwarz
Gast	Jaye	Murphy	

In The Chair: President

Senator V. Smith moved that Senators Murphy and Cherry be temporarily excused from the balance of today's session.

The motion prevailed.

Senator V. Smith moved that Senator Koivisto be excused from the balance of today's session.

The motion prevailed.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Rogers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

Senator Rogers moved that Senators Schwarz and Jaye be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Rogers moved that Senators Hoffman and Gast be excused from the balance of today's session.

The motion prevailed.

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 436**Yeas—26**

Bennett	Goschka	Miller	Smith, V.
Bullard	Gougeon	North	Steil
DeBeaussaert	Hammerstrom	Rogers	Stille
DeGrow	Hart	Schuette	Van Regenmorter
Dingell	Johnson	Shugars	Vaughn
Dunaskiss	McCotter	Sikkema	Young
Emmons	McManus		

Nays—5

Byrum	Leland	Peters	Smith, A.
Emerson			

Excused—7

Cherry	Hoffman	Koivisto	Schwarz
Gast	Jaye	Murphy	

Not Voting—0

In The Chair: President

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senators Schwarz, Murphy and Cherry entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 74

The resolution consent calendar was adopted.

Senators Young and Vaughn offered the following resolution:

Senate Resolution No. 74.

A resolution to commemorate the Moore Family Reunion to be held in Lansing on July 2-4, 1999.

Where two or three are gathered together in
my name, there am I in the midst of them.

—Matthew 18:20

Whereas, It is a great personal privilege and an honor to salute the Moore Family as they come together for the Moore Family Reunion to be held on July 2-4, 1999, at Frances Park in Lansing, Michigan; and

Whereas, It is indeed an honor to welcome the members of the Moore Family as they gather for this annual reunion. Family members will come from all across the country to celebrate this special event. Since its inception, the Moore Family has found the reunions to be a perfect opportunity for scattered kin to gather and reminisce. It provides them time for updates on what has transpired in the lives of those they love who live too great a distance to keep in close contact; and

Whereas, The present members of this large and dispersed family trace their ties back many generations to the Moore family name. Kinfolk from all across the country will combine three days of visiting, playing, praying, and savoring the best of Michigan. Undoubtedly, the Moore family members will leave with a refreshing view of Michigan and Lansing following their three days of northern hospitality from their Michigan-based relatives. They have certainly gone all out in their preparations, and we wish them every success; now, therefore, be it

Resolved by the Senate, That in recognition of the 1999 Moore Family Reunion on July 2-4, 1999, we hereby salute the organizers of this event; and be it further

Resolved, That a copy of this resolution be transmitted to the members of the Moore Family in appreciation and respect for their love and commitment to family ties.

Senators Schwarz and Shugars offered the following resolution:

Senate Resolution No. 75.

A resolution urging the Kellogg Company to consider every option and resource available to maintain or enhance its manufacturing presence in the state of Michigan.

Whereas, On June 17, 1999, the Kellogg Company announced that it is considering closing a major portion of its historic cereal production facility in Battle Creek. This dramatic announcement signifies a momentous disinvestment in its relationship with a community and a state that has been nearly a century strong in the making; and

Whereas, This devastating news has the potential to impact nearly every facet of Kellogg's decades of growth and accomplishment in Michigan. It will impact far more than the workers and community of Battle Creek. This decision could adversely affect a significant portion of Michigan's agricultural industry and related service industries; and

Whereas, Michigan has become a leader in job creation, industrial promotion, and tax reduction. It is ironic, that in the face of Michigan's economic turnaround, one of its most important corporate citizens is considering the relocating of a large portion of its operations out of state; and

Whereas, The state and the entire Battle Creek area are committed to fostering a competitive environment for Kellogg and all Michigan businesses. Moreover, the Kellogg Company philosophy is centered around its people and its social responsibility to the community, region, and state in which it is located. We can be sure that a collaborative effort will lead to a solution that will benefit all parties and help assure that the Kellogg Company will remain a permanent fixture in the state and the industry. The Michigan Senate and all interested parties pledge to increase their efforts to help Kellogg maintain or expand its economic presence in the Great Lake State; now, therefore, be it

Resolved by the Senate, That we hereby urge the Kellogg Company to consider every option and resource available to maintain or enhance its manufacturing presence in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to officials of the Kellogg Company and the Michigan Strategic Fund.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Schwarz moved that the rule be suspended.

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

The resolution was adopted.

Senators Van Regenmorter, Miller and Schuette were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

Statements

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

The motion prevailed.

Senator DeGrow's statement is as follows:

Since we are at the end, I did want to let the members know first off how much I appreciated their cooperation yesterday and today and the last five months. If we look at what we have actually accomplished as a Legislature and as a Senate since I've been here, I'm not sure that I've seen more important issues tackled and addressed as I've seen in the last five months. If someone had told most of us in January that we would pass rate reductions in the income tax, the single business tax, reorganize the Detroit Public Schools, do renaissance zones, MEGA, urban homestead package and on and on and on, we would have thought that would be impossible. And we have accomplished that, and for the most part, we've done it on a bipartisan basis. For example, where the House struggled with the reorganization of the Detroit schools, the majority of both caucuses in this chamber came together for a solution. So as we leave today and go back and talk to our constituents, I think we have a record we can be very proud of. We have tackled numerous tough issues and probably cut taxes during this session more than any other Legislature has. So I thank all of you and as we leave, both parties have a lot that we can be proud of for the job we've done. I hope all of you have a very

enjoyable summer. Although, we've done a lot, I think we'll have a few more things we can work on in the fall. So I just wanted to thank both parties and all members for their cooperation during the last five months.

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 Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Senator Jaye entered the Senate Chamber.

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

Senate Bill No. 675

Senate Bill No. 676

Senate Bill No. 677

The bills were referred to the Committee on Health Policy.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Legislative Council submits the following:

Meeting held on Thursday, June 17, 1999, at 9:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators DeGrow (C), Emmons, Sikkema, Johnson and Cherry

Excused: Senators V. Smith, Schwarz, Hammerstrom and Emerson

Scheduled Meetings

Agriculture Preservation Task Force (SR 52) - Friday, June 18, at 1:00 p.m., Marlette Middle School Media Center, 6230 Euclid Street, Marlette; Saturday, June 19, at 9:00 a.m., Southwest Michigan Research and Extension Center, 1791 Hillandale, Benton Harbor; and Tuesday, June 29, at 11:00 a.m., Michigan State University Livestock Pavilion, East Lansing (3-1725).

Technology and Energy Committee - Tuesday, June 22, at 1:00 p.m., Kent County Building, Kent County Board of Commissioners Room, Room 310, 300 Monroe Avenue, NW, Grand Rapids (3-2417).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 3:08 p.m.

Pursuant to Senate Concurrent Resolution No. 17, the President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, September 21, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.