

No. 31
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 29, 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—present
Young—present

Senator Virgil C. Smith, Jr., of the 2nd District offered the following invocation:

Our gracious Heavenly Father, we thank You for this day. We yield to You and trust You to give us Your guidance and Your strength to carry out our tasks before us.

Father, Your Word says that if any man lacks wisdom, let him ask of God. We ask You for it on this day. Lord, impart Your wisdom into our lives. Help us to work and diligently seek You for what we should do and how we should do it. Father, as You show us the way, we will be sure to give You all the glory, the honor, and the praise. In Your name we pray. Amen.

Motions and Communications

The following communications were received:

Department of Management and Budget

March 24, 2000

Pursuant to section 38(1) of Act No. 240 of the Public Acts of 1943, I am hereby submitting to the legislature the actuarial valuation for the State Employees' Retirement System for the fiscal year ended September 30, 1999. This transmittal conforms to the requirement of section 38(1).

March 24, 2000

I am pleased to present you with a copy of the Annual Report for the Michigan Public School Employees Retirement System, the State Employees Retirement System, the State Police Retirement System and the Judges Retirement System for the fiscal year ending September 30, 1999.

These reports are an excellent source of information on all aspects of the retirement systems. They also provide information on service improvements that were accomplished during the year and detailed information on the strong financial standing of the system.

If I can provide further information, please let me know.

Sincerely,
Janet E. Phipps
Director

The communications were referred to the Secretary for record.

Senators McManus, McCotter, Schuette, Jaye and Bullard entered the Senate Chamber.

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

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

Messages from the Governor

The following messages from the Governor were received:

Date: March 27, 2000
Time: 10:19 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1036 (Public Act No. 42), being

An act to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," by amending section 30d (MCL 206.30d), as added by 1997 PA 81.

(Filed with the Secretary of State on March 27, 2000, at 11:35 a.m.)

Date: March 27, 2000
Time: 10:21 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1038 (Public Act No. 43), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 30e.

(Filed with the Secretary of State on March 27, 2000, at 11:37 a.m.)

Date: March 27, 2000
Time: 10:23 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1040 (Public Act No. 44), being

An act to amend 1975 PA 228, entitled “An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,” by amending section 35a (MCL 208.35a), as added by 1999 PA 115.

(Filed with the Secretary of State on March 27, 2000, at 11:39 a.m.)

Date: March 27, 2000
Time: 12:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 766 (Public Act No. 48), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1104 (MCL 380.1104), as amended by 1995 PA 289.

(Filed with the Secretary of State on March 27, 2000, at 1:21 p.m.)

Respectfully,
John Engler
Governor

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Jaye, Goschka, McCotter, Bennett, Schwarz, Steil, Dingell, DeBeaussaert, Shugars, Koivisto and Dunaskiss introduced

Senate Bill No. 1182, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 1996 PA 476.

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

Senators Hoffman, Steil, Young, Stille, Van Regenmorter, Goschka, Gougeon, Shugars, North, McManus and Hammerstrom introduced

Senate Bill No. 1183, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1998 PA 539.

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

Senators Koivisto and Hoffman introduced

Senate Bill No. 1184, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2b to chapter IV.

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

Senators Peters, Dingell, Cherry, Vaughn, Hart, Koivisto, Jaye, Miller, Byrum, A. Smith, Emerson, Murphy and Leland introduced

Senate Bill No. 1185, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 1999 PA 116.

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

Senators Schwarz, Young, Johnson, North, Goschka, Rogers, Jaye, Emerson, Hammerstrom, Stille, Shugars, Byrum and DeBeaussaert introduced

Senate Bill No. 1186, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as amended by 1999 PA 61.

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

Senators Hammerstrom and Johnson introduced

Senate Bill No. 1187, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2000 PA 45.

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

Senators Murphy, Young and Stille entered the Senate Chamber.

The President pro tempore, Senator Schwarz, assumed the Chair.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4995, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252d and 674 (MCL 257.252d and 257.674), as amended by 1998 PA 68.

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. 195

Yeas—36

Bennett
Bullard
Byrum

Emmons
Gast
Goschka

Leland
McCotter
McManus

Schwarz
Shugars
Sikkema

Cherry	Gougeon	Miller	Smith, A.
DeBeaussaert	Hammerstrom	Murphy	Smith, V.
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Jaye	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Vaughn

Nays—0

Excused—0

Not Voting—2

Johnson

Young

In The Chair: Schwarz

Senator V. Smith moved that Senator Young be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Rogers moved that Senator Johnson be temporarily 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 concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5050, entitled

A bill to regulate the erection of certain signs or markers by the state transportation department for certain purposes.

The question being on the passage of the bill,

Senator Rogers moved that further consideration of the bill be postponed for today.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

By unanimous consent the Senate proceeded to consideration of the following resolution:
House Concurrent Resolution No. 88.

A concurrent resolution to waive the legislative prior notice requirement for increases in rates of compensation for certain employees in the state classified service.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of
Statements

Senators V. Smith and McCotter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator V. Smith's statement is as follows:

It is my intention to send off to the chairperson of the Wayne County Board of Commissioners a letter dated March 29, 2000. I am also going to send it to every elected Wayne County commissioner. I will read it.

"Dear Chairman Solomon:

I write this letter to request a formal investigation by the Wayne County Commission into the allegations raised regarding the Detroit Metropolitan Airport and its no-bid process.

Free Press business writer Daniel G. Fricker on March 23, 2000, outlined Metro Airport Director Dave Katz' intentions of resigning from his post. His resignation comes amidst allegations that before and during his tenure, no-bid contracts were unfairly awarded. One audit of the airport revealed to county prosecutors that county officials allowed APCOA/Standard Parking, Inc. to overcharge Metro Airport over \$1 million in exchange for jobs and no-bid contracts for their relatives.

The residents of Wayne County have entrusted their officials to carry out the business of the Metropolitan Detroit Airport in an unbiased manner. These allegations are weighty and are deserving of a formal investigation by the Wayne County Commission. I am confident that the Commission would agree that the awarding of no-bid contracts for relatives of county officials is a misuse of trust and public funding. Only a full-fledged investigation will protect the interest of Wayne County taxpayers.

I thank you for your prompt attention to this matter and look forward to your expedient response. If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely, Virgil Clark Smith, Democratic Floor Leader, 2nd District."

Senator McCotter's statement is as follows:
Amen.

Senator Young entered the Senate Chamber.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Career Development Strategic Fund Agency submits the following:
Meeting held on Tuesday, March 28, 2000, at 1:00 p.m., Senate Appropriations Room, Capitol Building
Present: Senators Johnson (C), Stille and Emerson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:
Meeting held on Tuesday, March 28, 2000, at 1:00 p.m., Room 404, Capitol Building
Present: Senators Schwarz (C) and Young
Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submits the following:
Meeting held on Tuesday, March 28, 2000, at 1:30 p.m., Room 210, Farnum Building
Present: Senators Hoffman (C), North and Vaughn

Scheduled Meetings**Appropriations -****Subcommittees -**

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

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

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

Environmental Quality - Thursdays, March 30, April 6, and May 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Family Independence Agency - Thursday, March 30, 1:00 p.m., Room 100, Farnum Building; Tuesday, April 4, 1:00 p.m., Room 210, Farnum Building; Thursday, April 6, 1:00 p.m., Room 100, Farnum Building; Tuesday, April 11, 1:00 p.m., Room 210, Farnum Building; Thursday, April 13, 3:00 p.m., Room 100, Farnum Building; Tuesday, May 2, 1:00 p.m., Room 210, Farnum Building; and Tuesday, May 9, 1:00 p.m., Room 210, Farnum Building (373-1760)

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

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

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

Human Resources, Labor, Senior Citizens and Veterans Affairs - Thursday, March 30, 12:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

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

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

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:26 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, March 30, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

