

No. 11
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, February 18, 1997.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Carl—present
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

Emmons—present
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

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

Senator Jackie Vaughn III of the 4th District offered the following invocation:

As decisions are made and actions are completed in this legislative body, and on behalf of the Michigan citizens, may we also be guided by the scripture. Let each of you look out for his own interest but also for the interest of others. This is our prayer. Amen.

Motions and Communications

Senators Hoffman, North, Schwarz and Dingell entered the Senate Chamber.

A quorum of the Senate was present.

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

Senators Carl, Schuette, Van Regenmorter, Geake, Cisky, Stille, Gast, Dunaskiss, Bouchard, McManus, Steil, Bennett, Posthumus and Cherry entered the Senate Chamber.

The following communication was received:
Department of Community Health

January 30, 1997

I am pleased to transmit the FY97 Residential Substance Abuse Treatment for State Prisoners grant application from the Office of Drug Control Policy to the U.S. Department of Justice, Office of Justice Programs, Corrections Program Office.

This application is being forwarded to your office for information and review pursuant to Section 1304(a)2 of the Violent Crime Control and Law Enforcement Act of 1994. This application requests \$963,805, which is the FY97 allocation for Michigan.

Should you have questions, please contact Ardith J. DaFoe, Director, Drug Law Enforcement Division at (517) 373-2952.

Sincerely,
Darnell Jackson, Director
Office of Drug Control Policy

The communication was referred to the Secretary for record.

The following communications were received:
Joint Committee on Administrative Rules

Certificates of Approval

Date: February 13, 1997
Subject: Trans. No. 96-89

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Consumer and Industry Services Department, Director's Office, pertaining to Construction Safety Standards, dated August 12, 1996.

Date: February 13, 1997
Subject: Trans. No. 96-90

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Consumer and Industry Services Department, Director's Office, pertaining to General Industry Safety Standards, dated August 12, 1996.

Date: February 13, 1997
Subject: Trans. No. 96-91

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Education Department, State Board of Education, pertaining to Grants for Community School Program, dated August 27, 1996.

Date: February 13, 1997

Subject: Trans. No. 96-92

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Education Department, State Board of Education, pertaining to Neighborhood Education Centers, dated August 27, 1996.

Date: February 13, 1997

Subject: Trans. No. 96-93

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Education Department, State Board of Education, pertaining to Safety Specifications for School Buses, dated August 23, 1996.

Date: February 13, 1997

Subject: Trans. No. 96-94

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the State Department, Bureau of Driver and Vehicle Records, pertaining to Special Farm Vehicle Permit, dated October 15, 1996.

Date: February 13, 1997

Subject: Trans. No. 96-95

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the State Department, Bureau of Driver and Vehicle Records, pertaining to Special Parking Privileges, dated October 15, 1996.

Sincerely,
Representative Candace A. Curtis
Chair

The communications were referred to the Secretary for record.

The following communications were received:

Joint Committee on Administrative Rules

February 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-01, submitted by the Department of Education, State Board of Education, pertaining to Special Education Programs and Services, to April 8, 1997.

February 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-02, submitted by the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control Clean Corporate Citizen Program (Part 14), to April 14, 1997.

February 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-03, submitted by the Department of Transportation, Bureau of Urban and Public Transportation, pertaining to State Rail Line Divestiture, to April 28, 1997.

February 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-04, submitted by the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Episodes (Part 13) (Rescission), to May 5, 1997.

February 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-05, submitted by the Department of Corrections, General Rules, pertaining to Prisoner Misconduct and Disciplinary Time, to May 5, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

The communications were referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Thursday, February 13, 1997, at 1:00 p.m., Room 424, Capitol Building

Present: Senators North, Van Regenmorter, Schwarz, Dingell and Byrum

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 13:

House Bill No. 4226

The Secretary announced the printing and placement in the members' files on Thursday, February 13 of:

Senate Bill No. 140

The Secretary announced the printing and placement in the members' files on Friday, February 14 of:

Senate Bill Nos. 142 143 144 145 146 147 148 149 150 151 152 153 154 155

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

House Bill Nos. 4253 4254 4255 4256 4257 4258 4259 4260 4261 4262 4263 4264 4265 4266
4267 4268 4269 4270 4271 4272 4273 4274 4275 4276 4277 4278 4279 4280
4281 4282 4283 4284 4285 4286 4287 4288 4289 4290 4291 4292 4293 4294
4295 4296 4297 4298 4299 4300 4301 4302 4303 4304 4305 4306 4307 4308
4309 4310 4311 4312 4313 4314 4315 4316 4317 4318 4319 4320 4321 4322
4323 4324 4325 4326 4327 4328 4329 4330 4331 4332 4333 4334 4335 4336

House Joint Resolution K

Senators Gougeon and Rogers entered the Senate Chamber.

General Orders

Senator DeGrow 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 Binsfeld, designated Senator Hoffman as Chairperson.

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

Senate Bill No. 3, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 1994 PA 174.

Substitute (S-2).

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

1. Amend page 4, following line 3, by inserting:

"Enacting section 1. This amendatory act takes effect June 1, 1997."

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

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

Senate Bill No. 6, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217b.

Substitute (S-1).

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

1. Amend page 2, following line 12, by inserting:

“Enacting section 1. This amendatory act takes effect June 1, 1997.”.

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

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

Senate Bill No. 50, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 316 (MCL 750.316), as amended by 1996 PA 21.

Substitute (S-1).

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

1. Amend page 3, following line 10, by inserting:

“Enacting section 1. This amendatory act takes effect June 1, 1997.”.

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.

During the Committee of the Whole, Senators Young and Emmons entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 24

The resolution consent calendar was adopted.

Senator DeBeaussiaert offered the following resolution:

Senate Resolution No. 24.

A resolution commemorating the Grand Pacific House Historical Marker.

Whereas, It is a great honor and distinct personal privilege to join with the New Baltimore Historical Society, on their 20th anniversary, along with the citizens of the Anchor Bay area in the dedication of the Grand Pacific House Historical Marker. This occasion shall also provide a wonderful opportunity to recognize the efforts represented by the New Baltimore Historical Society’s twenty year commitment to preserving Anchor Bay history; and

Whereas, Abundant forests and a prime location on Anchor Bay, the New Baltimore of yesteryear, entered a “golden age” of prosperity. It was during this “golden age” of New Baltimore that Frederick and Emma Losh began construction of the Grand Pacific House. In 1878, Losh, with \$1,400, purchased a New Baltimore saloon that included an ice house, sheds, a “stock of liquors and cigars, billiards tables, saloon fixtures and furniture.” With an additional \$3,000, Mr. Losh completed the construction of the Grand Pacific House in 1881; and

Whereas, Supporting the building was a deep limestone foundation which was shipped to New Baltimore from Kelly’s Island in Lake Erie. Over the limestone foundation, bricks were laid from Andrew Streit’s Brickyard. The completed building consisted of a saloon, hotel lobby, dining room, and kitchen all on the first floor. On the second floor there were eight rooms. The hotel soon became known for its fine dining and “first-class bar”; and

Whereas, Experiencing competition from the Chesterfield Hotel and the passage of prohibition, the Grand Pacific House began to lose its hotel character and in the 1920’s, Herbert Losh, a family relative, converted part of the building into a soda fountain and candy store. After Herbert’s death in 1927, another relative, Ed Maliskey, converted the first floor into a hardware store; and

Whereas, With the assistance of a state grant secured by then Senator Kirby Holmes, aid of the city council, and support of the community, the New Baltimore Historical Society was able to purchase the Grand Pacific House in 1986 from Tom Maliskey, son of Ed Maliskey. The Historical Society has been restoring it ever since. With the assistance of the New Baltimore Historical Society, this icon of New Baltimore’s history is now a community museum; now, therefore, be it

Resolved by the Senate, That tribute and honor of the highest degree be accorded to commemorate the 20th anniversary of the New Baltimore Historical Society and their dedication of the Grand Pacific House Historical Marker. Clearly, although many things have changed in the past twenty years, one thing is constant—the New Baltimore Historical Society’s legacy of community preservation. Everyone associated with this milestone can take great pride in their efforts. May this historical site long continue its preservation of our heritage; and be it further

Resolved, That a copy of this resolution be transmitted to the New Baltimore Historical Society as evidence of our respect and admiration.

Senators Young and Stallings were named co-sponsors of the resolution.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 127, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 19f (MCL 38.19f), as added by 1996 PA 487.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, Young and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, February 12, 1997, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, Young and Vaughn

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submits the following:

Meeting held on Wednesday, February 12, 1997, at 3:05 p.m., Room 324, Capitol Building

Present: Senators Gast, Geake, Conroy and Cherry

Absent: Senator Posthumus

Scheduled Meetings

Government Operations Committee - Wednesday, February 19, at 1:00 p.m., Room 405, Capitol Building (3-1758).

Transportation Appropriations Subcommittee - Wednesday, February 19, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 10:17 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Wednesday, February 19, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.