

No. 5
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, January 27, 2000.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—present
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—excused
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 Dallas Berry of Calvary Baptist Church of Brown City offered the following invocation:

Father in Heaven, we thank You for Your goodness to us and the grace and mercy that You have bestowed upon each one of us. Lord God, in spite of all of our pressures and problems that we face, we can recognize the goodness of God upon our state, upon our lives, and families. Though there are times we have struggled, Lord, when we have questioned, and we have doubted, You have always been there and have always been gracious and merciful.

Today, Lord, on this day, as this session begins, Lord, we ask You to look into this room and see these men and women, and there are so many things that are on their minds and business that needs to be attended to and taken care of. Father, there are questions about what would be right. Lord, I know that each one really in their heart wants to do what is right. Lord God, You said that if any one of us lack wisdom, ask of God, and You would give to all men. You would give that wisdom liberally. Lord God, I pray that for these men and women today that You would give them the wisdom that they need to make decisions that not only would be best for our state, but would also honor and glorify You and Your name.

Father, I pray that You would bless and encourage these men and women today. I am sure that there are different problems that are faced today. Lord God, You are a God who is able to meet every single need, regardless of what the problems might be. So, God, I pray that You will encourage by meeting the needs of the men and women today.

And then, Lord, we think of our Governor and our Lieutenant Governor and pray that through this day You will guide and correct by Your hand in their lives.

Again, Lord, You are so gracious and merciful. I thank You for the state of Michigan and for these men and women who have chosen to represent this state to the people. So bless them. We lift up praise to You this day. In Jesus' name. Amen.

Motions and Communications

Senators Schwarz and V. Smith entered the Senate Chamber.

Senator Rogers moved that Senator Dunaskiss be excused from today's session.

The motion prevailed.

Senator Dunaskiss is caring for his seriously ill father.

Senator V. Smith moved that Senator Miller be excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Rogers' statement is as follows:

We have a very rare opportunity to welcome somebody today. It's not often that the Veterans of Foreign Wars Commander-in-Chief visits the state of Michigan, let alone visits our chamber. He distinguishes us by his company.

We have with us today John Smart, who is from New Hampshire, a former member of the New Hampshire State Legislature. I happened to have the occasion last evening, Mr. President, to hear his speech in the state, and he gave a stirring and emotional call to all of us to at least try to stir our patriotic roots to remember our veterans and as well to encourage us to get involved in protecting those who have served this great country. In addition to outlining the fact that the VFW is much, much more than just protecting those who served the country, they have given some \$265 million in community charities over the course of time. Every year the Ladies Auxiliary raises \$3 million for cancer research and scholarships, and they are actively involved in making our communities a better place to live as well as protecting the ideas and the notions of duty, honor, and country.

I would ask that we would give him a warm welcome.

We also have Jim Van Hauter, who is the State Commander of the Michigan VFW, with us today as well as several other VFW officers—Shirley Feirer, who is the VFW Auxiliary President for Michigan. She keeps those women keeping those posts alive. As we know, Mr. President, those posts wouldn't make it if the women weren't involved.

I think it's very fitting that they're here today. It is the anniversary today of the Vietnam Peace Accord signing in 1973.

Please give a very warm welcome to those who have served our country and to those who are doing well to keep the memory of those who are deceased alive, protecting the interests of those who have served, and making our communities a better place to live.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

January 11, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:35 a.m. this date, administrative rule (00-01-02) for the Department of Education, entitled "*State Tenure Commission—General Rules*," effective 15 days hereafter.

January 14, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:20 a.m. this date, administrative rule (00-01-04) for the Department of Consumer and Industry Services, Wage and Hour Division, entitled "*General Rules*," effective 15 days hereafter.

January 14, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:23 a.m. this date, administrative rule (00-01-05) for the Department of Consumer and Industry Services, Wage and Hour Division, entitled "*Overtime Compensation Rules*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
James Fackler, Acting Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Department of Treasury

January 21, 2000

Pursuant to Section 311 of Public Act 335 of 1998, please find attached the compilation of account receivables of circuit courts, district courts, and probate courts in Michigan as of September 30, 1998. The amounts reported are based upon estimates provided by the chief financial officers of the funding unit for the courts, in cooperation with the local court transmitted to the Department of Treasury as provided in the act. However, because Act 335 did not authorize the Department to audit or review the financial statements of the individual courts, no opinion is expressed regarding the accuracy of the information reported.

For purposes of this report, account receivables were considered to be any payment ordered by a circuit court, district court, or probate court for fines, court costs, fees, parental reimbursements, or any other payment that could be distributed to the local funding unit, to any other unit of local government, or to the State of Michigan. The information provided to the State Treasurer's office consists of two categories, those account receivables which are less than two years old and those which are two to seven years old.

While the attached report estimates statewide account receivables of approximately \$123.6 million, several court locations failed to report their account receivable balances to the Department of Treasury as required in the act. Also, there are several reasons that this amount reported is unlikely to be fully collected. First, there are no formal written standards for the writing off of bad debts owed to courts in Michigan. Under generally accepted accounting principles, account receivables which are two to seven years old cannot reasonably be expected to result in a high percentage of collection. Therefore, any amount carried as an account receivable beyond two years should be reduced to reflect a realistic amount that possibly can be collected. Of the \$123.6 million estimated total, \$55 million or 44.3 percent is two to seven years old.

Second, some of the account receivables may represent amounts assessed to:

1. Individuals who currently may be incarcerated, who no longer reside in the state, or who are deceased.

2. Individuals who have had their debts discharged through bankruptcy proceedings.
3. Individuals who received sentencing alternative in which community service or incarceration was ordered in lieu of payment, but whose court records still reflect an amount ordered.
4. Individuals who are transients, unemployed, underemployed or otherwise uncollectible.
5. Individuals who are unlikely to comply or to pay amounts assessed against them no matter what actions are taken against them.

If you require additional information on the matter, please let me know.

Sincerely,
Richard L. Baldermann, CPA, CGFM, Administrator
Local Audit and Finance Division

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

January 25, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including of the Provisions of the Single Audit Act, of the Department of Management and Budget, October 1, 1996, through September 30, 1998.

January 25, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including the Provisions of the Single Audit Act, of the Department of State, October 1, 1996, through September 30, 1998.

January 25, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the *Michigan Natural Resources Magazine*, Department of Natural Resources, January 2000.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Secretary for record.

Messages from the House

Senate Bill No. 813, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 1993 PA 190.

The House of Representatives has appointed Reps. Richner, Koetje and Baird as conferees to join with Senators Schuette, Sikkema and V. Smith.

The bill was referred to the Conference Committee on January 26, 2000.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Schwarz, Murphy, V. Smith, Gast and Young introduced

Senate Bill No. 946, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," (MCL 125.981 to 125.987) by adding chapter 2.

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

Senators Bullard and Dingell introduced

Senate Bill No. 947, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1105, 1201, 2103, 2210, 2326, 2502, 2716, 2A103, 2A303, 2A307, 2A309, 4210, 7503, 8103, 8106, 8110, 8301, 8302, 8510, 9102, 9103, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9201, 9202, 9203, 9204, 9205, 9206, 9207, 9208, 9301, 9302, 9303, 9304, 9305, 9306, 9307, 9308, 9309, 9310, 9311, 9312, 9313, 9314, 9315, 9316, 9317, 9318, 9401, 9402, 9403, 9404, 9405, 9406, 9407, 9408, 9409, 9501, 9502, 9503, 9504, 9505, 9506, and 9507 (MCL 440.1105, 440.1201, 440.2103, 440.2210, 440.2326, 440.2502, 440.2716, 440.2803, 440.2903, 440.2907, 440.2909, 440.4210, 440.7503, 440.8103, 440.8106, 440.8110, 440.8301, 440.8302, 440.8510, 440.9102, 440.9103, 440.9104, 440.9105, 440.9106, 440.9107, 440.9108, 440.9109, 440.9110, 440.9201, 440.9202, 440.9203, 440.9204, 440.9205, 440.9206, 440.9207, 440.9208, 440.9301, 440.9302, 440.9303, 440.9304, 440.9305, 440.9306, 440.9307, 440.9308, 440.9309, 440.9310, 440.9311, 440.9312, 440.9313, 440.9314, 440.9315, 440.9316, 440.9317, 440.9318, 440.9401, 440.9402, 440.9403, 440.9404, 440.9405, 440.9406, 440.9407, 440.9408, 440.9409, 440.9501, 440.9502, 440.9503, 440.9504, 440.9505, 440.9506, and 440.9507), sections 1105, 9203, and 9402 as amended by 1998 PA 489, section 1201 as amended and sections 2A103, 2A303, 2A307, and 2A309 as added by 1992 PA 101, section 2326 as amended by 1982 PA 397, section 4210 as amended by 1993 PA 130, sections 8103, 8106, 8301, 8302, 9301, 9302, 9303, 9306, 9309, and 9312 as amended and sections 8110 and 8510 as added by 1998 PA 278, sections 9103, 9104, 9105, 9106, 9304, and 9305 as amended by 1998 PA 488, section 9307 as amended by 1985 PA 199, section 9313 as amended by 1980 PA 53, section 9401 as amended by 1990 PA 288, sections 9403 and 9404 as amended by 1992 PA 186, sections 9405 and 9407 as amended by 1988 PA 130, and section 9406 as amended by 1989 PA 216, and by adding sections 5118, 9103a, 9209, 9210, 9319, 9320, 9321, 9322, 9323, 9324, 9324a, 9325, 9326, 9327, 9328, 9329, 9330, 9331, 9332, 9333, 9334, 9335, 9336, 9337, 9338, 9339, 9340, 9341, 9342, 9508, 9509, 9510, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9518, 9519, 9520, 9521, 9522, 9523, 9524, 9525, 9526, 9527, 9601, 9602, 9603, 9604, 9605, 9606, 9607, 9608, 9609, 9610, 9611, 9612, 9613, 9614, 9615, 9616, 9617, 9618, 9619, 9620, 9621, 9622, 9623, 9624, 9625, 9626, 9627, 9628, 9701, 9702, 9703, 9704, 9705, 9706, 9707, and 9708; 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.

Senators Johnson, Hammerstrom and McCotter introduced

Senate Bill No. 948, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 720 (MCL 257.720), as amended by 1996 PA 136.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:

Meeting held on Thursday, September 30, 1999, 8:45 a.m., House Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Gougeon, Johnson, Koivisto and Emerson

Excused: Senator Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Tuesday, November 30, 1999, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Gougeon (C), Schwarz, Johnson, A. Smith and Emerson

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 198 submits the following:

Meeting held on Wednesday, December 8, 1999, at 12:00 noon, Room 405, Capitol Building

Present: Senators DeGrow (C), Bennett and V. Smith

COMMITTEE ATTENDANCE REPORT

The Select Committee on Wayne County Detroit Metropolitan Airport submits the following:
Meeting held on Tuesday, January 25, 2000, at 1:05 p.m., Room 100, Farnum Building
Present: Senators Steil (C), Hoffman and Leland

COMMITTEE ATTENDANCE REPORT

The Legislative Council submits the following:
Meeting held on Wednesday, January 26, 2000, at 2:30 p.m., Senate Appropriations Room, Capitol Building
Present: Senators DeGrow (C), Emmons, Johnson, Cherry, V. Smith, Hammerstrom and Emerson
Excused: Senators Sikkema and Schwarz

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:
Meeting held on Wednesday, January 26, 2000, at 3:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Dunaskiss (C), Sikkema, Schuette, Rogers, Byrum, Leland and Dingell

Scheduled Meetings

Appropriations Committee - Wednesday, February 2, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Education Committee - Wednesday, February 2, at 3:00 p.m., Room 810, Farnum Building (3-7350).

Investment Issues Subcommittee, Legislative Retirement Board of Trustees - Wednesday, February 2, at 10:30 a.m., Room 830, 8th Floor Conference Room, House Office Building (3-0575).

Transportation and Tourism Committee - Tuesday, February 1, at 3:00 p.m., Room 110, Farnum Building (3-1758).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:14 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, February 1, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.