

No. 40
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 10, 2001.

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—excused
Emerson—present
Emmons—present
Garcia—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
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Pastor Dale Pattee of Beulah Land Christian Center of Burton offered the following invocation:

Heavenly Father, we thank You today for this opportunity that, Lord, You have given us. Father, we thank You, Lord, that You have called this body for such a time as this. Father, we pray that, God, Your blessings would rest upon them, Lord, as they decree the decisions that need to be done today. Father, we pray that, God, You would give them wisdom. Lord, not just wisdom, but Lord, sofia—the thought of God—that Lord, they could think like You think and see things the way You see things. Father, we pray that, God, You would bless them, give them strength, and give them help in this hour as they lead us, Lord, to a higher level.

Father, we pray, God, that You would bless this nation and bless this state. Father, we pray today, that God, Your Word would be exalted. For, Lord, You said in Proverbs 14:34, “Righteousness exalteth a nation.” Father, we pray today that this nation would be exalted, and that, Lord, Your leaders would follow You in righteousness. For, Lord, when the righteous are in rule, the people are at peace. Father, we pray, Lord, for the peace of our cities, the peace of our streets, and the peace of our homes. Father, we just ask, God, that Your Spirit would rest in our hearts and our conscience, and Father, draw us each one a little bit closer to You. We give You thanks. In Jesus’ name. Amen.

Motions and Communications

Senators Garcia and Miller entered the Senate Chamber.

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

The motion prevailed.

Senator Johnson’s statement is as follows:

If I could have the members’ attention, I have an extraordinary story to tell and an introduction to make. It’s one that is really going to capture your imaginations and your hearts, I promise. Up in the Gallery are four young men from Central Michigan. They are members of an organization called One in Four. One in Four is about men empowering other men. It’s an educational group that is out talking about the epidemic of rape and sexual assault on college campuses. One in Four intends to cross this country on foot to educate each and every male in our society about what kind of crime is perpetrated against women and what happens to those women after that crime has been committed.

It’s about sexual assault and sexual assault examination and gathering of evidence immediately after that assault has taken place. And I’ll bet you there’s not a male in this chamber and maybe not even the women know that in most cases, that female has to pay herself for that evidence gathering. And that evidence needs to be acquired within the first 24, 48, or 72 hours in order for it to be useful for prosecutors to be able to prosecute the perpetrator.

These young men, and I’d ask them to please stand as I introduce them, have just had the opportunity to meet with the Lieutenant Governor who told them of his efforts in the domestic violence area, and he is going to join us in educating all of you about all of them. The four men are: Michael Charbonneau—Michael is from Royal Oak, my very own precious constituent; Patrick Hanlin of Buchanan; Steve McAllister of Bay City; and Joseph McCarthy of Grand Ledge. Would you please, please take an opportunity to meet them, and please welcome them to their Michigan Capitol.

I’ll have the legislation on the floor in the near future—very near future—and I’d welcome your co-sponsorship. They’ve provided me with 4,000 signatures on a petition today. Please join me in appreciation, and wish them well as they cross this country on foot. God bless you guys.

Senator Emmons moved that Senator Schuette be temporarily excused from today’s session.

The motion prevailed.

Senator Emmons moved that Senator Dunaskiss be excused from today’s session.

The motion prevailed.

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

The motion prevailed.

Senator Young’s statement is as follows:

I’m honored today to have at my desk a young man who happens to be a senior at Sexton High School. His name is Richard Letts. He’s been interning in my office. He’s one of those dedicated interns who is always there—although you’d think on some of these nice days he might decide to lose his way from the Capitol to the Farnum Building, but he constantly shows up.

I'd appreciate it if the chamber today would welcome Richard. I'd ask that Richard stand up and we give him applause and welcome him to the chamber today.

The following communication was received:
Office of Auditor General

May 8, 2001

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 Civil Rights, October 1, 1998, through September 30, 2000.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 9:
House Bill Nos. 4403 4430 4431 4617 4619 4630

The Secretary announced the printing and placement in the members' files on Wednesday, May 9, of:
House Bill Nos. 4733 4734 4735 4736 4737 4738 4739 4740 4741 4742 4743 4744 4745 4746
4747 4748 4749 4750 4751 4752
House Joint Resolution O

Messages from the House

Senator Emmons moved that consideration of the following joint resolution be postponed for today:
Senate Joint Resolution D
The motion prevailed.

Senate Bill No. 38, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80176, 80177, 80178, 81134, and 82127 (MCL 324.80176, 324.80177, 324.80178, 324.81134, and 324.82127), section 80176 as amended by 1996 PA 174, sections 80177 and 80178 as added by 1995 PA 58, section 81134 as amended by 1999 PA 22, and section 82127 as amended by 1996 PA 183.

Substitute (H-1).

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. 82

Yeas—35

- | | | | |
|--------------|-------------|----------|-----------------|
| Bennett | Garcia | Koivisto | Scott |
| Bullard | Gast | Leland | Shugars |
| Byrum | Goschka | McCotter | Sikkema |
| Cherry | Gougeon | McManus | Smith |
| DeBeaussaert | Hammerstrom | Miller | Steil |
| DeGrow | Hart | Murphy | Stille |
| Dingell | Hoffman | North | Van Regenmorter |
| Emerson | Jaye | Peters | Young |
| Emmons | Johnson | Schwarz | |

Nays—0

Excused—3

Dunaskiss

Schuette

Vaughn

Not Voting—0

In The Chair: President

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

Senator Schuette entered the Senate Chamber.

Senate Bill No. 104, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2162 (MCL 600.2162), as amended by 2000 PA 182.

(For text of amendment, see Senate Journal No. 38, p. 430.)

The question being on concurring in the amendment made to the bill by the House,
 The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 83**Yeas—36**

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—0**Excused—2**

Dunaskiss

Vaughn

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 150, 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 2000 PA 412.

Substitute (H-1).

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. 84

Yeas—36

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—0

Excused—2

Dunaskiss	Vaughn
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Not Voting—0

In The Chair: President

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

Third Reading of Bills

Senator Emmons moved that consideration of the following bills be postponed for today:

Senate Bill No. 29

Senate Bill No. 143

The motion prevailed.

Senator Emmons moved that the following bills be placed at the end of the Third Reading of Bills calendar:

House Bill No. 4384

Senate Bill No. 331

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 79, entitled

A bill to provide for the continuation of the Michigan school for the deaf; to establish the board of trustees of the Michigan school for the deaf; to prescribe its duties and the duties of certain other state officials; and to repeal acts and parts of acts.

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. 85

Yeas—36

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—0

Excused—2

Dunaskiss	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 402, entitled

A bill to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending section 16 (MCL 18.366), as amended by 1996 PA 519.

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. 86

Yeas—36

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil

Dingell
Emerson
Emmons

Hoffman
Jaye
Johnson

North
Peters
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dunaskiss

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 403, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 2000 PA 492.

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. 87

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dunaskiss

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 404, entitled

A bill to amend 1982 PA 220, entitled “Michigan family farm development act,” by amending section 29 (MCL 285.279).

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. 88

Yeas—35

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Young
Emmons	Johnson	Schuette	

Nays—1

Van Regenmorter

Excused—2

Dunaskiss Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 405, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 459.

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. 89

Yeas—36

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil

Dingell
Emerson
Emmons

Hoffman
Jaye
Johnson

North
Peters
Schuette

Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dunaskiss

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 406, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending section 110 (MCL 570.1110), as amended by 1982 PA 17.

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. 90

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dunaskiss

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 407, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter XVII (MCL 777.15), as amended by 2000 PA 279.

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. 91

Yeas—36

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—0

Excused—2

Dunaskiss Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 408, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 47 (MCL 125.1447).

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. 92

Yeas—36

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—0

Excused—2

Dunaskiss Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 409, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 2000 PA 492.

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. 93**Yeas—36**

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—0**Excused—2**

Dunaskiss Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 410, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2157, 52908, and 76107 (MCL 324.2157, 324.52908, and 324.76107), section 2157 as added by 1995 PA 60, section 52908 as added by 1995 PA 57, and 76107 as added by 1995 PA 58.

The question being on the passage of the bill,
Senator North offered the following amendment:

1. Amend page 7, line 18, after “Lakes.” by inserting “THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO REMOVES OR CONVEYS A HUMAN BODY OR THE REMAINS OF A HUMAN BODY PURSUANT TO A COURT ORDER, PURSUANT TO THE WRITTEN CONSENT OF THE DECEDENT’S NEXT OF KIN IF THE DECEDENT’S DEATH OCCURRED LESS THAN 100 YEARS BEFORE THE REMOVAL OR CONVEYING, OR TO A PERSON WHO REMOVES OR CONVEYS THE BODY FOR LAW ENFORCEMENT, MEDICAL, ARCHAEOLOGICAL, OR SCIENTIFIC PURPOSES. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.”.

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

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. 94

Yeas—36

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuette	Young

Nays—0

Excused—2

Dunaskiss Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 411, 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 2000 PA 412.

The question being on the passage of the bill,
Senator North offered the following amendment:

1. Amend page 3, following line 30, by inserting:

“324.76107(3) PUB ORD D REMOVING OR MUTILATING HUMAN
BODY FROM GREAT LAKES BOTTOMLAND 10”.

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

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. 95**Yeas—36**

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeussaert	Hammerstrom	Miller	Smith
DeGrow	Hart	Murphy	Steil
Dingell	Hoffman	North	Stille
Emerson	Jaye	Peters	Van Regenmorter
Emmons	Johnson	Schuetz	Young

Nays—0**Excused—2**

Dunaskiss	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4187, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 68a.

The question being on the passage of the bill,

Senator Scott offered the following amendments:

1. Amend page 2, line 3, after the second "BROTHER," by striking out "OR".
2. Amend page 2, line 4, after "SISTER" by inserting a comma and "NIECE, OR NEPHEW".

The amendments were not adopted, a majority of the members serving not voting therefor.

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. 96**Yeas—36**

Bennett	Garcia	Koivisto	Schwarz
Bullard	Gast	Leland	Scott
Byrum	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema

DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Hammerstrom
Hart
Hoffman
Jaye
Johnson

Miller
Murphy
North
Peters
Schuette

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Dunaskiss

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Senator Emmons moved that consideration of the following bill be postponed for today:

House Bill No. 4384

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 331, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 107, 525, 531, and 537 (MCL 436.1107, 436.1525, 436.1531, and 436.1537), section 531 as amended by 2000 PA 399, and by adding section 532.

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. 97

Yeas—33

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
Dingell
Emerson
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Young

Nays—2

Jaye

Van Regenmorter

Excused—2

Dunaskiss

Vaughn

Not Voting—1

DeGrow

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Emmons moved that Senator DeGrow be temporarily excused from the balance of today's session. The motion prevailed.

By unanimous consent the Senate returned to the order of
Motions and Communications

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

Senate Bill No. 465

The bill was referred to the Committee on Judiciary.

General Orders

Senator Emmons 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 pro tempore, Senator Schwarz, designated Senator Leland as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4099, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 115q. Substitute (S-1).

The Senate agreed to the substitute 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. 431, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 5. Substitute (S-1).

The Senate agreed to the substitute 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, Senator DeGrow entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Sikkema, Miller and DeBeaussaert asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

Yesterday the Senate adopted Senate Resolution No. 60, which is a resolution that honors Tracy Mehan who has been the director of the Office of the Great Lakes here in Michigan since 1993. I think it's more than appropriate this morning that we have Tracy with us on the Senate floor.

As I mentioned, Tracy has been the director of the Office of the Great Lakes since 1993, and he's accepted a new position with the Environmental Protection Agency in Washington as assistant administrator for water. Tracy, through his work on the International Joint Commission and a variety of water quality and Great Lakes-related commissions and boards over the last seven or eight years, has been a tremendous advocate for not only Michigan, but for the long-term future of our Great Lakes, which in my judgment is the most important natural resource we have and one of the most important resources on the planet. I think it's fitting that we honored him yesterday with the passage of this resolution for the work he's done. We're going to lose a tremendous public servant, but the position he is going to in Washington, as assistant administrator for water, means that really for the first time we're going to have a tremendous advocate for the future of the Great Lakes in a very important position at the Environmental Protection Agency. I, for one, am confident that the Great Lakes are in better hands because of this recent appointment.

Now, Tracy's office, in fact, his entire office of the Great Lakes is up in the north Gallery, which I think is a tribute to the respect that his colleagues he works with hold for him. I would quickly tell the office, by the way, since they've been here that a new non-native species has been discovered in the Great Lakes, and they better scurry back to the office and deal with that. But I'm glad they're here today, I'm glad Tracy is here, and I hope the Senate would help me honor him by giving him a very standing, rousing round of applause.

Senator Miller's statement is as follows:

Yesterday I had the privilege to attend a dinner along with my good colleague and friend, Senator Ken DeBeaussaert, and we made a presentation to two outstanding individuals. Mr. President, I know during my tenure of office, I have many moments of meeting a lot of great people who contribute to my success as a public official and help me through a lot of tough issues. Yesterday was a closing of one career for two outstanding people.

Mr. Bill Sarver, who graduated from the University of Detroit, went on to Wayne State University Law School, and for the last 21 years has been the executive director of the WEA, the Warren Education Association, in my district. He's just done an outstanding job not only making sure that public education for all Warren Consolidated Schools have been rated amongst the best in this state, but he's also been there as a man, as an attorney, and as an executive director who always had an ear to listen to a problem, whether it be from a parent, a student, but primarily, the teachers he represented as the executive director.

He retired, and there were a lot of great remarks and tributes made to Bill—deservingly so. I just wanted to say for Senator DeBeaussaert and myself that it was a privilege to be there last night because for the last 21 years that I served in this chamber, whenever there was a public education problem, Bill Sarver was there to answer it. So we paid tribute to Bill.

And also, at the same time, Mr. President, last night there was a woman who has been the president of the WEA, Judy Locher. She is a graduate of Michigan State University, and I jokingly said that she should have been the real Sparty because I want to tell you, this woman is just an outstanding leader not only in Warren, but Macomb County and public education across this state.

I remember the early, turbulent years of the '70s when in this state we had a lot of discussion, but also actual teachers' strikes. In my Senate district, one of the first problems that we faced in public education when I came into this body in 1978 was an ugly teachers' strike. Judy Locher was a new president. One of her first duties—she was a teacher for many years before that, an English teacher—was to take over the reigns of the leadership of one of the biggest unions in the entire state.

I want to say that I was there last night, and I know it was supposed to be a night of honoring her, but I got a few licks in for all the years of phone calls that she made to me, telling me how I should help and vote on public education. But, Mr. President, I want to say that this woman, this president, gave the WEA a lot of dignity for their teachers, a lot of respect, and she provided a tremendous amount of leadership during those turbulent years when the superintendent threatened to fire her teachers and threatened to disrupt schools. But since her endurance and her leadership, children, parents, and education have come together and been an example of how great public education can be in districts across the state. That came about through the leadership of Judy Locher. I just want to say I'm going to miss her phone calls saying how we should help public education. She gave me a lot of great suggestions during my tenure, and I'll have many, many fond memories of how good public education is in the Warren public schools.

I just wanted to say that Senator DeBeaussaert and myself presented a great tribute to her and to Bill last night. They were two giants in public education.

Senator DeBeaussaert's statement is as follows:

I rise to invite all the members and staff and visitors and all Michigan residents to participate in an important and historic event which is planned for this Saturday, and join the National Association of Letter Carriers in their annual

food drive. I say it's a historic event because they hope to surpass last year's effort which resulted in the largest one-day gathering of food across America in a food collection program. They gathered 63.2 million pounds of food—cans and boxes—to be distributed to the needy and to the hungry across America. On top of that, the Campbell Soup Company donated a million cans of soup, bringing that total to 64 million pounds of products to be distributed.

It's a simple process for all of us. We know that our letter carriers come to our homes six days a week and bring to us some junk mail, some bills, and some good news. But we have on this one occasion a chance for them to take with them something from our homes in the way of a can or a box of food that could be shared with a needy person or a needy family in our own hometown through local food banks, which is where these products will be going.

As I said before, last year was the largest one-day gathering of food across America. We know that in this state, the members of the Senate—Senator Schuette and the First Lady—have had annual fall harvest gatherings of food for distribution. This is an opportunity for us to join the national program. All 50 states participate. Three hundred and fifteen thousand members of the National Association of Letter Carriers are involved. It's an opportunity for each one of us to make a difference in our own communities.

I encourage everyone to remember before their mail is picked up on Saturday to leave a can or a box of food that can be distributed to be picked up by those letter carriers. I would like to congratulate and thank Dan Florkowski, the president of the Michigan Association of Letter Carriers, and all of the members of that organization in this state, on behalf of the 12 million children across America who go hungry every day, for their efforts to satisfy their needs.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 464

The bill was referred to the Committee on Banking and Financial Institutions.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Cherry introduced

Senate Bill No. 468, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Genesee county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Senators Bennett, Young, Steil, Garcia, McCotter, Hammerstrom, Shugars, Sikkema and Goschka introduced

Senate Bill No. 469, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 319, 617, and 904d (MCL 257.303, 257.307, 257.319, 257.617, and 257.904d), sections 303, 319, and 904d as amended by 2000 PA 460, section 307 as amended by 1999 PA 118, and section 617 as amended by 1989 PA 267.

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

Senators Bennett, Young, Steil, Garcia, McCotter, Hammerstrom, Shugars, Sikkema and Goschka introduced

Senate Bill No. 470, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 459.

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

House Bill No. 4403, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10101 (MCL 333.10101) and by adding section 10102b.

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

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

House Bill No. 4430, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10102 and 10104 (MCL 333.10102 and 333.10104).

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

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

House Bill No. 4431, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5506, 5507, and 5510 (MCL 700.1106, 700.5506, 700.5507, and 700.5510), section 1106 as amended by 2000 PA 463.

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

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

House Bill No. 4617, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as added by 1996 PA 285.

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

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

House Bill No. 4619, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

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

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

House Bill No. 4630, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1294. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Select Committee to Examine Qualifications of Senator Jaye submits the following:

Meeting held on Wednesday, May 9, 2001, at 2:13 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators McCotter (C), Hoffman, North, Cherry (VC), Smith and Koivisto

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Wednesday, May 9, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Johnson, Goschka, Hart and Scott

Excused: Senator Gougeon

Scheduled Meetings

Appropriations - Tuesday, May 22, and Wednesday, May 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay, Joint - Thursday, May 17, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Colleges - Wednesday, May 16, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Corrections - Wednesday, May 16, 1:00 p.m., Room 210, Farnum Building (373-2413)

Department of Education - Wednesday, May 16, 9:15 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

Higher Education - Friday, May 11, 9:00 a.m., Lake Superior State University, Cisler Center, 650 W. Easterday Avenue, Sault Ste. Marie; and Tuesday, May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Natural Resources - Wednesday, May 16, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Michigan Capitol Committee - Wednesday, May 16, 12:00 noon, Room 405, Capitol Building (373-0289)

Natural Resources and Environmental Affairs - Tuesday, May 15, 1:00 p.m., 8th Floor Conference Room, Farnum Building (373-0797)

Qualifications of Senator Jaye Select Committee (SR 42) - Tuesday, May 15, 12:00 noon, Senate Hearing Room, Ground Floor, Michigan National Tower (373-1707)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:29 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 15, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

