

**No. 18**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Tuesday, February 29, 2000.

10:00 a.m.

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

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—excused  
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—excused  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—present  
Young—present

Pastor Kathleen Townsend of Shield of Faith of Saginaw offered the following invocation:

I feel it appropriate today to open this session with a prayer that opened the first page of this nation's history, the Inauguration Prayer written by George Washington. His heart appealed to the Father on behalf of needs still relevant today.

"Almighty God, we make our earnest prayer that Thou wilt keep the United States in Thy holy protection, that You will incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally, that Thou will most graciously be pleased to dispose us all to do justice, to love mercy, and to conduct ourselves with charity, humility, and peaceful temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee through Jesus Christ our Lord. Amen."

And Father, I add a request to bless these noble men and women of Michigan's Senate with godly wisdom to discern truth and to govern in a manner that perpetuates the truth. I pray, Lord, that You will bless them with good health, protect them and their families, breath life into them, and refresh them as they labor on behalf of the good people of the state of Michigan. Above all things, I pray that an awareness of Your presence will fall upon them and that Your great love for each and every one in this room will be made manifest to them. My husband and I thank You for this Senate assembly, dear Lord. Amen.

### Motions and Communications

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

Senator Emerson moved that Senator Murphy be temporarily excused from today's session.  
The motion prevailed.

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

The following communication was received:  
Office of the Auditor General

February 24, 2000

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of the Automobile Theft Prevention Authority, Michigan Department of State Police, February 2000.

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

The communication was referred to the Secretary for record.

The following communication was received:  
State Budget Office

February 24, 2000

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Section 18.1350 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 1998-99.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Leon E. Hank, Director, Office of Financial Management, at 373-1010.

Sincerely,  
Mary A. Lannoye  
State Budget Director

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 Thursday, February 24:  
**House Bill Nos. 5143 5196**

The Secretary announced the printing and placement in the members' files on Thursday, February 24, of:

**Senate Bill Nos. 1041 1042 1043**  
**House Bill Nos. 5400 5401 5402 5403 5404 5405 5406 5407 5408 5409 5410 5411 5412 5413**  
**5414 5415 5416 5417 5419 5420 5421 5422 5423 5424 5425 5426 5427 5428**  
**5429 5430 5431 5432 5433 5434**

The Secretary announced the printing and placement in the members' files on Friday, February 25, of:

**Senate Bill Nos. 1044 1045 1046 1047 1048**  
**House Bill Nos. 5435 5436 5437 5438 5439 5443 5444 5445**

The Secretary announced the printing and placement in the members' files on Monday, February 28, of:

**House Bill Nos. 5440 5441 5442 5446 5447 5448 5449 5450 5451 5452 5453 5454 5455 5456**  
**5457 5458 5459**

Senator Rogers moved that rule 3.902 be suspended to allow the family of the Assistant Secretary of the Senate admittance to the Senate floor.

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

### Messages from the Governor

The following messages from the Governor were received:

Date: February 24, 2000

Time: 9:15 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 46 (Public Act No. 6), being**

An act to amend 1949 PA 300, entitled "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," by amending section 722 (MCL 257.722), as amended by 1993 PA 22.

(Filed with the Secretary of State on February 24, 2000, at 2:20 p.m.)

Date: February 24, 2000

Time: 2:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 581 (Public Act No. 7), being**

An act to amend 1949 PA 300, entitled "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," by amending section 717 (MCL 257.717), as amended by 1999 PA 63.

(Filed with the Secretary of State on February 25, 2000, at 9:50 a.m.)

Date: February 25, 2000

Time: 1:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 808 (Public Act No. 8), being**

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending sections 5400, 5402, 5800, 5901, 5905, 5911, 5913, and 5915 (MCL 500.5400, 500.5402, 500.5800, 500.5901, 500.5905, 500.5911, 500.5913, and 500.5915), section 5800 as amended by 1998 PA 457, sections 5901 and 5915 as amended by 1998 PA 121, and sections 5905, 5911, and 5913 as added by 1995 PA 215, and by adding sections 5403 and 5803 and chapter 60.

(Filed with the Secretary of State on February 25, 2000, at 3:25 p.m.)

Respectfully,  
John Engler  
Governor

The following messages from the Governor were received and read:

February 25, 2000

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointment to office:

**Michigan Apple Committee**

Mr. James D. Chase, 6034 Peach Ridge Avenue, NW, Comstock Park, Michigan 49321, county of Kent, as a member representing growers from District 3, succeeding Mr. Bruce Rasch of Conklin, who has resigned, for a term expiring on April 1, 2003.

Mr. Michael Duane Evans, 5567 Swamp Road, Frankfort, Michigan 49635, county of Benzie, as a member representing growers from District 6, succeeding himself, for a term expiring on April 1, 2003.

February 25, 2000

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointment to office:

**Michigan Mint Committee**

Mr. Daniel V. Keilen, 9855 Grange Road, Portland, Michigan 48875, county of Clinton, as a member representing growers at-large, succeeding Mr. Jerry Lee Bower of Lansing, whose term has expired, for a term expiring on August 9, 2002.

Ms. Marilyn Irrer, 4507 Francis Road, St. Johns, Michigan 48879, county of Clinton, as a member representing growers from District 1, succeeding herself, for a term expiring on August 9, 2002.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

The Associate President pro tempore, Senator Vaughn, assumed the Chair.

**Messages from the House**

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

**Senate Bill No. 593, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 1998 PA 227 and section 16226 as amended by 1998 PA 109, and by adding sections 17020 and 17520.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,

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

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

**Roll Call No. 23**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Hoffman	Murphy	Smith, V.
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**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 full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 595, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 1, 6, and 6a (MCL 722.711, 722.716, and 722.716a), sections 1 and 6 as amended and section 6a as added by 1998 PA 113.

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. 24**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Hoffman	Murphy	Smith, V.
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**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 as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 807, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5431 (MCL 333.5431), as amended by 1998 PA 88.

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. 25**

**Yeas—35**

Bennett	Emmons	Leland	Shugars
Bullard	Gast	McCotter	Sikkema

Byrum	Goschka	McManus	Smith, A.
Cherry	Gougeon	Miller	Steil
DeBeaussaert	Hammerstrom	North	Stille
DeGrow	Hart	Peters	Van Regenmorter
Dingell	Jaye	Rogers	Vaughn
Dunaskiss	Johnson	Schuetz	Young
Emerson	Koivisto	Schwarz	

**Nays—0**

**Excused—3**

Hoffman	Murphy	Smith, V.
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**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 as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senators A. Smith, Byrum, DeBeaussaert, Sikkema, Steil, Stille, Gast, Peters and Vaughn moved that they be named co-sponsors of the following bill:

**Senate Bill No. 807**

The motion prevailed.

**Senate Bill No. 815, entitled**

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 201 and 202 (MCL 37.1201 and 37.1202), section 201 as amended by 1990 PA 121 and section 202 as amended by 1998 PA 20. 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. 26**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Hoffman	Murphy	Smith, V.
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**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 full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

**Senate Bill No. 938, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 111a and 111b (MCL 400.111a and 400.111b), section 111a as amended by 1986 PA 227 and section 111b as amended by 1994 PA 74, and by adding section 111i.

The above bill was read a third time.

The question being on the passage of the bill, Senator Gougeon offered the following substitute:  
Substitute (S-3).

The question being on the adoption of the substitute, Senator Byrum offered the following amendment to the substitute:

1. Amend page 22, line 10, after "COMMISSIONER" by inserting "AND A QUALIFIED HEALTH PLAN MUST BE ABLE TO RECEIVE A CLAIM TRANSMITTED ELECTRONICALLY".

The question being on the adoption of the amendment,

Senator Byrum requested the yeas and nays.

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

The amendment was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 27****Yeas—35**

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

**Nays—0****Excused—3**

Hoffman	Murphy	Smith, V.
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**Not Voting—0**

In The Chair: Schwarz



Senator Murphy entered the Senate Chamber.

Senator Dingell offered the following amendment to the substitute:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 105. (1) The state department shall establish a program for medical assistance for the medically indigent under title XIX. The director of the state department shall administer the program established by the state department and shall be responsible for determining eligibility under this act. Except as otherwise provided in this act, the director may delegate the authority to perform a function necessary or appropriate for the proper administration of the program. BY OCTOBER 1, 2000, EACH APPLICANT FOR MEDICAL ASSISTANCE SHALL HAVE A DETERMINATION OF ELIGIBILITY RENDERED BY THE DIRECTOR OR HIS OR HER DESIGNEE BY NOT LATER THAN 45 DAYS AFTER ALL INFORMATION TO MAKE THE DETERMINATION IS RECEIVED FROM THE APPLICANT.

(2) As used in this section and sections 106 to 112, "peer review advisory committee" means an entity comprising professionals and experts who are selected by the director and nominated by an organization or association or organizations or associations representing a class of providers.

(3) As used in sections 106 to 112, "professionally accepted standards" means those standards developed by peer review advisory committees and professionals and experts with whom the director is required to consult.

(4) As used in this section and sections 106 to 112, "provider" means an individual, sole proprietorship, partnership, association, corporation, institution, agency, or other legal entity, who has entered into an agreement of enrollment specified by the director pursuant to section 111b(1)(c) UNDER THIS ACT."

The question being on the adoption of the amendment,

**Point of Order**

Senator Rogers raised the Point of Order that the amendment was not germane to the bill because it dealt with Medicaid eligibility and the bill dealt with the subject of timely payments.

The President pro tempore, Senator Schwarz, ruled that once the subject of the payment of Medicaid claims was brought up in a multi-section bill, the amendment was germane.

The question being on the adoption of the amendment,

Senator Dingell requested the yeas and nays.

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

Senator Rogers moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator A. Smith offered the following amendment to the substitute:

1. Amend page 25, line 18, after "SECTION." by inserting "THE DEPARTMENT OF COMMUNITY HEALTH SHALL NOT CONTRACT WITH A QUALIFIED HEALTH PLAN UNLESS THE QUALIFIED HEALTH PLAN AGREES THAT NOT MORE THAN 13% OF THE CONTRACT PRICE WILL BE ALLOCATED IN WHOLE OR IN PART FOR ANY ADMINISTRATIVE-RELATED SERVICES DONE BY THE QUALIFIED HEALTH PLAN."

The question being on the adoption of the amendment,

Senator A. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members not voting therefor, as follows:

**Roll Call No. 28**

**Yeas—14**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Jaye  
Koivisto

Leland  
Miller  
Murphy

Peters  
Smith, A.  
Vaughn

**Nays—22**

Bennett  
Bullard

Goschka  
Gougeon

North  
Rogers

Sikkema  
Steil

DeGrow  
Dunaskiss  
Emmons  
Gast

Hammerstrom  
Johnson  
McCotter  
McManus

Schuette  
Schwarz  
Shugars

Stille  
Van Regenmorter  
Young

**Excused—2**

Hoffman

Smith, V.

**Not Voting—0**

In The Chair: Schwarz

Senator Rogers moved that further consideration of the bill be postponed temporarily.  
The motion prevailed.

The following bill was read a third time:

**House Bill No. 4742, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5205 (MCL 333.5205), as amended by 1997 PA 57.

The question being on the passage of the bill,

Senator Rogers offered the following amendments:

1. Amend page 2, line 16, after "located" by inserting "OR THE APPROPRIATE DISTRICT COURT".
2. Amend page 3, line 12, after "(1)" by striking out the balance of the line through "(3)" on line 13.
3. Amend page 3, line 17, by striking out "or the proposed test subject under section 5204".
4. Amend page 3, line 19, after "individual's" by striking out the balance of the line through "subject's" on line 20.
5. Amend page 3, line 22, after "individual" by striking out the balance of the line through "subject" on line 23.
6. Amend page 3, line 24, after the second "the" by inserting "CIRCUIT".
7. Amend page 3, line 25, after "immediately." by inserting "UPON RECEIPT OF A PETITION FILED UNDER SUBSECTION (3), THE CIRCUIT COURT OR THE DISTRICT COURT SHALL FIX A DATE FOR HEARING THAT SHALL BE AS SOON AS POSSIBLE, BUT NOT LATER THAN 24 HOURS AFTER THE TIME AND DATE THE PETITION IS FILED. NOTICE OF THE PETITION AND THE TIME AND PLACE OF THE HEARING SHALL BE SERVED PERSONALLY ON BOTH THE PROPOSED TEST SUBJECT UNDER SECTION 5204 AND THE PETITIONER WITHIN A TIME PERIOD THAT IS REASONABLE UNDER THE CIRCUMSTANCES. NOTICE OF THE HEARING SHALL INCLUDE NOTICE OF THE PROPOSED TEST SUBJECT'S RIGHT TO APPEAR AT THE HEARING, THE RIGHT TO PRESENT AND CROSS-EXAMINE WITNESSES, AND THE RIGHT TO COUNSEL AS PROVIDED IN SUBSECTION (12). THE PROPOSED TEST SUBJECT AND THE PETITIONER MAY WAIVE NOTICE OF THE HEARING, AND UPON FILING OF THE WAIVER IN WRITING, THE CIRCUIT COURT OR THE DISTRICT COURT MAY HEAR THE PETITION FILED UNDER SUBSECTION (3) IMMEDIATELY."
8. Amend page 5, line 2, after "court" by inserting "OR THE DISTRICT COURT".
9. Amend page 5, line 8, after the first "the" by inserting "CIRCUIT COURT OR THE DISTRICT".
10. Amend page 8, line 11, after "under" by striking out the balance of the line through "section" on line 12 and inserting "SUBSECTION (6)".
11. Amend page 8, line 15, after "under" by striking out "this section" and inserting "SUBSECTION (6)".
12. Amend page 8, line 17, after "cause." by inserting "AN ORDER ISSUED BY THE CIRCUIT COURT UNDER SUBSECTION (7) MAY BE APPEALED TO THE COURT OF APPEALS. THE COURT OF APPEALS SHALL HEAR THE APPEAL WITHIN 15 DAYS AFTER THE DATE THE CLAIM OF APPEAL IS FILED WITH THE COURT OF APPEALS. HOWEVER, AN ORDER ISSUED BY THE CIRCUIT COURT UNDER SUBSECTION (7) SHALL NOT BE STAYED PENDING APPEAL, UNLESS ORDERED BY THE COURT OF APPEALS ON MOTION FOR GOOD CAUSE. AN ORDER ISSUED BY A DISTRICT COURT UNDER SUBSECTION (7) MAY BE APPEALED TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE DISTRICT COURT IS LOCATED. THE CIRCUIT COURT SHALL HEAR THE APPEAL WITHIN 15 DAYS AFTER THE DATE THE CLAIM OF APPEAL IS FILED WITH THE CIRCUIT COURT. HOWEVER, AN ORDER ISSUED BY A DISTRICT COURT UNDER SUBSECTION (7) SHALL NOT BE STAYED PENDING APPEAL, UNLESS ORDERED BY THE CIRCUIT COURT ON MOTION FOR GOOD CAUSE."



### Point of Order

Senator Cherry raised the Point of Order that pursuant to Mason's Manual, section 230(2), the appeal was untimely because there had been intervening business.

The President pro tempore, Senator Schwarz, sustained the Point of Order.

Senator Rogers moved that section 230(2) of Mason's Manual regarding the timeliness of the appeal be suspended. On which motion Senator Cherry requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 30

#### Yeas—22

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hammerstrom	Rogers	Steil
Dunaskiss	Jaye	Schuette	Stille
Emmons	Johnson	Schwarz	Van Regenmorter
Gast	McCotter		

#### Nays—14

Byrum	Emerson	Miller	Smith, A.
Cherry	Hart	Murphy	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland		

#### Excused—2

Hoffman	Smith, V.
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#### Not Voting—0

In The Chair: Schwarz

### Protests

Senators Cherry, Peters and Byrum, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to suspend section 230(2) of Mason's Manual.

Senator Cherry's statement is as follows:

I voted "no" on the previous motion to suspend *Mason's Manual of Legislative Procedure*. I did so because I don't believe that we ought to throw out the very basic rules by which this body and democracies across this nation and world operate under.

*Mason's Manual of Legislative Procedure* is very basic to an orderly debate and resolving questions in a democratic fashion. To throw it out is, in a sense, throwing out democracy. I don't think that we do it because we made a mistake. I don't think we ought to throw it out because we screwed up and simply didn't understand what the rules were. I can imagine there are people in all walks of life who have made a little mistake and would love to be able to throw out the law. But that's not the kind of justice we proceed under in this country. The rules are the rules. The expectation is that

you understand the rules. The expectation is that you operate by the rules. Now, to throw out the rule book simply because you weren't aware of it or didn't understand it, I think, is a diminishment of democracy.

I think it's unfortunate any time a body like the Michigan Senate, that operates in a spirit of free debate and democratic procedure, has to resort to simply tossing out the rule book so that anything goes. It's an unfortunate example for this state and for those who cherish democratic institutions that our forefathers gave us. That's the reason I voted "no" on the previous motion to suspend Mason's legislative procedures.

Senator Peters' statement is as follows:

I also voted "no" because I believe suspending the rules in this instance is just a clear abuse of power. We had before this body a substantive amendment that is an important amendment. It was ruled germane by the chair. It certainly warrants a vote of this body.

I just have to say to the majority party, I wish the majority party would show a little courage and just vote on the amendment, as opposed to hiding behind some procedural games. To toss out rules willy-nilly is a bad precedent. It demeans the Senate. We should never ever suspend the rules in that case.

Senator Byrum's statement is as follows:

I voted "no" on the motion to suspend Mason's rules of order. I felt it was an arrogant move by this body and an absolute abuse of power to throw out the rules by which we conduct orderly business.

We have the ability here today to vote on issues on their merit, up or down, and let the majority vote rule. To throw out the rule process and the orderly fashion by which we do business is an absolute arrogance and abuse of power, and we should not tolerate it. Therefore, I voted "no."

The question being shall the decision of the Chair stand as the judgment of the Senate,

Senator Cherry requested the yeas and nays.

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

The decision of the Chair did not stand as the judgment of the Senate, a majority of the members present not voting therefor, as follows:

**Roll Call No. 31**

**Yeas—15**

Byrum	Emerson	Miller	Smith, A.
Cherry	Hart	Murphy	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland	Schwarz	

**Nays—21**

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Jaye	Rogers	Stille
Emmons	Johnson	Schuette	Van Regenmorter
Gast			

**Excused—2**

Hoffman	Smith, V.
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**Not Voting—0**

Senator Dingell offered the following amendment to the substitute:

1. Amend page 26, following line 9, by inserting:

“(7) BY OCTOBER 1, 2000, EACH APPLICANT FOR MEDICAL ASSISTANCE SHALL HAVE A DETERMINATION OF ELIGIBILITY RENDERED BY THE DIRECTOR OR HIS OR HER DESIGNEE BY NOT LATER THAN 45 DAYS AFTER ALL INFORMATION TO MAKE THE DETERMINATION IS RECEIVED FROM THE APPLICANT.” and renumbering the remaining subsections.

The question being on the adoption of the amendment,

Senator Dingell requested the yeas and nays.

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

### Point of Order

Senator Rogers raised the Point of Order that the amendment was not germane to the bill because it dealt with Medicaid eligibility and the bill dealt with the subject of timely payments.

The President pro tempore, Senator Schwarz, ruled that once the subject of the payment of Medicaid claims was brought up in a multi-section bill, the amendment was germane.

Senator Rogers appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

Senator Cherry requested the yeas and nays.

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

The decision of the Chair did not stand as the judgment of the Senate, a majority of the members present not voting therefor, as follows:

### Roll Call No. 32

### Yeas—15

Byrum	Emerson	Miller	Smith, A.
Cherry	Hart	Murphy	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland	Schwarz	

### Nays—21

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Jaye	Rogers	Stille
Emmons	Johnson	Schuette	Van Regenmorter
Gast			

### Excused—2

Hoffman	Smith, V.
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### Not Voting—0

In The Chair: Schwarz

The question being on the adoption of the substitute, as amended,

The substitute 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. 33****Yeas—36**

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

**Nays—0****Excused—2**

Hoffman                      Smith, V.

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Rogers, Goschka, Schuette, Hammerstrom, Bullard, North, McCotter, Sikkema, Koivisto, Young, Miller, Peters, Hart, Byrum, McManus, Emmons, Leland, Murphy, DeBeaussaert, A. Smith, Bennett, Johnson, Stille, Steil, Jaye, Gast, Vaughn, Emerson and Schwarz moved that they be named co-sponsors of the following bill:

**Senate Bill No. 938**

The motion prevailed.

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in support of the efforts by Senator Gougeon in his leadership in dealing with this issue of requiring that when a service is rendered by a nurse practitioner or a doctor or physician or a hospital, the bills are paid. When a service is made, the bills ought to be paid, and the bills are coming due today with the legislation that Senator Gougeon has authored and worked so hard on. So I congratulate Senator Gougeon and look forward to working with him on the other side of this coin on the non-Medicaid commercial accounts. There will be a hearing held today, and Senator Shugars' Health Policy Committee will continue this effort of making sure we address the needs of families, practitioners, and hospitals throughout the state of Michigan.

Senator Miller's statement is as follows:

I rise to support the bill a little bit reluctantly because I feel that we could have taken a giant step forward to support Senator Dingell's efforts to bring some of these problems to a close a lot quicker. Mr. President, I not only serve here as a state Senator, I have the privilege to serve as a hospital board member. Just last week, I listened to some of the financial reports. Hospitals are in very, very dire need of operating on razor-thin margins.

Mr. President, I'm sure that in your other important role you could address that situation better than I could. Michigan's hospitals and doctors need those Medicaid dollars. We need to make sure that Michigan's medical community moves forward into the 21st century. I want to commend the good sponsor for taking it in the right

direction, but I sure hope that after today we just don't forget about the other problems of finding those dollars. We see, especially like Senator Young said, in the Detroit area, we have many, many hospitals close. Hospital beds are no longer available because hospitals could not maintain and continually go deeper and deeper in debt. We need to find dollars to operate those facilities to make sure that people, no matter if you have the best Blue Cross coverage like we do in this building or you are a retired person who has no medical coverage, have the same opportunity to receive the best care. We need to move forward and find those dollars, and I hope that today is just a signal that this body's going to roll up their sleeves come appropriations time and find the dollars to make sure that all Michigan citizens have the right to great quality care like the hospitals and doctors provide in this state.

Senator Gougeon's statement is as follows:

I do urge the body to support Senate Bill No. 938 as substituted. There's been a lot of effort, a lot of hearings, and a lot of time put into this bill to establish a relationship between the health providers of this state and the insurers of this state who are paying the bills. And for the first time, and it's very important that this body understand, a dispute resolution process is included in this bill, and it includes the insurance commissioner. The most difficult problem that we've had in hearings over two years is not the fact that we've ordered clean claims, defined clean claims, ordered that they be paid, and ordered interest payments or penalties on bills that were not paid, but that we had no dispute resolution process. So for the first time, we bring that dispute resolution process forward in Senate Bill No. 938.

The idea that we use universal codes, that we use electronic billing mechanisms for the first time are new as well. And we hope that we put down the foundation of the basis that will finally be able to go forward and have a process of medical care delivery for Michigan's most needy citizens that works. And so, with that in mind, I would urge all the body to support this bill as a move forward for Michigan's citizens.

By unanimous consent the Senate proceeded to the order of

### **General Orders**

Senator Rogers 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 Vaughn 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 without amendment, the following bill:

#### **House Bill No. 4620, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1224 (MCL 500.1224), as amended by 1981 PA 1.

The bill was placed on the order of Third Reading of Bills.

### **Resolutions**

Senator Cherry offered the following resolution:

#### **Senate Resolution No. 128.**

A resolution of tribute to Carol A. Linteau, Assistant Secretary of the Senate.

Whereas, Carol A. Linteau is leaving employment with the Michigan State Senate after more than 14 years of dedicated service. She deserves our very highest praise, tribute, gratitude, and commendation; and

Whereas, Carol has demonstrated a strong commitment to making state government accessible and responsive to Michigan citizens. Her contributions to the state of Michigan have been invaluable, as she has shared her considerable experience in many praiseworthy ways. Truly, Carol A. Linteau is a public servant deserving of our profound appreciation and admiration; and

Whereas, The departure of Carol A. Linteau from her position as the Assistant Secretary of the Senate is ending a long period of leadership and outstanding service. Her dedication on behalf of the Michigan State Senate has contributed a great deal to the institution of the Senate as a whole; and

Whereas, Carol was educated in the state of Michigan, attending elementary school in Coldwater, and later, moving to New Buffalo where she graduated from high school. She obtained her bachelor's degree in natural resources from the University of Michigan; and

Whereas, A resident of Pinckney, she served as Environmental Advisor to Governor James Blanchard from 1989-90. Prior to that, she worked on the Senate Democratic Staff as a Policy Analyst and Interim Policy Supervisor from 1984-89. She worked for Senator Cherry, Senate Minority Leader, from 1991-98, serving as Chief of Staff, before becoming the Assistant Secretary of the Senate on January 1, 1999; and



Whereas, In addition to assisting the Secretary of the Senate on the rostrum during sessions of the Senate, Carol Linteau worked closely with the Secretary of the Senate's unit managers, developing and tracking their departmental unit budgets. She also had primary responsibility for coordinating the work of the General Services, Human Resources, Physical Properties, and Security Units. Carol assisted in planning and staffing decisions, drafting, standardizing, and implementing procedures for the Secretary of the Senate's staff, as well as working on scripts for Senate session, coordinating Senate committee meeting schedules, and providing prompt and courteous responses to inquiries of Senators and staff; and

Whereas, Carol is an American Red Cross instructor of first aid and CPR and serves as a volunteer instructor in the mid-Michigan area. She enjoys scuba diving and snorkeling, certified in 1999 as a dive master and assistant instructor. Carol also enjoys gardening, stained glass, and travel; and

Whereas, As Carol looks back on her years serving the Michigan State Senate and the Executive Branch of government, she can take pride in her commitment, personal integrity, and many achievements. She made a significant impact in the environmental policy area, coordinated many administrative projects, increased professionalism and accountability of the staffs she was responsible for, and contributed her expertise in research, writing, review, and improvements to many policies, procedures, and studies; and

Whereas, Known for her positive attitude and emphasis on teamwork, Carol's thoughtful and helpful approach to each and every undertaking will be sorely missed by those who came to rely on her advice and insights; now, therefore, be it

Resolved by the Senate, That we join with the citizens of Michigan in expressing our deep appreciation for Carol A. Linteau's many years of public service; and be it further

Resolved, That it is our sincere wish that her future is filled with happiness for her and her husband, Bob Lathrop. May they be assured of our best wishes for a long, happy, and fulfilling life in California where they are pursuing new endeavors; and be it further

Resolved, That a copy of this resolution be transmitted to Carol as evidence of the great respect and high esteem in which she is held by this legislative body.

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

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

The resolution was adopted.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Cherry, DeGrow, Schwarz, Emmons, Rogers, Miller and A. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's statement is as follows:

Mr. President, it's my pleasure, but it is also a bitter-sweet moment, to see a staff person and a close associate advance in life and move up and up. It's also, at the same time, a sad moment when you lose a friend who's not going to be with you on a daily basis. But there is no doubt that Carol Linteau, who previously served as my chief of staff and then served for the body as Assistant Secretary, has done an outstanding job in every capacity she's held as a Senate employee, as an employee of the executive branch, as an employee of the Senate Democratic Caucus, and then as the employee of the entire body here in the Secretary of the Senate's office.

It seems just appropriate to recognize her for a fine career that she's had here in Michigan and the outstanding job that she's done. Clearly, we would not have wanted the last debate that we had to be her final tribute here in the state Senate. We wanted to present her a copy of the resolution, Senate Resolution No. 128, that we just adopted.

Carol is also joined here this morning by her mother, Mrs. Ethel Linteau, her mother-in-law, Margee Lathrop, and a number of family members. So, Carol, I would like you to come forward here and receive the resolution as an expression of appreciation for work you've done on behalf of the body.

Senator DeGrow's statement is as follows:

Mr. President, I would like to echo what Senator Cherry said on behalf of our side of the aisle. I also thank Carol. She served with integrity at all times and was extremely competent. We're going to miss her. Just about the time she settled into her job, she's going to leave us. We will miss her, but at all times, we were most impressed with the way she handled the job.

Senator Schwarz's statement is as follows:

I would like to add it has been a pleasure to work with Carol up here at the podium, and none of you will ever know what Carol and Carol and I say up here when the microphone is off. That's a secret only to the Secretaries of the Senate

and Presidents pro tempore and presiding officers. I know we all share the sentiments that have been spoken here this morning, Carol. And from my standpoint, it has been an absolute pleasure working with you.

Senator Emmons' statement is as follows:

I want to thank Carol for her service here in the Senate. It has been particularly gratifying that we have two women up in the Secretary's chair. It really is a role model for all the young women who come through here. And when they do the fine job that they've done, why, we're particularly pleased and must thank those, especially Carol as she leaves, for the fine job that she did and the great role model she was for other young girls standing around saying, "Yeah, maybe someday I can do that." So we thank you very much. Oh, you have a little one. Maybe she can do it someday!

We just want to thank you, Carol, for the good model that you've been to all of us, and we are very proud of you and wish you very, very much success in the next thing you do.

Senator Rogers' statement is as follows:

It's a sad day indeed for the body. We are going to break up the Christmas Carols, who have presided so ably over this body. I understand that some of those conversations that the good president and presiding officer may have had involved you getting out to the California primaries early and in time to register to vote. We'll be doing some questioning immediately following session today. I do want to say thank you to Carol. She started just around the time I did in this position, and she did a marvelous job looking like that duck who is paddling along smooth and unruffled on the top and paddling to beat all underneath. We have a hot line phone back here that we use, and we also had conversations I'm not sure would be welcome in the public. She has ably guided us through many sessions. Today was a great example of her abilities to get us through some difficult times and some points of disagreement with civility, and I appreciate her professionalism.

Believe me, on behalf of my office, my legislative director, and my floor manager here, we thank you very much for making our jobs that much easier and making it look like we actually knew what we were doing back here. Carol, thank you. You will be missed. Godspeed and good luck in California.

Senator Miller's statement is as follows:

It gives me great pleasure to be here and see this fine young woman—she is still young. It gives me sad memories to think back that Carol has been here since 1984 when I was a Senator and served on the personnel committee. I had the privilege to sit in on an interview and was one of the members of my caucus who decided she would definitely be a step in the right direction to have her expertise in this field and environment.

Back in the 1980s, everybody wanted to make sure that Michigan's environment stayed clean. You won't see Carol's signature on any bills, but believe me, she worked tirelessly to provide a lot of expert opinions to make sure that not only our caucus, but the entire Senate knew where we were going with a lot of tough legislation. She contributed and made Michigan a better place for everyone. Our good leader talked about how she started out as an aide and worked her way up to the Assistant Secretary of the Senate. We will greatly miss her. In all of the years I've been in this body, it surely brings me great pleasure to see the expertise we take credit for. We're the ones quoted in the newspapers and people look at the box scores to see how we voted. But it's people like Carol who dedicated so much of her professional career to make this a better place for us to work and a better place for all of Michigan's residents to live.

I thank you, Carol, and I wish you, your husband, and your family the best. California's victory is Michigan's loss, and you really, really went overboard in so many areas to make this place a better place for all of us to work, and I want to just say thank you for the last 16 years of your dedicated service.

Senator A. Smith's statement is as follows:

It is with great delight that I echo many of the wonderful comments of my colleagues. But I would love to underscore the importance of staff. I can remember in 1985 when I joined Senator Lana Pollack's staff, Carol Lintean took a no-name, know-nothing individual and raised me to understand every nuance on polluter-pay legislation. We toiled for years to make sure that legislation passed. Carol's calm and expertise were absolutely essential to the passage of that legislation. While she left to work for the Governor while the bill was still in progress, she gave me the opportunity to come up to speed and to gain an essential depth of understanding of the polluter-pay aspects that let that bill become law.

Carol, you have been a great friend, and I am going to miss you. I wish you the best in California. Thank you for being here.

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

**Senate Resolution No. 129**

**Senate Resolution No. 130**

**Senate Resolution No. 131**

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

**Senate Resolution No. 129.**

A resolution to congratulate Gopalkrishna Trivedi on being named Michigan's top Middle School Student Volunteer.

Whereas, Gopalkrishna Trivedi, an esteemed resident of Grosse Pointe Park and a student at Pierce Middle School, has achieved national recognition for exemplary volunteer service by receiving the 2000 Prudential Spirit of Community Award; and

Whereas, This prestigious award, presented by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

Whereas, Mr. Trivedi earned this award by giving generously of his time and energy to repair and upgrade 120 obsolete computers to assist non-English-speaking students learn and work in the English language. Gopalkrishna was inspired by his computer teacher who suggested that he expand his computer knowledge while helping others at the same time. He enlisted two of his computer classmates to help with the project, and the three students began by moving the outdated computers from the school basement to the computer lab. They then inspected each computer to diagnose problems and replaced all defective parts. Once repaired, they loaded each computer with an operating system. Most of the upgraded computers were donated to students who recently arrived from Albania with limited financial resources. The remaining computers were donated to the school's science lab and the computer keyboarding lab; and

Whereas, The success of the state of Michigan, the strength of our communities, and the overall vitality of American society depend in great measure upon the dedication of young people like Mr. Trivedi who use their considerable talents and resources to serve others; now, therefore, be it

Resolved by the Senate, That we commend and congratulate Gopalkrishna Trivedi on being named a recipient of the Prudential Spirit of Community Award. We recognize his outstanding record of volunteer service, peer leadership, and community spirit and extend best wishes for his continued success and happiness; and be it further

Resolved, That a copy of this resolution be transmitted to Gopalkrishna Trivedi in appreciation of his service and the high esteem in which he is held.

Senator Goschka was named co-sponsor of the resolution.

Senator Schuette offered the following resolution:

**Senate Resolution No. 130.**

A resolution to honor the outstanding efforts of the Michigan Association of Broadcasters.

Whereas, In an outpouring of corporate and personal philanthropy, each year Michigan leaders step forward to raise food and money for the Food Bank Council of Michigan during "The Michigan Harvest Gathering"; and

Whereas, "The Michigan Harvest Gathering" undertaken in 1991, has raised more than \$2.7 million and 3.2 million pounds of food was donated for families in need. This charitable endeavor has provided more than 5 million emergency meals during a time of the year when meals and assistance was at its greatest need; and

Whereas, These resources were provided to families in need across the state of Michigan through the Food Bank Council of Michigan, 12 regional food banks, homeless shelters, and soup kitchens and pantries in each of Michigan's 83 counties; and

Whereas, Such accomplishments could not be possible without a broad spectrum of support from partners who have stepped forward to tirelessly make special contributions on behalf of "The Michigan Harvest Gathering"; and

Whereas, On the occasion of the annual meeting of the Michigan Association of Broadcasters (MAB), which was held in Lansing, it is the desire of those who serve in the Michigan Senate to pay special tribute to the members of the MAB for their partnership and cooperation in this worthwhile effort; and

Whereas, Members of the MAB have been a close and valued partner—airing hundreds of public service announcements on behalf of "The Michigan Harvest Gathering" to help elevate awareness. These public service announcements were valued at \$51,257.75 for 1999 alone; and

Whereas, We, the members of the Michigan Senate, desire to make our deep, sincere, and heartfelt appreciation known to all Michigan residents; now, therefore, be it

Resolved by the Senate, That the state of Michigan recognize the Michigan Association of Broadcasters and its numerous members for their outstanding contributions to "The Michigan Harvest Gathering." May these individuals know of the earnest appreciation we have for their work and true dedication; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of Broadcasters as evidence of our support for their endeavors.

Senator Byrum offered the following resolution:

**Senate Resolution No. 131.**

A resolution to commemorate March 2, 2000, as Read Across America Day.

Whereas, You are never too old, too wacky, or too wild to pick up a book and read to a child. The benefits of reading to children are plentiful. Readers and children alike benefit when they take the time to share a good book. Families and communities play a critical role in helping children become successful readers; and

Whereas, We have learned by sharing a book, we can create an imagination. Reading stimulates the imagination and exposes young minds to new ideas. It is also directly correlated to academic success; and

Whereas, The importance of reading to children cannot be overemphasized. Reading can become contagious. Once read to, children become motivated to read independently. Let's gather around in churches and chambers, let's pick up a book, and let's pass it around; and

Whereas, The Michigan Education Association has identified March 2, 2000, as Read Across America Day in recognition of Dr. Seuss' 96th birthday. Dr. Seuss' writings have motivated untold numbers of Michigan children to read; now, therefore, be it

Resolved by the Senate, That we commemorate March 2, 2000, as Read Across America Day; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Education Association in appreciation of their efforts to promote the importance of reading.

Senators DeBeaussaert and A. Smith were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of

### **Statements**

Senators Byrum, Young, Gougeon and Shugars asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Byrum's statement is as follows:

Today, I've introduced a resolution commemorating March 2, 2000, as Read Across America Day. March 2 recognizes Dr. Seuss's 96th birthday. In celebration of Dr. Seuss's significant contributions to reading, the National Education Association and Michigan Education Association are encouraging adults to take time during the day to read a book to a child. I'm looking forward to my opportunity to read to schoolchildren this Thursday and encourage you to do the same.

I have copies of the resolution, "Read Across America." It's a pledge form. I would encourage you to sign this form that will be on my desk and return it to the MEA. I suspect you will enjoy the time that you spend reading to a child as much as the child enjoys your reading.

Senator Young's statement is as follows:

Today, as many of my colleagues know, is the last day of Black History Month. I have spent most of these 29 days visiting schools and churches in my district—in Detroit, Harper Woods, Grosse Pointe, and all of the areas I represent—discussing the importance of recognizing the many contributions African-Americans have made to American life.

Some of those significant contributions have occurred in this building. I am humbled by my predecessors in these two chambers, particularly my father. I am proud to note that our time served together remains the only time an African-American father and son team has served in the Michigan Legislature. I would also be remiss if I failed to mention the many, many efforts of our colleague Jackie Vaughn to commemorate the anniversary of Dr. Martin Luther King, Jr.'s birth.

I would like to commemorate today by reading excerpts from Martin Luther King, Jr.'s famous address at the March on Washington, which he delivered August 28, 1963. His words continue to have a profound effect upon the way all Americans think about their rights and responsibilities as members of our democratic society:

"Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

"One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. And so we've come here today to dramatize a shameful condition.

"In a sense, we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked 'insufficient funds.'

"But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

“I say to you today, my friends, so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

“I have a dream that one day this nation will rise up and live out the true meaning of its creed: ‘We hold these truths to be self-evident, that all men are created equal.’

“I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

“I have a dream that my four little children one day will live in a nation where they will be judged not by the color of their skin but by the content of their character. I have a dream today.

“I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together. This is our hope.

“And when this happens, when we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God’s children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: ‘Free at last! Free at last! Thank God Almighty, we are free at last!’”

Senator Gougeon’s statement is as follows:

I want to extend, first of all, my appreciation to my colleagues on the floor who have supported Senate Bill No. 938 unanimously. Also in response to the good Senator from the 10th District, who spoke earlier and said, yes, we do have a big job in medical care before us here in the state of Michigan, I couldn’t agree more.

I want this body to know that Senate Bill No. 938 was just the first part of what we’re doing. We are, in fact, going out for bids, and before we leave for this summer, those new bids will be here. We do have problems with Medicaid within this state. This committee and this committee chair are dedicated to working with Senators on both sides of the aisle. There is no Republican and there is no Democrat health care provider anywhere in this state. They’re just people who need our help, and by working together, whether it’s Detroit Medical Center, whether it’s Munson Hospital, or whether it is a hospital in the Upper Peninsula, I feel it is incumbent upon this committee and members on both sides of the aisle to work as hard as we can toward this whole Medicaid effort. That, in essence, is my response now only with the passage today of Senate Bill No. 938 with the bidding out of the qualified health plan, with the pharmaceutical issue, and that we’ve also agreed the first three points of our six-point plan being put forward here. To let the good Senator know that I agree with every comment he made and that we are pressing forward, our heart is in the right area to help the most vulnerable citizens of this state.

Senator Shugars’ statement is as follows:

To all my colleagues, Senator Joe Young and myself signed a letter that was distributed today. It’s to honor and a notice to everyone that Michigan Governor’s Council on Physical Fitness was named the National Council of the Year. In Boston on March 3, they will receive this award.

Four major programs and elements are significant to be noted. The one is the EPEC, which is the curriculum, the lessons that are taught for physical education teachers throughout the state of Michigan. This program will be used nationwide also. I urge my colleagues to note that in this letter.

Also the Governors’ Council awards program last year had over 600 individuals there to honor the people from workplace honors to physical education to amateur sports and communities getting healthier.

Then also honored were the regional fitness councils that we have throughout the state of Michigan, and lastly, the All Children Exercising Simultaneously program that Michigan has started in May 1999.

So I urge my colleagues to read the letter and be proud that this group of people are moving forward for all of us and our children.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

#### **House Bill No. 5143, entitled**

A bill to amend 1959 PA 228, entitled “An act to promote the development of the Michigan fruit and vegetable industry; to define certain types and methods of fruit and vegetable storage; to prohibit the sale of fruits and vegetables misbranded as to type of storage; to provide for records; to provide for licensing of certain fruit and vegetable storage facilities; to provide for registration and permits for packers or repackers; to provide for revocation of licenses; to provide for the enforcement of this act; and to provide penalties for violation of this act,” by amending sections 1, 2, 3, 4, 5, 6, and 9 (MCL 286.371, 286.372, 286.373, 286.374, 286.375, 286.376, and 286.379) and by adding sections 2a and 4a; and to repeal acts and parts of acts.

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 Farming, Agribusiness and Food Systems.

**House Bill No. 5196, entitled**

A bill to codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts.

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 Farming, Agribusiness and Food Systems.

**Committee Reports**

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 956, entitled**

A bill to amend 1877 PA 164, entitled "An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies," by amending section 2 (MCL 397.202).

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Thaddeus G. McCotter  
Chairperson

To Report Out:

Yeas: Senators McCotter, Shugars, Van Regenmorter, Miller and Murphy

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Local, Urban and State Affairs submits the following:

Meeting held on Wednesday, February 23, 2000, at 3:00 p.m., Room 405, Capitol Building

Present: McCotter (C), Shugars, Van Regenmorter, Miller and Murphy

The Committee on Farming, Agribusiness and Food Systems reported

**House Bill No. 4807, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 18826 and 18827.

With the recommendation that the bill pass.

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

George A. McManus, Jr.  
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported

**House Bill No. 4903, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18802 and 18838 (MCL 333.18802 and 333.18838), section 18802 as amended by 1982 PA 353.

With the recommendation that the bill pass.

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

George A. McManus, Jr.  
Chairperson

## To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported

**Senate Concurrent Resolution No. 29.**

A concurrent resolution to memorialize the Congress of the United States to grant to the President fast-track negotiating authority for future trade agreements.

(For text of resolution, see Senate Journal No. 81 of 1999, p. 1794.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to memorialize the Congress of the United States to grant to the President fast-track negotiating authority for future agriculture products trade agreements.

Whereas, For twenty years, beginning in 1974, all Presidents had fast-track authority with regard to the negotiation of trade agreements with other countries. Under the fast-track process, the President can submit a negotiated trade agreement to the Congress for a yes or no vote within 90 days. This mechanism is designed to strengthen our country's position in international trade negotiations and to increase our nation's credibility by assuring a swift resolution of a pending agreement. This authority puts the United States on an even basis with other countries, which generally have the power to enter into binding agreements; and

Whereas, With the increasing vitality of the global marketplace, international agriculture products trade is growing in its significance to the overall economy of the United States. Michigan is strongly influenced by access to foreign markets. Fast-track authority is an important tool to expand agriculture products trade and to extend commerce; and

Whereas, Beginning in late 1999, a host of agricultural agreements are scheduled to be negotiated through the World Trade Organization. Michigan's strong position in the production and distribution of several crops gives us a strong interest in any and all steps that can be taken to advance the ability of our country to attain fair provisions in international agriculture products trade negotiations; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to grant to the President fast-track negotiating authority for future agriculture products trade agreements; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

George A. McManus, Jr.  
Chairperson

## To Report Out:

Yeas: Senators McManus, Stille and Gougeon

Nays: Senators Byrum and Hart

The concurrent resolution was placed on the order of Resolutions.

The Committee on Farming, Agribusiness and Food Systems reported

**Senate Concurrent Resolution No. 30.**

A concurrent resolution calling for better access to credit for farmers, food processors, and agricultural cooperatives.

(For text of resolution, see Senate Journal No. 81 of 1999, p. 1794.)

With the recommendation that the concurrent resolution be adopted.

George A. McManus, Jr.  
Chairperson

## To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

The concurrent resolution was placed on the order of Resolutions.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, February 23, 2000, at 2:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Tuesday, February 22, 2000, at 2:00 p.m., Rooms 402 and 403, Capitol Building

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

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submits the following:

Meeting held on Wednesday, February 23, 2000, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Goschka and Vaughn

## COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Wednesday, February 23, 2000, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Schuette, Byrum, Leland and Dingell

Excused: Senator Rogers

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on the School Aid submits the following:

Meeting held on Thursday, February 24, 2000, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Stille (C) and DeBeaussaert

Excused: Senator Bennett

## COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Thursday, February 24, 2000, at 1:30 p.m., Room 110, Farnum Building

Present: Senators Jaye (C), Dingell and Byrum

Excused: Senators Bullard and Hoffman

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Friday, February 25, 2000, at 10:00 a.m., Henry Ford Estate, University of Michigan-Dearborn, Dearborn

Present: Senators Schwarz (C) and A. Smith

Excused: Senators McManus, Hoffman and Koivisto

**Scheduled Meetings**

Agriculture Appropriations Subcommittee - Wednesday, March 8, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1725).

Appropriations Committee - Wednesday, March 1, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Banking and Financial Institutions Committee - Thursday, March 2, at 2:30 p.m., Room 210, Farnum Building (3-1801).



Community Colleges Appropriations Subcommittee - Wednesday, March 1, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Health Appropriations Subcommittee - Tuesday, March 7, at 2:00 p.m., Rooms 402 and 403, Capitol Building (3-1777).

Education Committee, Joint Senate and House - Wednesday, March 1, at 12:00 noon, Room 519, House Office Building (3-7350).

Education Department Appropriations Subcommittee - Thursday, March 2, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1635).

Families, Mental Health and Human Services Committee - Wednesday, March 1, at 3:00 p.m., Room 100, Farnum Building (3-3543).

Higher Education Appropriations Subcommittee - Friday, March 3, at 10:00 a.m., Lawrence Technological University, 21000 W. Ten Mile Road, Southfield; Wednesday, March 8, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; Friday, March 10, at 10:00 a.m., Ferris State University, Grand Rapids Campus and Tuesday, March 14, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-3447).

Judiciary Committee - Wednesday, March 1, at 1:00 p.m., Rooms 402 and 403, Capitol Building, (3-6920).

Natural Resources and Environmental Affairs Committee - Monday, March 6, at 6:00 p.m., Saginaw Valley State University, Curtis Hall - Seminar D, 2250 Pierce Road, University Center; Thursday, March 23, at 6:00 p.m., Northwestern Michigan College, Oleson Center - Rooms 1 and 2, 1701 E. Front Street, Traverse City; Thursday, April 6, at 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, at 6:00 p.m., Monroe City Hall, Council Chamber, 120 E. First Street, Monroe (3-0797).

School Aid Appropriations Subcommittee - Tuesday, March 7, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1635).

Technology and Energy Committee - Wednesday, March 1, at 3:00 p.m., Rooms 402 and 403, Capitol Building (3-2417).

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 12:16 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 1, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

