

No. 31
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, April 19, 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—present
Emerson—excused
Emmons—present
Garcia—present
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—excused
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

Senator Dale L. Shugars of the 21st District offered the following invocation:

Heavenly Father, please be with us today as we make decisions that affect everyone in the state of Michigan. Father, we ask You for wisdom. We also ask You to give peace and comfort to the people in our state who are having difficulties with their health or having difficulties with their families or with their children or with their husbands or wives. Please be with them, and give them guidance to improve their relationships. Father, we ask You with the people who are not believers to pray for them that they may seek You and see the truth. Father, we ask You to be with us today. In Your name we pray. Amen.

Motions and Communications

Senator Smith entered the Senate Chamber

Senator Emmons moved that Senators McManus and Schwarz be temporarily excused from today's session. The motion prevailed.

Senator Emmons moved that Senator Johnson be excused from today's session. The motion prevailed.

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

By unanimous consent the Senate proceeded to the order of
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, Lieutenant Governor Posthumus, designated Senator Garcia as Chairperson.

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

Senate Bill No. 360, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4o.

Substitute (S-2).

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

1. Amend page 1, following line 6, by inserting:

"Enacting section 1. This amendatory act shall not take effect unless Senate Bill No. 361 of the 91st Legislature is enacted into law."

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

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

Senate Bill No. 361, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 2 (MCL 15.262).

Substitute (S-2).

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

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

"Enacting section 1. This amendatory act shall not take effect unless Senate Bill No. 360 of the 91st Legislature is enacted into law."

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

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

Senate Bill No. 317, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending the title and sections 3 and 27 (MCL 552.603 and 552.627), the title as amended by 1996 PA 25, section 3 as amended by 1998 PA 334, and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, and 5b.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 20, after "REVIEW" by inserting "OR HEARING".
2. Amend page 10, line 1, after "parent" by striking out the balance of the line through all of line 3 and inserting a period and:

"The notice shall contain all of the following information:

(i) That the office will notify the parent's employer to deduct premiums for, and to notify the insurer or plan administrator to enroll the child in, dependent health care coverage unless the parent does either of the following within 14 days after mailing of the notice:

(A) Submits written proof to the friend of the court of the child's enrollment in a health care coverage plan.

(B) Requests a hearing to determine the availability or reasonable cost of the health care coverage.

(ii) That the order for dependent health care coverage will be applied to current and subsequent employers and periods of employment."

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

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

Senate Bill No. 318, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 1, 15, 16, 17, and 30 (MCL 552.1, 552.15, 552.16, 552.17, and 552.30), sections 15, 16, and 17 as amended by 1996 PA 9; and to repeal acts and parts of acts.

Substitute (S-2).

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. 319, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7 (MCL 722.27), as amended by 1999 PA 156; and to repeal acts and parts of acts.

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. 320, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and 722.721), section 7 as amended by 1996 PA 308, section 10 as amended by 1996 PA 18, and section 11 as amended by 1990 PA 244; and to repeal acts and parts of acts.

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. 321, entitled

A bill to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," by amending section 3 (MCL 722.3), as amended by 1996 PA 17; and to repeal acts and parts of acts.

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. 322, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending section 2 (MCL 552.452), as amended by 1999 PA 158; and to repeal acts and parts of acts.

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, Senators Schwarz and McManus entered the Senate Chamber.

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

The motion prevailed.

Senator Schwarz's statement is as follows:

Assistant Sergeant at Arms Joe Rodriguez, who is over on my right here, is transferring to the Senate's General Services Unit, and today is his last day of session. As of next week, Bob Siegrist, who you all know from the desk at the Farnum Building, will be replacing Joe in session. Todd Dunlap has taken over as the page service coordinator; he'll be here near the Sergeant's desk.

I want to thank Joe, as I know all of you want to thank Joe, for his terrific service here in the chamber and wish him well in his new endeavors.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 109

Senate Bill No. 29

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 350, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 26a (MCL 287.726a), as added by 2000 PA 323; 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. 61

Yeas—35

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

Nays—0

Excused—3

Emerson

Johnson

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Resolutions

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

Senate Resolution No. 38

The resolution consent calendar was adopted.

Senators Cherry, DeBeaussaert, Young, Scott, Smith, Peters, Dingell, Koivisto, Miller, Hart, Murphy and Byrum offered the following resolution:

Senate Resolution No. 38.

A resolution commemorating April 28, 2001, as Workers' Memorial Day.

Whereas, It is a privilege to join with workers across our state in observance of April 28, 2001, as Workers' Memorial Day. We stand together in remembrance of those who have lost their lives, sustained injuries, or fought diseases due to substandard work conditions; and

Whereas, Workers' Memorial Day was established in 1985 by the Canadian Union of Public Employees to remember loved ones and heighten the awareness of worker safety issues; and

Whereas, The Occupational Safety and Health Administration was created in 1971 to combat the millions of injuries and thousands of deaths suffered each year by workers. Since the inception of this agency, workplace fatalities have declined by 50 percent, and injury and illness rates have been cut by 40 percent; and

Whereas, Throughout the world, approximately 1.1 million people—6,000 in the United States alone—die each year from occupational injuries or illness. We urge policymakers across our state, our nation, and the world to continue to monitor and improve working standards for employees; now, therefore, be it

Resolved by the Senate, That we hereby commemorate April 28, 2001, as Workers' Memorial Day; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan AFL-CIO, as we comfort families, friends, and survivors on this day of remembrance and hope for continued efforts to improve working conditions for all.

Introduction and Referral of Bills

Senators McCotter, Hart, Dingell, Bullard, Bennett, Schuette, Peters and Leland introduced

Senate Bill No. 395, entitled

A bill to establish the Michigan days of remembrance of the Armenian genocide.

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

Senator McCotter introduced

Senate Bill No. 396, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1999 PA 47.

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

Senator McCotter introduced

Senate Bill No. 397, entitled

A bill to designate an official fossil of this state.

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

Senators Steil, Shugars, Stille and McManus introduced

Senate Bill No. 398, entitled

A bill to provide that the right of persons to work shall not be denied for certain reasons; to prescribe the powers and duties of employers, labor organizations, and certain other persons with respect thereto; and to prescribe penalties and remedies.

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

Senators Steil, Shugars, Stille and McManus introduced

Senate Bill No. 399, entitled

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act," by amending section 14 (MCL 423.14).

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

Senators Steil, Shugars, Stille and McManus introduced

Senate Bill No. 400, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 10 (MCL 423.210).

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

Senators Bullard, North, Garcia and Jaye introduced

Senate Bill No. 401, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 1999 PA 156 and section 7b as amended by 1996 PA 19.

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

Senator Van Regenmorter introduced

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

Senator Hammerstrom introduced

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

Senators Garcia and Van Regenmorter introduced

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

Senator Dingell introduced

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

Senator Schuette introduced

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

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

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

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

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

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

Senator Bullard introduced
Senate Bill No. 412, entitled

A bill to amend 1846 RS 21, entitled "Of specific state taxes and duties," by amending sections 26 and 29 (MCL 446.26 and 446.29).

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

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

The following communication was received:
Office of Congressman Mike Rogers

I was raised with a strong belief in the honor of public service. After serving as a U.S. Army officer and a special agent in the FBI, I believed that as a State Senator it was my duty to represent the people of the 26th Senate District as long as possible before taking my new office. I still do.

I take my responsibility very seriously. I could never tell a person that I was elected to represent that they would have to wait for the next guy. Their problems did not magically go away just because Mike Rogers was elected to a higher office.

We continued working on behalf of constituents until the last minute of the last day to help people in need in the 26th Senate District. It was an important trust to uphold.

However, I was not aware, due to a quirk in the law, that because I served two days in January 2001, my pension would be affected by a pay raise that took effect a month after my departure. I want people to believe in the integrity of public service, and understand that many of us come here to serve the people, not for personal financial gain.

Madam Secretary, in an effort to ensure the voters continuing trust in their public officials, please consider this my formal request to change the date of my resignation from the Michigan Senate from January 3, 2001 to December 31, 2000.

I am enclosing a reimbursement to the State of Michigan for the two days I served Michigan's 26th Senate District in January.

Warmest Personal Regards,
Mike Rogers
Member of Congress

The communication was referred to the Secretary for record.

Committee Reports

The Committee on Transportation and Tourism reported

Senate Bill No. 362, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North, Leland and Hart

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 373, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 319, 320a, 601b, 625, 625m, 732, and 904d (MCL 257.303, 257.319, 257.320a, 257.601b, 257.625, 257.625m, 257.732, and 257.904d), sections 303, 319, 320a, 625, 625m, 732, and 904d as amended by 2000 PA 460 and section 601b as added by 1996 PA 320.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North, Leland and Hart

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 374, 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.

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North, Leland and Hart

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 Transportation and Tourism submits the following:

Meeting held on Tuesday, April 17, 2001, at 1:05 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), North, Steil, Leland and Hart

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Consumer and Industry Services submits the following:

Meeting held on Monday, March 26, 2001, at 10:00 a.m., Hilt Building, Beardsley Theatre, 427 West Western Avenue, Muskegon

Present: Senator Bennett (C)

Excused: Senators Stille and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Public hearing held on Tuesday, April 17, 2001, at 1:30 p.m., Room 810, Farnum Building

Present: Senators Sikkema (C), Dunaskiss and Peters

Excused: Senators Gast and Young

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

Capital Outlay, Joint - Thursday, April 26, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Colleges - Tuesday, April 24, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health - Tuesdays, April 24, May 1, and May 8, 1:00 p.m., Room 210, Farnum Building (373-1777)

Corrections - Wednesdays, April 25, May 2, and May 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Department of Education - Tuesdays, April 24 and May 8, 3:00 p.m., Room 210, Farnum Building (373-1635)

Environmental Quality - Tuesday, April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Higher Education - Friday, April 20, 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, corner of Kearsley Street and southbound Chavez, Flint; Monday, April 23, 10:00 a.m., Grand Valley State University, Grand Rapids Campus-DeVos Center, 401 W. Fulton Street, Grand Rapids; Friday, May 4, 10:00 a.m., Concordia College, Student Union-Riverside Rooms A, B, and C, 4090 Geddes Road, Ann Arbor; Friday, May 11, 10:00 a.m., Lake Superior State University, Cislser 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)

Farming, Agribusiness and Food Systems - Wednesday, April 25, 1:00 p.m., Room 405, Capitol Building (373-1725)

Judiciary - Wednesday, April 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:35 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, April 24, 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

