

**No. 74**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, October 27, 1999.

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—present  
Emmons—present  
Gast—present  
Goschka—present  
Gougeon—present

Hammerstrom—present  
Hart—present  
Hoffman—present  
Jaye—present  
Johnson—present  
Koivisto—present  
Leland—present  
McCotter—present  
McManus—present  
Miller—present  
Murphy—present  
North—present  
Peters—present

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

Senator Mike Goschka of the 33rd District offered the following invocation:

Our dear Father, as we gather today, we pray that You would give us all wisdom to do what is right in Your sight. We pray for Your Spirit to visit upon us to help us in every decision. We would truly desire to represent our constituents in the way that You would have us do and, more importantly, that we would stand for Your righteousness and Your truth.

Our Father, for every member of this Senate, we pray for safety. We pray for health. We pray that You would give us all a definite sense of Your presence, that You are guiding us, and that we are where we are not because of our own devices, but by Your power.

We pray that today we would make righteous decisions and that You would be pleased with the way we govern. Make us ever mindful that we have been given an awesome responsibility, and we pray that You would help us to carry that out. We pray this in Jesus' name. Amen.

### Motions and Communications

Senator Stille entered the Senate Chamber.

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

The motion prevailed.

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

The motion prevailed.

Senator Steil is attending the Congressional Gold Medal Awards ceremony in honor of President Gerald E. Ford and Mrs. Betty Ford in Washington, D.C.

The following communication was received:

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending September 30, 1999:

Senator John Cherry	July 24-27	Attend NCSL Annual Meeting Indianapolis, IN	\$ 630.06
Senator Christopher Dingell	July 22-30	Attend National Conference of Commissioners on Uniform State Laws Denver, CO	\$1,365.27
Senator Mat Dunaskiss	August 9-14	Attend ALEC Conference Nashville, TN	\$1,011.67
Senator Robert Emerson	July 24-28	Attend NCSL Annual Meeting Indianapolis, IN	\$ 791.06
Senator Joanne Emmons	July 24-29	Attend NCSL Annual Meeting Indianapolis, IN	\$ 819.13
	July 15-18	Attend NCOIL 99 Summer Meeting and Seminar Cincinnati, OH	\$ 581.04
	September 30	Attend NCSL Forum for America's Ideas Washington, DC	\$ 340.51
Senator John Schwarz	July 25-28	Attend NCSL Annual Meeting Indianapolis, IN	\$ 618.41

Senator Beverly Hammerstrom	July 31-August 3	Attend Women in Government Leadership Forum Napa Valley, CA	\$ 95.30
Senator Alma Smith	July 18-21	Attend Midwestern Legislative Conference Cincinnati, OH	\$ 574.14
	July 24-28	Attend NCSL Annual Meeting Indianapolis, IN	\$ 757.62
Senator Virgil Smith	July 24-29	Attend NCSL Annual Meeting Indianapolis, IN	\$ 893.73
Senator Joe Young	July 18-21	Attend CSG Midwestern Legislative Conference Cincinnati, OH	\$ 521.01

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 Tuesday, October 26:  
**House Bill Nos. 4814 4879**

### Messages from the Governor

The following messages from the Governor were received and read:

October 26, 1999

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

#### **Agricultural Marketing and Bargaining Board**

Mr. Frederick J. Tubbs, 3748 N. Oceana Drive, Hart, Michigan 49420, county of Oceana, as a member representing farmers and Republicans, succeeding Mr. Ronald E. Bodtke of Grand Junction, for a term expiring on September 1, 2003.

October 26, 1999

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

#### **Fire Fighters Training Council**

Mr. Gerald B. Alward, P.O. Box 154, Washington, Michigan 48094, county of Macomb, as a member representing the Michigan Association of Fire Chiefs, succeeding himself, for a term expiring on December 31, 2002.

October 26, 1999

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

#### **Michigan Truck Safety Commission**

Mr. Peter John Lima, 7900 Woodville Drive, Alto, Michigan 49302, county of Kent, as a member representing private motor carriers, succeeding himself, for a term expiring on August 4, 2001.

Mr. Gerald Basch, 11246 Young Drive, Brighton, Michigan 48116, county of Livingston, as a member representing the general public, succeeding himself, for a term expiring on August 4, 2001.

Mr. Patrick Joseph Parker, 1470 Fairwood Drive, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing the Michigan Trucking Association, succeeding himself, for a term expiring on August 4, 2001.

Mr. Gordon L. Vorce, 11647 Fenner Road, Perry, Michigan 48872, county of Shiawassee, as a member representing organized labor, succeeding Mr. Harold H. Bondy of Detroit, whose term has expired, for a term expiring on August 4, 2001.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

Senators McCotter, Cherry, Dunaskiss, Bullard and Murphy entered the Senate Chamber.

### Messages from the House

#### Senate Bill No. 554, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248 (MCL 257.248), as amended by 1998 PA 384.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senator Rogers moved that the balance of the order of Messages from the House be postponed for today. The motion prevailed.

### Third Reading of Bills

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

#### House Bill No. 4796, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Emmons offered the following amendment:

1. Amend page 9, line 15, after "AFTER" by striking out "1994" and inserting "1993".

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

Senator Emmons offered the following amendment:

1. Amend page 9, line 4, after "ACTION" by inserting "IF THE INCOME AND INTEREST ARE NOT COMMINGLED IN ANY WAY WITH AND ARE KEPT SEPARATE FROM ALL OTHER FUNDS AND ASSETS OF THE TAXPAYER".

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 524

#### Yeas—37

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

Nays—0

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 796, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 261 (MCL 206.261), as amended by 1996 PA 484.

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. 525****Yeas—37**

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

**Nays—0****Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 589, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 401 (MCL 550.1401), as amended by 1998 PA 135.

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. 526**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 590, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407b.

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. 527**

**Yeas—37**

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.
DeBeaussiaert	Hart	Murphy	Smith, V.
DeGrow	Hoffman	North	Stille
Dingell	Jaye	Peters	Van Regenmorter

Dunaskiss  
Emerson  
Emmons

Johnson  
Koivisto

Rogers  
Schuette

Vaughn  
Young

**Nays—0**

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 591, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21072a.

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. 528**

**Yeas—37**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette

Schwarz  
Shugars  
Sikkema  
Smith, A.  
Smith, V.  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 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.

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. 529**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Steil

**Not Voting—1**

Stille

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 594, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 1996 PA 508.

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. 530**

**Yeas—37**

Bennett	Gast	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith, A.



DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Murphy  
North  
Peters  
Rogers  
Schuette

Smith, V.  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 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.

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. 531**

**Yeas—37**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette

Schwarz  
Shugars  
Sikkema  
Smith, A.  
Smith, V.  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 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.

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. 532**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars, Jaye, Hammerstrom, Johnson, McCotter, North, McManus, Goschka, Rogers, Bennett, Hoffman, Gougeon, Schuette, Dunaskiss and Miller moved that they be named co-sponsors of the following bill:

**Senate Bill No. 807**

The motion prevailed.

The following bill was read a third time:

**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.

The question being on the passage of the bill,

Senator V. Smith moved that Senator Leland be excused from the balance of today's session.

The motion prevailed.

Senator Leland entered the Senate Chamber.

Senator Byrum offered the following amendment:

1. Amend page 2, line 3, by striking out all of subdivision (D) and inserting:

"(D) "GENETIC INFORMATION" MEANS INFORMATION ABOUT GENES, GENE PRODUCTS, OR INHERITED CHARACTERISTICS THAT MAY DERIVE FROM THE INDIVIDUAL OR A FAMILY MEMBER.

THIS INCLUDES, BUT IS NOT LIMITED TO, INFORMATION REGARDING CARRIER STATUS, INFORMATION REGARDING AN INCREASED LIKELIHOOD OF FUTURE DISEASE OR INCREASED SENSITIVITY TO ANY SUBSTANCE, INFORMATION DERIVED FROM LABORATORY TESTS THAT IDENTIFY MUTATIONS IN SPECIFIC GENES OR CHROMOSOMES, PHYSICAL MEDICAL EXAMINATIONS, FAMILY HISTORIES, REQUESTS FOR GENETIC SERVICES OR COUNSELING, TESTS OF GENE PRODUCTS, AND DIRECT ANALYSIS OF GENES OR CHROMOSOMES.”.

The question being on the adoption of the amendment,  
Senator V. 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 serving not voting therefor, as follows:

**Roll Call No. 533****Yeas—15**

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

**Nays—22**

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

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

**Protests**

Senators Hammerstrom, Schwarz, Gougeon, Rogers and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Byrum to Senate Bill No. 815.

Senators Hammerstrom and Schwarz moved that the statements they made during the discussion of the amendment be printed as their reasons for voting “no.”

The motion prevailed.

Senator Hammerstrom’s statement is as follows:

I rise in opposition to this amendment, and I would like to disagree with some of the statements that have been made.

The Genetics Commission did put two definitions in their report, but they did not recommend the broad definition. They, in fact, recommended that we adopt the more narrow definition. We have yesterday amended this bill to enhance that definition, and what we did was put into place the recommendations of the Civil Rights Commission who thought it should be a little bit more broad than the very narrow definition that we had started with. So I believe we’ve moved in the direction that we should, and I support the package as it is right now.

I think this amendment is unnecessary. I think a lot of the things that are listed in here are already included in the definition we have as amended yesterday. The one issue that was not included in that definition was the physical/medical examinations, but that is already addressed elsewhere in the Persons with Disabilities Civil Rights Act. So this is not a necessary amendment. We have a definition in place as the bill was amended yesterday, and I would urge you to vote against this amendment.

Senator Schwarz's statement, in which Senators Gougeon, Rogers and North concurred, is as follows:

Actually, I like the definition of genetic information that was in the original bill.

Genetic information is not necessarily history. In fact, technically, it isn't history. Senator Hammerstrom widened the definition in this bill so that genetic information is defined differently for purposes of employment than it is for purposes of genetic testing in all the rest of the bills. I don't think the word "history" belongs in here, but I'm not going to argue about it so much in this bill as it is what Civil Rights thinks will help people get jobs and keep jobs and not have intrusion into things that should be private. Your language, Senator Hammerstrom, I think is appropriate.

The Byrum amendment, though well intentioned, I believe, is over-wide, and the language Senator Hammerstrom has in the bill serves the purpose a little better. Senator Byrum is correct in that there were two definitions of genetic information in the report, and that's fine, but genetic information is information that comes from a gene, comes from the nucleotide sequence in that gene, and that's it. I don't think you can embellish it. I think we know in the medical community what genetic information is. If the body wants to put something in about medical histories and label it, this is a medical history situation, and you have to have a comprehensive history. That's fine, but it shouldn't be put in the guise of genetic information because it's not genetic information.

So I would like to stick with the language that the bill sponsor put in. I think that addresses some of the concerns that the good Senator from the 25th District has, perhaps not all of them, but any different language here would be overly wide, and we will have trouble in the other house moving these bills if that overly wide language is used.

Other interest groups, especially insurance groups, will come in and say, "We went with you on the definition of genetic information. We went with you in leaving this to health insurance for right now, and we will explore life insurance down the line."

But these bills need to move. They need to pass. Whether it's genetic testing, on the one hand, for all of us or the consideration of one's genetic makeup in employment, I think we've done about as well as we can do. I understand the amendment introduced by the good Senator from the 25th District, but it's simply overwide.

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. 534**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Byrum, Shugars 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 Byrum's first statement is as follows:

Michigan residents are already being discriminated against for employment opportunities based on their genetic test results. This behavior will only increase as technology develops unless we take a comprehensive approach to preventing it.

This is not a novel idea. Thirteen states have already passed laws prohibiting job discrimination based on one's genetic information. This legislation, Senate Bill No. 815, only affirms what I have been saying for months. In fact, I even complimented the Civil Rights Commission when they appeared before the Senate Health Policy Committee that I was glad they finally agreed with what I had been saying at every avenue available for months that we needed to put protections in place for Michigan's citizens.

While I think this is necessary legislation, I commend the sponsor of the bill, but I do think we need to broaden the definition. This legislation is necessary; as a 1989 survey of employers conducted by the Office of Technology Assessment found, one in 20 companies conduct genetic screening or monitoring of workers. A more recent study by the American Management Association reported that this number has now increased to about 5 percent. In addition, we had testimony by the Civil Rights Commission in committee that said, according to a study conducted by Northwestern National Life Insurance, there was a prediction that by next year 15 percent of our employers will be using genetic information for employment discriminations.

With science and technology advancing together at a rapid pace, it will not be long before inexpensive test kits will be readily available. Once this occurs, cost will no longer inhibit employers from conducting genetic tests. Thus, many fear such usage will skyrocket.

I believe we need a comprehensive approach to this problem. The Governor's Commission on Genetic Privacy recommended that we should ensure "the prohibition of genetic testing or the use of genetic information as a condition of employment." They also recommended that "genetic testing not be relied on in assessing qualifications of an individual to perform a job." In order to adequately prevent such discrimination, we need to broaden the definition of genetic information that will be used within this bill. This is what I'm attempting to do with this amendment.

The Genetic Commission suggested two definitions of genetic information, and the bill before us uses the most narrow of the two although it was enhanced greatly yesterday under General Orders with the Hammerstrom amendment. My amendment is similar to the broad definition offered by the commission.

A broader definition is needed as it will ensure that all sources of information that an employer may use for discrimination are included. For example, this amendment would prohibit an employer from not hiring someone simply because they know a family member of the applicant has a costly disease or that applicant has undergone genetic counseling. As the legislation is currently before us, it would not give this extent of protection.

In addition, it addresses concerns raised by the Michigan Jewish Conference in their testimony before the committee of the Senate. There is a concern that some genes are more prevalent in Jewish women than in other populations. A prime example of this is the breast cancer gene. Employers should not be permitted to discriminate against an applicant because they are aware of those odds. The bill as written would not cover these concerns; however, my amendment would.

I urge you to provide Michigan residents with the most comprehensive protections against genetic discrimination by employers and, in so doing, adopt the amendment that simply broadens the definition of genetic information. This definition is in line with the Governor's Genetic Commission. It follows more closely their recommendation for a broader definition. I urge the body to adopt the Byrum amendment.

Senator Byrum's second statement is as follows:

I rise to support the legislation. As I had indicated earlier, I have believed for some months, in fact started working on this whole genetic package in 1997 with Senator Alma Wheeler Smith, that we needed to put this protection in law for people; that it was just going to be a matter of time before there was a court case; that there was some uncertainty as to what kind of protections were in place for people; that we saw an increasing use of genetic testing and genetic profiling by employers; that science and technology was moving so rapidly that it was going to become very cost effective and inexpensive to have these genetic tests available to be used. It not only impacted the individual, but it impacted their children and their grandchildren.

We had a young mother come before the Senate Health Policy Committee literally in tears because her 12-year-old daughter had been discriminated against because of a genetic marker. That testimony was unsolicited. That testimony came because a mother cared so deeply about what was occurring in her own family that it motivated her to come before the Senate Health Policy Committee.

So I am glad that we are finally making some movement. We may be revisiting this. It would not surprise me if we did not revisit this again to give even more protections for people. But I tell you, I can stand here and believe that we are making progress. This is a step forward, not a step backward. There are things that I would have desired to have

differently in this legislation. One of them I attempted with an amendment. I tend to agree with Senator Alma Wheeler Smith that we should be looking at another act and not the Persons with Disabilities Civil Rights Act, but be that as it may, I do think we should be supporting this legislation today. I would urge my colleagues to put a "yes" vote up.

Senator Shugars' statement is as follows:

"Genetic testing must not be a precondition for obtaining health insurance, and genetic testing must not be allowed as a precondition of employment." This was Governor John Engler's State of the State address in 1999. The Governor had the foresight and the vision to start a commission a number of months ago led by Chairman Ed Goldman with the recommendation that they had.

The leadership of this Senate, I want to thank for putting together this as a priority. To have all the groups and citizens that were concerned about this, and the Senators to move this legislation through. Finally, today we will have it through and over to the House, and hopefully soon to the Governor for his signature so it becomes law. I want to also thank Senator Schwarz, with his talents and understanding of genetics. As the only physician in the chamber, and being very active nationally on genetics, I appreciate your leadership of putting this package of bills together. To the staff of all the Senators and the central staff, I appreciate all your efforts and expertise in bringing everything together. I think that we can be very proud of this package of bills.

Senator A. Smith's statement is as follows:

I am not opposing this legislation, but I am concerned about its narrow scope.

I did not get an answer from the sponsor about whether our going through the Persons with Disabilities Civil Rights Act does indeed limit the opportunity for protection of a broader working public. It is my concern that this backdoor approach, rather than going through the complete umbrella protection offered by the Elliot-Larsen Civil Rights Act, does, indeed, limit the protections available for all of Michigan citizens.

Back in January of 1997 and again in January of 1999, Senator Dianne Byrum and I introduced legislation on genetic privacy. I am certainly not opposed to this. It echoes much of what we did in our own legislation. I think it is unfortunate that the Democrats were not included in the package of bills going forward since we were the first ones out with legislation to protect the interests of the citizens of Michigan not only in their genetic records, but in their medical records.

As I recall the commission's recommendation, not only was it to go through the Elliott-Larsen Civil Rights Act to protect all of the workers in the state of Michigan, it was to go to the extent of protecting all medical records information. I think this bill has a limited scope. That is worrisome, but I certainly support the package.

Senators Shugars, Rogers, Jaye, Gougeon, Schuette, North, Bennett, Johnson, Hoffman, McCotter, Byrum, Peters, DeBeaussaert, Miller, Sikkema, Dunaskiss, Gast, Goschka, Van Regenmorter, A. Smith, Schwarz, Murphy and McManus moved that they be named co-sponsors of the following bill:

**Senate Bill No. 815**

The motion prevailed.

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, Lieutenant Governor Posthumus, designated Senator Hoffman as Chairperson.

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

**Senate Bill No. 810, entitled**

A bill to establish guidelines for the decennial adoption of a redistricting plan for congressional districts; to provide original jurisdiction to the supreme court to review a congressional redistricting plan enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict congressional districts under certain circumstances.

Substitute (S-6).

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

1. Amend page 1, line 3, after "than" by striking out "October" and inserting "November".

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 amendment, the following bill:

**Senate Bill No. 811, entitled**

A bill to confer original jurisdiction on the supreme court to hear and decide cases on congressional redistricting; and to allow the supreme court to review and order congressional redistricting plans.

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

1. Amend page 1, line 1, after "exclusive" by inserting "state".
2. Amend page 1, line 5, after "the" by inserting "state".
3. Amend page 1, line 5, after "any" by inserting "state".
4. Amend page 2, line 4, after "original" by inserting "state".
5. Amend page 2, line 21, after "original" by inserting "state".

The Senate agreed to the amendments recommended by the Committee of the Whole and the bill as amended 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. 812, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 4 and 8 (MCL 46.404 and 46.408).

Substitute (S-3).

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. 813, entitled**

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

Substitute (S-3).

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

1. Amend page 2, line 18, after "WHICH" by striking out "JUDICIAL" and inserting "COURT OF APPEALS".
2. Amend page 2, line 19, after "THE" by striking out "JUDICIAL" and inserting "COURT OF APPEALS".

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. 814, entitled**

A bill to amend 1996 PA 463, entitled "An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances," by amending section 2 (MCL 4.262) and by adding section 1a.

Substitute (S-4).

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. 745, entitled**

A bill to revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 5, line 12, by striking out all of section 1107 and inserting:

"Sec. 1107. All mortgages or other securities held by banks are exempt from all municipal or other taxes under the laws of this state, and all personal property owned by banks is exempt from taxation."

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 amendment, the following bill:

**Senate Bill No. 398, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 1998 PA 459.

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

1. Amend page 2, line 4, after "ON" by striking out "WARNINGS AND".

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 180**

**Senate Bill No. 770**

**Senate Bill No. 826**

**Senate Bill No. 827**

**Senate Bill No. 828**

**Senate Bill No. 829**

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

By unanimous consent the Senate returned 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 Assistant pro tempore, Senator Hoffman, designated Senator Hoffman 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 without amendment, the following bills:

**Senate Bill No. 827, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811j.

**Senate Bill No. 828, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811m.

**Senate Bill No. 829, entitled**

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

The bills were 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. 180, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43902 and 43905 (MCL 324.43902 and 324.43905), as added by 1995 PA 57.

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. 770, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811n.

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. 826, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803/ and 804 (MCL 257.803/ and 257.804), section 803/ as amended by 1998 PA 68 and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 6, line 21, after "FOLLOWING" by inserting "PURSUANT TO A WRITTEN AGREEMENT BETWEEN THE PARTIES".

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. 399, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the part heading of part 465 and sections 46501 and 46509 (MCL 324.46501 and 324.46509), as added by 1995 PA 57, and by adding section 46510; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 2, line 21, after "(1)" by striking out the balance of the line through "AND" on line 25 and inserting "AN INDIVIDUAL IS RESPONSIBLE FOR A STATE CIVIL INFRACTION IF ALL OF THE FOLLOWING APPLY:

(A) THE INDIVIDUAL VENTURES ONTO ICE FOR ANY ICE SPORTS RECREATIONAL PURPOSE INCLUDING, BUT NOT LIMITED TO, ICE FISHING AND PLACING OR REMOVING A FISHING SHANTY.

(B) THE INDIVIDUAL IS RESCUED BECAUSE OF UNSAFE ICE CONDITIONS.

(C) A REASONABLE INDIVIDUAL WOULD HAVE CONCLUDED THAT THE ICE WAS OR WOULD BECOME UNSAFE, BASED ON INFORMATION OBSERVABLE TO THE INDIVIDUAL OR REPORTED IN THE MEDIA INCLUDING, BUT NOT LIMITED TO, THE ABSENCE OF OTHER INDIVIDUALS ON THE ICE, THE PRESENCE OF WATER ON THE ICE, WEATHER CONDITIONS, THE THICKNESS OF THE ICE, AND THE QUALITY OF THE ICE.

(2) AN INDIVIDUAL RESPONSIBLE FOR A STATE CIVIL INFRACTION UNDER SUBSECTION (1)" and renumbering the remaining subsections.

2. Amend page 3, line 21, after "SUBSECTION" by striking out "(1)(C)" and inserting "(2)(C)".

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.

## Resolutions

Senators Goschka, Gast, Steil, Gougeon, Stille, Bennett, McCotter, Miller, Vaughn, Emerson, Bullard and Shugars offered the following concurrent resolution:

### **Senate Concurrent Resolution No. 25.**

A concurrent resolution to urge the National Collegiate Athletic Association to respect the education standards of the state of Michigan with regard to Jason Richardson, a student at Michigan State University.

Whereas, The National Collegiate Athletic Association (NCAA) has ruled Jason Richardson, a student at Michigan State University, ineligible to participate in interscholastic sports because of an alleged deficiency in the classes he took in high school. The NCAA Clearinghouse, which rendered the decision, has declared that Mr. Richardson, a graduate of Saginaw Arthur High School, did not meet the NCAA requirement for taking the appropriate core courses; and

Whereas, The class in question was from Mr. Richardson's freshman year. He took this class at the advice of school counselors. His subsequent transfer from a parochial school to the Saginaw Public School District apparently contributed to the misidentification of the course. The NCAA Clearinghouse had all of the appropriate information on Mr. Richardson's high school academic career more than a year before its announcement of his ineligibility. During this time, he could easily have remedied the alleged deficiency, but the NCAA did not act in a timely manner; and

Whereas, The questions of Jason Richardson's academic career do not include his grades or test scores, which more than meet the requirements for MSU and the NCAA. Instead, the criteria being used is the NCAA's interpretation of the core class requirements in Saginaw and Michigan. The appropriate authorities, those best positioned to verify Mr. Richardson's level of achievement in the classroom, have affirmed his completion of all scholastic requirements; and

Whereas, Section 1278 of the Michigan Revised School Code, being MCL §380.1278, provides that each district is responsible for assuring compliance with state standards of academic skills and course work; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the National Collegiate Athletic Association to respect the education standards of the state of Michigan with regard to Jason Richardson, a student at Michigan State University, and declare him eligible to participate in interscholastic athletics; and be it further

Resolved, That copies of this resolution be transmitted to the NCAA Clearinghouse, NCAA Member Services, and the President of the NCAA.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution was adopted.

Senators Hoffman, Emmons, V. Smith, Koivisto, McManus, North, Leland and Peters were named co-sponsors of the concurrent resolution.

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

The motion prevailed.

Senator Goschka's statement is as follows:

I want to thank the members for taking this up. This, I think, is a very important resolution.

To remind the members, it was last spring when I was able to introduce 1999 Mr. Basketball, Jason Richardson from Saginaw Arthur Hill High School, to the entire body. Jason followed all of the rules that he was told, and yet when the NCAA made a ruling on whether or not he could play basketball for Michigan State University, they came out and said he could not.

The history of this is that, as a freshman at Saginaw Nouvel Catholic Central, he did take an English course, and he then transferred over to Saginaw Arthur Hill for his last three years of high school. Unfortunately, although the NCAA had in its possession all of the transcripts of Jason Richardson, this young man, having followed all of the rules that he was told to follow, the NCAA somehow in its own, I think, arrogance saw fit to state that the rules of the state of Michigan were not appropriate. They ruled Jason Richardson ineligible.

I think that it is a crime if the NCAA gets away with telling this young man, this role model in Saginaw County and for all of the state of Michigan, that he cannot play basketball for a simple oversight on the part of someone else. We're talking about someone's career. I believe that this young man, a very fine role model of our young people, should be allowed to play.

Senators Goschka, Gast, Steil, Gougeon, Stille, Bennett, McCotter, Miller, Vaughn, Emerson, Bullard and Shugars offered the following resolution:

**Senate Resolution No. 92.**

A resolution to urge the National Collegiate Athletic Association to respect the education standards of the state of Michigan with regard to Jason Richardson, a student at Michigan State University.

Whereas, The National Collegiate Athletic Association (NCAA) has ruled Jason Richardson, a student at Michigan State University, ineligible to participate in interscholastic sports because of an alleged deficiency in the classes he took in high school. The NCAA Clearinghouse, which rendered the decision, has declared that Mr. Richardson, a graduate of Saginaw Arthur High School, did not meet the NCAA requirement for taking the appropriate core courses; and

Whereas, The class in question was from Mr. Richardson's freshman year. He took this class at the advice of school counselors. His subsequent transfer from a parochial school to the Saginaw Public School District apparently contributed to the misidentification of the course. The NCAA Clearinghouse had all of the appropriate information on Mr. Richardson's high school academic career more than a year before its announcement of his ineligibility. During this time, he could easily have remedied the alleged deficiency, but the NCAA did not act in a timely manner; and

Whereas, The questions of Jason Richardson's academic career do not include his grades or test scores, which more than meet the requirements for MSU and the NCAA. Instead, the criteria being used is the NCAA's interpretation of the core class requirements in Saginaw and Michigan. The appropriate authorities, those best positioned to verify Mr. Richardson's level of achievement in the classroom, have affirmed his completion of all scholastic requirements; and

Whereas, Section 1278 of the Michigan Revised School Code, being MCL §380.1278, provides that each district is responsible for assuring compliance with state standards of academic skills and course work; now, therefore, be it

Resolved by the Senate, That we urge the National Collegiate Athletic Association to respect the education standards of the state of Michigan with regard to Jason Richardson, a student at Michigan State University, and declare him eligible to participate in interscholastic athletics; and be it further

Resolved, That copies of this resolution be transmitted to the NCAA Clearinghouse, NCAA Member Services, and the President of the NCAA.

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.

Senators Hoffman, Emmons, V. Smith, Koivisto, McManus, North, Leland and Peters were named co-sponsors of the resolution.

#### **Senate Concurrent Resolution No. 20.**

A concurrent resolution to memorialize the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

#### **Senate Concurrent Resolution No. 24.**

A concurrent resolution to memorialize the Congress of the United States to investigate the issue and extent of foreign agricultural products being dumped on American markets.

The question being on the adoption of the following committee amendments:

1. Amend the title, line 3, after “markets” by inserting “and to take appropriate actions to curb the import of products so they meet similar standards to those products grown here”.

2. Amend the first Resolving clause, line 4, after “markets” by inserting “and to take appropriate actions to curb the import of products so they meet similar standards to those products grown here”.

The amendments were adopted.

The concurrent resolution, as amended, was adopted.

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

The motion prevailed.

Senator Schuette’s statement is as follows:

I want to give some praise and commendation to Senators McManus and Gougeon and others who have labored so vigorously on this whole agricultural task force to try to give some recommendations, policy-wise, both for Michigan and the federal government.

This one speaks to Congress, urging that our Congress would investigate the dumping of foreign agricultural products—the dumping on our shores of agricultural products by foreign nations, in particular, China.

Currently, China produces ten times the amount of the current production of the entire state of Washington, the number one apple growing state in America. In addition to turning its back on Michigan farmers and American farmers, fruit growers in Michigan and across the country, the Gore administration continues to ignore the problems of foreign production, whether it’s pesticides, where American farmers have to meet some of the most stringent rules and regulations prohibiting use of certain pesticides, herbicides and fertilizers. Who knows what comes in from production in China? There is concern about forced labor being used to harvest the crops, while we in Michigan and America adhere to very high and appropriate standards, may I add, whether it’s for pesticides, fertilizer, or labor. But other countries don’t meet those same standards. That’s unfair and what it does is gouge the pocketbook.

What this does is urge our Congress to investigate the foreign dumping here. What really is happening is this is a China Syndrome. Some of you may know that movie where there is a question about a nuclear reactor imploding or exploding. We have a China Syndrome right now in Michigan, in America, and that is with the Gore administration that has turned its back on farmers. We see them raising Chinese money, and now we have Chinese products coming on our shores. I would hope the Congress would investigate this problem, this cratering of the Michigan and American fruit-growing industry. I’d urge adoption of this.

By unanimous consent the Senate proceeded to the order of

#### **Statements**

Senators Cherry, Jaye, Goschka and Schuette 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:

I wanted to take this moment today to make it clear that although members on this side of the aisle did not offer amendments in the course of the debate on the reapportionment bills, it should not be misinterpreted as a lack of concern on the part of the members on the Democratic side.

I think we recognize that there's a two-stage process here in the Senate, and we did not want to engage in duplicative arguments today and then have them offered again tomorrow and duplicative amendments today and having them offered tomorrow. We thought it best to concentrate and focus our concerns during the Third Reading debate that will take place tomorrow.

However, there are very clear concerns that we do have with the package of bills before us. I want to take a second and outline those for the body.

First of all, as it has been recognized in the debate under General Orders, there is a question about what population standard for congressional legislative districts will be used, and as the bills before us would highlight, they would allow the population standard to be nearly equal in population as is practicable. That would be unconstitutional unless it means that what we're talking about is exact population equality among the districts. If that's what we're talking about, we ought to say exact mathematical equality. This issue was raised by the good Senator from the 12th District in the course of General Orders debate, but that is of major concern to those on this side of the aisle.

Secondly, Mr. President, another issue deals with this question on statistical sampling. It was suggested during the debate on General Orders that the courts had said it has no role in the reapportionment process, but we beg to differ with that. We have that concern because, ultimately, when you're dealing with the voting rights act and you're talking about making sure that minorities are appropriately enumerated in the course of a census, you really do need to include statistical samplings that will generate an actual count. So often, as has been the case in previous censuses, the exact enumeration has fallen short of recording particular populations.

In fact, in chapter 47 of the most recent act of 1999 on reapportionment at the national level, it clearly begins to raise questions about to what extent those who are responsible for reapportionment are reaching out to minority groups in the course of their deliberations on reapportionment. I think we've failed that test in this process. I know the good chairman of the committee, as he said, he told us he would hold hearings—that's what I thought I had heard—fully admitted that he only had one hearing on Thursday. Even though he referred to that one meeting as "hearings," it was one meeting. There have been communications from the NAACP that they were notified two days before the hearing. They received a fax the day before the hearing. That was inadequate for them to prepare testimony. The issue is that the committee process did not reach out and meet the legal requirements for reaching out to these populations, so they could express their concerns.

Ultimately, that boils down then to the question of political fairness. The basic exercise in democracy is the right to vote and the right to have one's vote counted on an equal basis with others'. To accomplish that, you must reach out to assure all populations that they will be adequately counted. The law requires that, and statistical sampling is important to that. We do believe the legislation falls short on that account. We'll be offering amendments tomorrow to rectify that.

I wanted to make absolutely clear, Mr. President, that while we did not do that during General Orders, that was a matter of making sure that the process was a convenient one, but we intend to fulfill that obligation on Third Reading tomorrow when the issue is before us.

Senator Jaye's statement is as follows:

The equal protection clause of the United States Constitution, the 14th Amendment, is the most fundamental, basic, human right and political right of individuals—one person, one vote.

However, in Michigan in the 1970s, 1980s and 1990s, we've not had one person, one vote. We have had a population deviance of 16.4 percent between the smallest legislative district and the largest legislative district.

What that has resulted in is that in 1992 you could fit two Detroit House districts into my former Macomb State House district or into an Oakland County State House district and still have 5,000 extra people. It's unfair and un-American, and it's unconstitutional to give 46 Detroiters the voting power of 100 suburban residents.

What does one person, one vote mean to a taxpayer, to a constituent whose wrapped up with red tape or needs some help with state government? We as legislators all have equal votes, so the voting power, the voting influence of folks from large population districts is diluted; vis-à-vis, a legislator from a smaller district are. If someone's in a jam with state government, we as state legislators have the same amount of resources, of staff, of phone and of mailing. When you have twice as many people in your district, folks request for help, serious calls for help with an unresponsive bureaucracy or a late mom, or some help for their senior mom is delayed if not gotten to.

One person-one vote also is a fundamental principle that I wanted to put in the record that has been recognized by the U.S. Supreme Court in the Reynolds v. Sims case. The right of suffrage is a fundamental matter in a free and democratic society since the right to exercise a franchise in a free and unimpaired manner is a preservative of other basic civil and political rights. Any alleged infringements of rights of citizens to vote must be carefully and meticulously scrutinized.

Further, the courts, this is the U.S. Supreme Court saying that to the extent that a citizen's right to vote is debased, he is much less a citizen. The fact that an individual lives here or there is not a legitimate reason for over weighting or diluting the efficacy of his vote. The complexions of societies in civilization change—often with amazing repeatably. A nation once primarily rural in character becomes more predominately urban. Representation schemes once fair and equitable become archaic and outdated.

But the basic principles of representation and representative government remains and must remain unchanged. The weight of a citizen's vote cannot be made to depend on where he lives. A citizen, a qualified voter, is no more or less so because he lives on a farm. This is a clear and strong command of our Constitution's equal protection clause. This is an essential part of a concept of a government of laws and not men. This is at the heart of Lincoln's vision of a government of the people, by the people and for the people. The equal protection clause demands no less than substantially equal state legislative representation for all citizens of all places as well as of all races.

We hold, as the U.S. Supreme Court says, that as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutional when it's weighted in a substantial fashion—diluted—when compared to citizens living in other parts of the state.

We have here in the state of Michigan zero population deviance. That means it's the same population in Senator Levin's compared to Representative Upton's seat or Representative Dave Camp compared to Representative Knollenberg. We used to have in the 70s, 80s and 90s the same population in each of the county commissioner districts. These bills change after 10 percent.

I will conclude by reminding folks that a constitution is a contract between the people and the legislature and that the people have all powers. They temporarily give up some of those powers in exchange for a constitution, a contract saying that the legislatures may operate within these parameters, but no further. In Article I, the first article, in the first section of Article I, it says that all political powers is inherent in the people of government is instituted for the equal benefit, security and protection. In Section 2, no person shall be denied the equal protection of laws, nor shall each person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof.

That is why I am fighting so vigorously for a one person, one vote standard as we draw a line through the State House, the State Senate and county commissioner as we are required to do for Congress.

Senator Goschka's statement is as follows:

I want to thank this body for their unanimous passage of Senate Concurrent Resolution No. 25 and Senate Resolution No. 92, which petitions the NCAA to reinstate Jason Richardson to play basketball for Michigan State University this fall. The House of Representatives will also be taking up SCR 25, and I presume very strongly that it will pass unanimously as well.

It's rare when both bodies of the Legislature will come together so much on a single issue but make it very clear that the Michigan Legislature stands united behind Jason Richardson and his right to play basketball for Michigan State University.

What makes this whole issue even more upsetting is that the NCAA clearinghouse did not notify Jason until well after they had transcripts for Jason in hand. This notification came very late, making it impossible for Jason, who did take classes this summer to make up any perceived deficiency—although I strongly question if there is any deficiency at all. In fact, there is none. It is altogether heart-breaking to think Jason's good faith reliance and hard work is rewarded by such a manifestly unjust determination. Additionally, the NCAA clearinghouse action in this matter constitutes an improper intrusion into the affairs of the Saginaw School District. By endorsing Jason Richardson's high school diploma from Saginaw Arthur Hill last spring, the Saginaw School District has affirmed that Jason has satisfied the states' core course curriculum, which is set forth in state law.

Section 1278 of the Michigan School Code deals exactly with this issue. The NCAA is in no position to dictate to any other Michigan school district how to carry out the educational mandates of Section 1278 of the School Code. Any attempt to do so is an unjustified encroachment into the autonomy of a Michigan school district as established by the Michigan Legislature through the enactment of Section 1278. I believe the NCAA may very well have even recognized its own injustices in this practice and in this ruling, as I understand that they have potential plans to change this policy with regard to core course descriptions.

Jason Richardson should not suffer an unjust result while we wait for a more just system to be put into place. Again, we are dealing with the career of a young man who, I believe, is a very special role model, not just for the kids in Saginaw County, but in all of Michigan. Jason Richardson is a young man who really has played by all the rules. He is a role model—someone we would want our kids to pattern their lives after. This Legislature, this Senate today, stood tall in defending Jason Richardson.

Again, my simple point is this: Jason Richardson, through no fault of his own but affected in part by the actions and inactions of the NCAA, deserves the opportunity to live his dream of representing Michigan State University this fall.

Senator Schuette's statement is as follows:

I wanted to respond to the comments from the distinguished Democratic leader in some of his specific remarks concerning Senate Bill No. 810. I feel obligated for the record to correct an inaccuracy.

The substitute bill (S-6) of Senate Bill No. 810 that was passed today and will be debated for a third time tomorrow in the Senate made a change that may have escaped the attention of the distinguished Democratic leader because on page 1 of Senate Bill No. 810, the substitute (S-6), on lines 9, 10, and 11, it talked about with great precision that "The constitutional guideline is that each congressional district shall achieve precise mathematical equality of population in each district." So precise mathematical equality means zero deviation, and that is, indeed, the standard that is required by the United States Supreme Court. We are mirroring that, reflecting in our language precisely to meet a constitutionally required mandate of zero population deviation for congressional redistricting purposes.

The substitute (S-6) that had this very precise language of zero deviation and precise mathematical equality of population in each district was a result of the hearing that was held, the comments that we heard, and the input we received from legislators and other people. So, indeed, when you have a hearing process, it works.

Because of that process where we vet out and make sure, in something as important as this, we proceed in an accurate and precise fashion. We made sure that our bill meets constitutional guidelines. The distinguished Democratic leader inferred that it did not. I want to correct that. This meets all, precisely, the constitutional requirements of the United States Supreme Court and applicable federal laws.

By unanimous consent the Senate returned to the order of

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

Senators Rogers and Van Regenmorter introduced

#### **Senate Bill No. 855, entitled**

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 3 (MCL 28.243), as amended by 1999 PA 77.

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

Senator Goschka introduced

#### **Senate Bill No. 856, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 222, 233, 240, 319, 605, and 904d (MCL 257.219, 257.222, 257.233, 257.240, 257.319, 257.605, and 257.904d), sections 219, 233, and 605 as amended by 1999 PA 73, section 222 as amended by 1993 PA 300, section 319 as amended by 1999 PA 118, and section 904d as amended by 1999 PA 51.

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

Senator McManus introduced

#### **Senate Bill No. 857, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 660 (MCL 257.660), as amended by 1994 PA 348, and by adding section 25b.

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

Senators Stille, Schwarz, North and Bullard introduced

#### **Senate Bill No. 858, 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.

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

Senators Johnson and North introduced

#### **Senate Bill No. 859, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 667a.

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

Senators Schuette, Gougeon, Bennett, Johnson, Bullard, Goschka, McManus, North, Hammerstrom, Sikkema, Leland, A. Smith and Peters introduced

**Senate Bill No. 860, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as added by 1999 PA 123.

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

Senators Schuette, Gougeon, Bennett, Johnson, Bullard, Goschka, McManus, North, Hammerstrom, Sikkema, Leland, A. Smith and Peters introduced

**Senate Bill No. 861, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20113 (MCL 324.20113), as amended by 1996 PA 383.

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

**House Bill No. 4814, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 5534 (MCL 324.5534).

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 Natural Resources and Environmental Affairs.

**House Bill No. 4879, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811d.

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 Transportation and Tourism.

### Committee Reports

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**Senate Bill No. 657, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16348 and part 185; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Bill Schuette  
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**Senate Bill No. 755, entitled**

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 290.422), as amended by 1992 PA 135.

With the recommendation that the bill pass.

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

Bill Schuette  
Chairperson

## To Report Out:

Yeas: Senators Schuette, McCotter, Jaye, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Tuesday, October 26, 1999, at 1:10 p.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Jaye, Leland and Peters

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 180, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43902 and 43905 (MCL 324.43902 and 324.43905), as added by 1995 PA 57.

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.

Ken Sikkema

Chairperson

## To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast and Young

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 770, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811n.

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

Ken Sikkema

Chairperson

## To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

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 Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, October 26, 1999, at 1:00 p.m., Room 810, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Gast, Peters and Young

The Committee on Transportation and Tourism reported

**Senate Bill No. 826, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803/ and 804 (MCL 257.803/ and 257.804), section 803/ as amended by 1998 PA 68 and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

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. 827, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811j. With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**Senate Bill No. 828, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811m. With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**Senate Bill No. 829, entitled**

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, October 26, 1999, at 3:00 p.m., Room 110, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Meeting held on Tuesday, October 26, 1999, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Hoffman (C), Goschka and Young

#### Scheduled Meetings

Administrative Rules Joint Committee - Thursday, October 28, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Banking and Financial Institutions Committee - Thursday, November 4, at 2:30 p.m., Room 210, Farnum Building (3-1801).

Families, Mental Health and Human Services Committee and Family Independence Agency Appropriations Subcommittee (Joint meeting with House Family and Children Services Committee and House Appropriations Subcommittee on Family Independence Agency) - Thursday, November 4, at 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-3543/3-1760).

Government Operations Committee - Thursday, October 28, at 1:00 p.m., Room 405, Capitol Building (3-1707).

Transportation Appropriations Subcommittee - Tuesday, November 2, at 2:00 p.m., Room 100, Farnum Building (3-2426).

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 12:47 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, October 28, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.