

No. 11
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 10, 2000.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

The roll was called by the Assistant 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—excused
Miller—excused
Murphy—excused
North—present
Peters—present

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

Pastor Dave Caswell of Northgate Bible Church of Fort Gratiot offered the following invocation:

God of all glory and Father of our Lord Jesus Christ, incline Your ear to those who are gathered here today. The work that is done here will affect the lives of many, now and for years into the future. Grant us diligence, integrity, and blessing. Help these elected officials carry out their duty according to Your wisdom and truth, rather than leaning on popular opinion and changing fads.

As this day begins, help us to remember that eyes are watching us, the eyes of those we serve and Your heavenly eyes that can search the hearts of men and women, both rich and poor.

As this day draws to a close, give us the confidence found in Your love, the joy of sacrificial service, and the warmth of loving families that eagerly await our return. For Your glory, in Your service, and in Your name we pray. Amen.

Senator Emerson entered the Senate Chamber.

Motions and Communications

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

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

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

Senator V. Smith moved that Senators Miller and Murphy be excused from today's session. The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 9:

House Bill Nos. 5083 5144 5145

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, February 9, for his approval the following bill:

Enrolled Senate Bill No. 385 at 4:05 p.m.

The Secretary announced the printing and placement in the members' files on Wednesday, February 9, of:

Senate Bill Nos. 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979

House Bill Nos. 5273 5274 5275 5276 5277 5278 5279 5280 5281 5282 5283 5284 5285 5286 5287 5288 5289

Messages from the Governor

The following message from the Governor was received and read:

February 9, 2000

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

Michigan Board of Osteopathic Medicine and Surgery

Mr. Vaughn J. Begick, 5353 Lorraine Court, Bay City, Michigan 48706, county of Bay, as a member representing professionals, succeeding himself, for a term expiring on December 31, 2003.

Ms. Kathleen Adele Thrall, 21897 Crooked Lake Road, Watersmeet, Michigan 49969, county of Gogebic, as a member representing the general public, succeeding herself, for a term expiring on December 31, 2003.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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.

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

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

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

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Schwarz entered the Senate Chamber.

Third Reading of Bills

Senator Rogers moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 766

Senate Bill No. 658

House Bill No. 5088

House Bill No. 4523

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 766, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1104 (MCL 380.1104), as amended by 1995 PA 289.

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. 6

Yeas—33

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

Nays—0

Excused—5

Byrum	Miller	Murphy	Schuetten
McManus			

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Byrum entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 658, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1704.
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. 7

Yeas—34

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

Nays—0

Excused—4

McManus	Miller	Murphy	Schuette
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Rogers, Hoffman, Shugars, Jaye, Gast, Bennett, Johnson, North, Gougeon, Byrum, Peters, Young, Hart, A. Smith, Vaughn, Schwarz, V. Smith and DeBeaussaert moved that they be named co-sponsors of the following bill:

Senate Bill No. 658

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Emmons introduced

Senate Joint Resolution S, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 6 of article XI, to allow merit pay systems for public school teachers.

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

Senator Emmons introduced

Senate Bill No. 988, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1 (MCL 205.51), as amended by 1999 PA 116.

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

Senator Emmons introduced

Senate Bill No. 989, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 1998 PA 366.

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

Senators Goschka, Young, Dingell, Koivisto, Miller, North, Bennett, Murphy, Johnson, DeBeaussiaert and Steil introduced

Senate Bill No. 990, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending the title and sections 1, 1a, and 7 (MCL 445.111, 445.111a, and 445.117), section 1 as amended by 1999 PA 18.

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

Senators Goschka, Young, Dingell, Miller, Koivisto, North, Shugars, Bennett, Murphy, Johnson, DeBeaussiaert and Steil introduced

Senate Bill No. 991, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 8.

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

Senators Goschka, Young, Dingell, North, Miller, Koivisto, Bennett, Murphy, Johnson, DeBeaussiaert and Steil introduced

Senate Bill No. 992, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540e (MCL 750.540e), as amended by 1988 PA 395.

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

Senators Shugars, Goschka, Young, Dingell, North, Koivisto, Miller, Bennett, Murphy, Johnson, DeBeaussiaert and Steil introduced

Senate Bill No. 993, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 9.

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

Senators Rogers, Goschka, Young, Dingell, North, Koivisto, Miller, Shugars, Bennett, Murphy, Johnson, DeBeaussiaert and Steil introduced

Senate Bill No. 994, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 10.

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

Senators Gougeon, Goschka, Young, Dingell, North, Koivisto, Miller, Bennett, Murphy, Johnson, DeBeaussiaert and Steil introduced

Senate Bill No. 995, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 11.

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

Senators Hammerstrom, Goschka, Young, Dingell, North, Koivisto, Miller, Shugars, Bennett, Murphy, Johnson, DeBeaussiaert and Steil introduced

Senate Bill No. 996, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 12.

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

Senators Goschka, Dingell, North, Koivisto, Miller, Shugars, Bennett, Murphy, Johnson, DeBeaussaert and Steil introduced **Senate Bill No. 997, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 13.

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

Senators Dingell, Goschka, Young, Koivisto, North, Miller, Bennett, Murphy, Johnson, DeBeaussaert and Steil introduced **Senate Bill No. 998, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 14.

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

Senators Murphy, Goschka, Dingell, Koivisto, North, Miller, Bennett, Johnson, DeBeaussaert and Steil introduced **Senate Bill No. 999, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 15.

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

Senators Koivisto, Goschka, Young, Dingell, North, Miller, Bennett, Johnson, Murphy, DeBeaussaert and Steil introduced **Senate Bill No. 1000, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 16.

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

Senators A. Smith, Goschka, Young, Koivisto, Dingell, North, Miller, Bennett, Johnson, Murphy, DeBeaussaert and Steil introduced

Senate Bill No. 1001, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 17.

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

Senators Steil, Goschka, Koivisto, Dingell, North, Miller, Bennett, Johnson, Murphy and DeBeaussaert introduced **Senate Bill No. 1002, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 18.

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

Senators Young, Goschka, Koivisto, Dingell, North, Miller, Bennett, Johnson, Murphy, DeBeaussaert and Steil introduced **Senate Bill No. 1003, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 19.

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

Senators Jaye and Young introduced

Senate Bill No. 1004, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282a.

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

Senator Schuette entered the Senate Chamber.

House Bill No. 5083, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 931 (MCL 600.931), as amended by 1989 PA 100.

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 Judiciary.

House Bill No. 5144, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 7, 8, and 8d (MCL 722.622, 722.627, 722.628, and 722.628d), section 2 as amended by 1998 PA 531, section 7 as amended by 1998 PA 485, and section 8 as amended and section 8d as added by 1998 PA 484.

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

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

House Bill No. 5145, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 13b, 19a, 19b, and 19c of chapter XIIA (MCL 712A.1, 712A.13b, 712A.19a, 712A.19b, and 712A.19c), section 1 as amended by 1998 PA 478, section 13b as added and section 19a as amended by 1997 PA 163, section 19b as amended by 1998 PA 530, and section 19c as amended by 1998 PA 479.

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

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

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Committee on Health Policy submits the following:

Meeting held on Tuesday, February 8, 2000, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom and Byrum

Excused: Senators Schwarz and Murphy

Scheduled Meetings

Community Colleges Appropriations Subcommittee - Wednesday, February 23, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Health Appropriations Subcommittee - Tuesdays, February 15 and March 7, at 2:00 p.m., Rooms 402 and 403, Capitol Building (3-1777).

Corrections Appropriations Subcommittee - Tuesday, February 15, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2413).

Economic Development, International Trade and Regulatory Affairs Committee - Tuesday, February 15, at 1:00 p.m., Room 110, Farnum Building (3-7946).

Education Committee - Wednesday, February 16, at 3:00 p.m., Room 810, Farnum Building (3-7350).

Health Policy Committee - Tuesday, February 15, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Higher Education Appropriations Subcommittee - Fridays, February 11, at 10:00 a.m., Eastern Michigan University, 201 Welch Hall, Ypsilanti; February 18, at 10:00 a.m., Ferris State University, Kendall College Campus, 111 N. Division Avenue, Grand Rapids; February 25, at 10:00 a.m., University of Michigan-Dearborn, Henry Ford Estate, Dearborn; March 3, at 10:00 a.m., Lawrence Technological University, 21000 W. Ten Mile Road, Southfield; and March 8, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-3447).

Investment Issues Subcommittee, Legislative Retirement System Board of Trustees - Tuesday, February 15, at 10:30 a.m., 9th Floor Conference Room, Room S0929, House Office Building

Legislative Retirement Board of Trustees - Thursday, February 24, at 3:00 p.m., House Conference Room, Room H-65, Ground Floor, Capitol Building (3-0575).

Natural Resources and Environmental Affairs Committee - Friday, February 25, at 1:30 p.m., Muskegon Community College, Higher Education Center - Lecture Hall 1100, 221 S. Quarterline Road, Muskegon; Monday, March 6, at 6:00 p.m., Saginaw Valley State University, Curtis Hall - Seminar D, 2250 Pierce Road, University Center; Thursday, March 23, at 6:00 p.m., Northwestern Michigan College, Oleson Center - Rooms 1 and 2, 1701 E. Front Street, Traverse City; Thursday, April 6, at 6:00 p.m., Lake Superior State University, Cisler Student and Conference Center - Ontario-Michigan Room, 650 Easterday Avenue, Sault Ste. Marie; and Monday, April 10, at 6:00 p.m., Monroe City Hall, Council Chamber, 120 E. First Street, Monroe (3-0797).

School Aid Appropriations Subcommittee - Tuesday, February 15, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1635).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:24 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, February 15, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.