

No. 62
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, September 26, 2000.

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 not 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—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

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

Heavenly Father, we come before You and we ask You for knowledge and wisdom, so that we may do what Your will is. Father, in the time when a number of individuals in the state are faced with diseases or ailments or sickness, we ask You to comfort them, to give them peace, to give them strength, and to give their family members strength also. And whatever Your will is, please help us be comfortable with that.

Because of Your grace, we thank You for everything—all the blessings we have from life to eternity.

In Your name we pray. Amen.

Senator Bullard entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:03 a.m.

10:15 a.m.

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

Senators Gougeon, Miller, DeGrow, North, Emmons, Steil, Gast, Stille, Sikkema, Bennett, Van Regenmorter, A. Smith, Goschka, Hammerstrom, Johnson, Schuette, Schwarz, McManus, Dunaskiss and Jaye entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

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

The following communication was received:
Department of State

Administrative Rules Notice of Filing

September 1, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:25 p.m. this date, administrative rule (00-09-01) for the Department of Environmental Quality, Waste Management Division, entitled "*Hazardous Waste Management*," effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

September 25, 2000

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Office of Support Services, Department of Management and Budget, September 2000.

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

The communication was referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Friday, September 22, of:

Senate Bill Nos. 1343 1344 1345 1346 1347 1348 1349 1350 1351 1352 1353 1354 1355 1356
1357 1358 1359 1360 1361 1362 1363 1364 1365 1366 1367 1368 1369 1370
Senate Joint Resolutions U V

Senator V. Smith moved that the Committee on Appropriations be discharged from further consideration of the following bill:

Senate Bill No. 1323, entitled

A bill to amend 2000 PA 276, entitled "An act to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2001; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies," by adding section 961; and to repeal acts and parts of acts.

On which motion Senator V. Smith requested the yeas and nays.

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

The motion did not prevail, a majority of the members serving not voting therefor, as follows:

Roll Call No. 605

Yeas—13

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

Nays—23

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

Excused—2

Murphy	Vaughn
--------	--------

Not Voting—0

In The Chair: President

Senators Byrum 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:

I'm speaking in support of the discharge from the Appropriations Committee, as my colleague, Senator Alma Wheeler Smith, just indicated. Time is of the essence. This program will not be in place until January if we don't fix the problem now—that's why the discharge is necessary. All tax benefits for 2000 will be lost if we don't fix this

problem now, and because we are winding down at the end of the time we're going to be in session, prior to our recess until after the election, November 7, we must fix this issue now. We have a vehicle bill in place. The discharge is necessary because of the timeliness of the manner. If we do not fix it now, then we will prohibit this matching grant money from being available to those families who are depending upon it.

Again, time is of the essence. The discharge is critical, otherwise we will not keep our promise we made to the people of Michigan with our original passage of the college savings account legislation. A discharge is necessary to keep our promise, to be timely, and to be able to implant the matching grant monies.

Senator Byrum's second statement is as follows:

The discharge is very appropriate, and time is of the essence. Now, when Senator Alma Wheeler Smith and I looked into introducing this legislation, we first looked to see if there were other vehicle bills out there that we could get amended or if, in fact, there was going to be a supplemental appropriations bill that would run in that time frame. Our research and our questions that we had received answers to came back to us saying no that was not going to be the course of procedure. It was going to be necessary to introduce a freestanding bill; that's why the discharge is important. It's the only vehicle in play that will allow us to address the issue in a timely manner so that this program, the college savings accounts matching monies, can be appropriated this calendar year beginning October 1, the effective date of the original parent legislation. These funds do lapse at the end of the year. If it is not fixed, then that matching grant pool of money will not be able to be available for those families who are counting on it yet this year.

Time is of the essence. This bill is written appropriately, it is correctly before the Legislature, it can meet the time frame of the constitutional requirements for the House to act, be on the Governor's desk, and be in effect before the October 1 implementation date of the parent legislation if we act now. That's why the discharge is necessary.

Senator A. Smith's first statement is as follows:

Senate Bill No. 1323 fixes some mistakes that were made in the supplemental bill—general government bill—that we passed in June of this year. The section in question is section 960, and it provides for \$10 million in matching grant dollars for families earning incomes of \$80,000 or less. If they put money into a college savings account, we would match on a 2-1 basis.

It's a mistake, and I'm explaining a mistake and why we have to fix it now.

Well, time is of the essence, and we must fix it with the discharge today if we are going to have the program that we appropriated in place, so that the matching funds can, in fact, be available for the savings account match.

Senator A. Smith's second statement is as follows:

First of all, there are two ways of approaching this issue, and one is with legislation, which we have proposed and is equally valid with a rewrite of a supplemental amendment that would take care of the issue as well. Since there was going to be no supplemental before the program was to take effect, we took the initiative to do legislation that would fix the problem. The supplemental bill will not be taken up until after the November elections when, and if, we come back at the end of session long enough to allow the five-day layover between the Senate and the House.

The question here is whether or not we need to act quickly. The Governor proposed a savings account in a State of the State in January. His agency has had since January until now—until October 1—to have a program prepared to roll out and be in placed on October 1 when the program is supposed to be available. The question was not if it was going to happen. The question was when the legislation would be placed.

So we made a mistake in the General Fund appropriation and the funds that would be available for the match end on December 31, 2000. If the savings account is not available to the public on October 1, as was presented to the public, and isn't available until January 2001, there are no funds for a match. So we really do need to make a fix if we are going to honor our pledge and commitment to the general public that if they put money in a savings account, there will, in fact, be dollars available for a match.

The discharge is appropriate. The vehicle is appropriate. I believe that we should be dealing with it now.

Messages from the Governor

The following messages from the Governor were received and read:

September 20, 2000

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

Board of Social Work

Mrs. Cathy M. Longo, 5179 Buckingham Place, Troy, Michigan 48098-2601, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on December 31, 2000.

Mr. Matthew L. Lyberg, 1342 W. Silver Lake Road N., Traverse City, Michigan 49684, county of Grand Traverse, as a member representing professionals, succeeding himself, for a term expiring on December 31, 2000.

September 21, 2000

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

State Carnival-Amusement Safety Board

Mr. C. Daniel Piercecchi, 16146 Alpine, Livonia, Michigan 48154, county of Wayne, as a member representing the general public, succeeding Mr. Frank M. Cowger of Mio, whose term has expired, for a term expiring on July 10, 2004.

Dr. David W. O'Neill, 745 Pointe Drive, Port Huron, Michigan 48060, county of St. Clair, as a member representing professional engineers, succeeding himself, for a term expiring on July 10, 2004.

Ms. Susan M. Wells, 600 E. Fifth Street, Royal Oak, Michigan 48067, county of Oakland, as a member representing amusement park operators, succeeding Mr. A. Scott Rood of Norton Shores, whose term has expired, for a term expiring on July 10, 2004.

September 21, 2000

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

Board of Landscape Architects

Ms. Mary C. McLellan, 431 Kipling Boulevard, Lansing, Michigan 48912, county of Ingham, as a member representing the general public, succeeding herself, for a term expiring on June 30, 2004.

Mr. Ralph Lawrence Nunez, 30645 Woodgate Drive, Southfield, Michigan 48076, county of Oakland, as a member representing landscape architects, succeeding Mr. John J. Prote of Petoskey, whose term has expired, for a term expiring on June 30, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

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 bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1342

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 1339, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 1, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, 19, 20, 23, 26, 28, 29, 29a, 30, 30a, 30b, 30c, 31, 33, 35, 39, 40, 41, 42, 44, and 45 (MCL 287.701, 287.703, 287.704, 287.705, 287.706, 287.708, 287.709, 287.712, 287.714, 287.715, 287.716, 287.719, 287.720, 287.723, 287.726, 287.728, 287.729, 287.729a, 287.730, 287.730a, 287.730b, 287.730c, 287.731, 287.733, 287.735, 287.739, 287.740, 287.741, 287.742, 287.744, and 287.745), sections 3, 8, 9, 14, 30a, and 30b as amended and section 30c as added by 1998 PA 552, sections 4, 5, 6, 12, 16, 19, 20, 23, 28, 29, 30, 33, 39, 40, 41, 42, and 44 as amended and section 29a as added by 1996 PA 369, section 15 as amended by 1990 PA 40, and sections 26, 31, and 35 as amended by 1994 PA 41, and by adding sections 11a, 11b, 13a, 26a, and 30d; and to repeal acts and parts of acts.

The above bill was read a third time.

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. 606

Yeas—36

Bennett
Bullard
Byrum

Emmons
Gast
Goschka

Koivisto
Leland
McCotter

Schwarz
Shugars
Sikkema

Roll Call No. 607**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	Steil
Dingell	Jaye	Peters	Stille
Dunaskiss	Johnson	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons			

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator A. Smith offered the following amendment:

1. Amend page 3, line 22, after “funds.” by inserting “The director shall report, on an annual basis, to the senate and house of representatives standing committees having jurisdiction over agricultural issues as well as the senate and house of representatives agricultural appropriations subcommittees regarding the specific amounts and nature of expenditures and grants made under this act.”.

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

Senator A. Smith offered the following amendment:

1. Amend page 2, line 21, after “treasurer” by striking “shall” and inserting “may”.

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

Senator A. Smith moved that the first two amendments she offered be withdrawn.

The motion prevailed.

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. 608**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	Steil
Dingell	Jaye	Peters	Stille
Dunaskiss	Johnson	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons			

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Byrum 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 without amendment, the following bills:

Senate Bill No. 1341, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 1998 PA 416.

House Bill No. 5537, entitled

A bill to authorize and provide the terms and conditions under which information and signatures can be transmitted, received, and stored by electronic means.

Senate Bill No. 1064, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 409 (MCL 436.1409) and by adding section 411.

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. 1342, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 309c.

Substitute (S-3).

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

1. Amend page 2, line 1, after "COMMISSION" by inserting a comma and "FOLLOWING THE COMMISSION'S PROMULGATION OF RULES TO IMPLEMENT THIS SECTION".

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 President, Lieutenant Governor Posthumus, resumed the Chair.

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 the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 1064

Senate Bill No. 1341

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 1064, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 409 (MCL 436.1409) and by adding section 411.

The above bill was read a third time.

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. 609

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	Steil
Dingell	Jaye	Peters	Stille
Dunaskiss	Johnson	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons			

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1341, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 1998 PA 416.

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. 610

Yeas—27

Bennett	Emmons	McManus	Schwarz
Bullard	Gast	Miller	Smith, A.

Byrum	Gougeon	Murphy	Smith, V.
Cherry	Hart	North	Steil
DeBeaussaert	Koivisto	Peters	Stille
Dingell	Leland	Rogers	Young
Emerson	McCotter	Schuette	

Nays—10

DeGrow	Hammerstrom	Johnson	Sikkema
Dunaskiss	Hoffman	Shugars	Van Regenmorter
Goschka	Jaye		

Excused—1

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 207

Senate Resolution No. 208

The resolution consent calendar was adopted.

Senators McManus and Gougeon offered the following resolution:

Senate Resolution No. 207.

A resolution commemorating November 4-10, 2000, as French Week in Michigan.

Whereas, It is important that we honor and pay tribute to the many advances in American culture that our French heritage has provided us; and

Whereas, The French language and culture has reached the four corners of the planet; and

Whereas, Each day of French Week is of particular importance; and

Whereas, Saturday and Sunday, November 4 and 5, are focused upon community events such as film. Throughout the history of cinema, films produced in France and in other Francophone societies have been recognized for their high quality, intellectual content, and artistic flair; and

Whereas, Monday, November 6, emphasizes the rich French cuisine. French cuisine represents the epitome of fine dining all over the world. Food is also one of the most basic elements necessary to human life and is charged with all sorts of personal, familial, and cultural symbolism; and

Whereas, Tuesday, November 7, highlights French advances in science, technology, and careers. French inventors have changed our world. Louis Braille, André Citroën, Jacques Cousteau, the Lumière brothers, and the Montgolfier brothers are significant contributors. Each of them created valuable and exciting products which daily impact our lives; and

Whereas, Wednesday, November 8, showcases the French arts and arts and crafts. Artists such as Auguste Renoir, Jean-Louis David, Claude Monet, Maurice Utrillo, and Berthe Morisot; singers such as Céline Dion, Josephine Baker, Jean-Jacques Goldman, Yves Montand, and Maurice Chevalier; actors Simone Signoret, Catherine Deneuve, Leslie

Caron, and Gérard Depardieu; directors Jean Cocteau, François Truffaut, and Louis Malle; the mime Marcel Marceau; renowned writers George Sand, Molière, Gustave Flaubert, Émile Zola, Charles Perrault, Victor Hugo, and Jean de La Fontaine; the engineer Gustave Eiffel; and the designer Coco Chanel are but a few contributors; and

Whereas, Thursday, November 9, illustrates French contributions to sports, games, and French traditions. Le Tour de France, the world's most famous cycling event, is just one example of French contributions to the world; and

Whereas, Friday, November 10, exhibits French music and dance. Famous ballet masters from George Ballanchine to Maurice Béjart and dancers such as Rudolf Nureyev and Margot Fontaine showcase elegant French music and dance; and

Whereas, It is only fitting that we recognize and honor the many contributions that the French have made to the world and our American heritage. These generous contributions deserve our acknowledgment and recognition; now, therefore, be it

Resolved by the Senate, That we hereby commemorate November 4-10, 2000, as French Week in the state of Michigan.

Senators Jaye, Hammerstrom, Gast, DeGrow, Emmons, Bennett, McCotter, Sikkema, Johnson, McManus, Shugars, Van Regenmorter, Steil, North, Schuette, Dingell, Cherry, DeBeaussaert, Young, A. Smith, Byrum, Koivisto, Hart, V. Smith, Miller, Leland, Emerson and Murphy offered the following resolution:

Senate Resolution No. 208.

A resolution to commemorate Polish-American Heritage Month and to commend the many Polish-American churches, cultural organizations, and businesses which enhance the quality of life in the state of Michigan.

Whereas, It is with great respect and appreciation that this legislative body commemorates the month of October as Polish-American Heritage Month and joins in the national celebration of Polish-American history, culture, achievements, and pride; and

Whereas, On October 1, 1608, the English ship *Margaret and Mary* arrived in Jamestown, Virginia, with eight people of Polish descent, who had been hired by the Glass Company of England to help open a "glass house" in the New World. These glass items not only served the needs of the Jamestown colony, but also became the first glass products to be exported from America to Europe; and

Whereas, The arrival of the first Polish settlers in America marked a humble, yet significant, entry into American history. These Polish settlers are among the tens of millions of immigrants who endured great hardship and adversity to come to America from all over the world and are proud to call America their home. Beginning with General Thaddeus Kosciuszko, who helped lead American Revolutionary soldiers in their successful war of independence with Great Britain, thousands of Polish men and women helped defend America in several armed conflicts; and

Whereas, During the month of October, we recognize the valuable business, academic, sports, cultural, and spiritual contributions Polish-Americans have made to enhance the quality of life for all Americans. Their proud, noble heritage and culture are important segments of America's past, present, and future; now, therefore, be it

Resolved by the Senate, That the month of October 2000 be commemorated as Polish-American Heritage Month to commend all Polish-Americans; and be it further

Resolved, That a copy of this resolution be transmitted to the Polish-American Congress, Polish Cultural Center, Polish Veterans Organization, Polish Century Club, Polish Scouting Organization, Polish Varieties Radio Show, Polish World Newspaper, and other Polish-American organizations with our respect, gratitude, and appreciation.

Senate Concurrent Resolution No. 39.

A concurrent resolution to memorialize the Congress of the United States to reauthorize the Ryan White Comprehensive AIDS Resources Emergency Act.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senators A. Smith, DeBeaussaert, V. Smith and Peters offered the following resolution:

Senate Resolution No. 205.

A resolution to urge the United States Environmental Protection Agency to regulate emissions of mercury from utility plants under the federal Clean Air Act.

Whereas, Mercury is an air pollutant that poses a serious threat to the health of the public. Mercury has been found in soils, water, and fish. Concern over the links between mercury resulting from utility-plant operations and levels of contamination dramatized in advisories over the consumption of fish has led Michigan to take actions to reduce mercury; and

Whereas, Michigan utilities have made significant progress in reducing levels of mercury. However, a national approach is essential to protect the environment and to ensure that all states operate under the same standards. Michigan utilities, for example, should not be disadvantaged in competition with utilities operating under less strict standards; and

Whereas, Most importantly, the health of our people should not be placed at risk by shortsighted policies. Mercury emissions represent a threat to all of our families and futures; and

Whereas, The EPA must make a determination regarding the regulation of mercury emissions from coal-fired utility plants. Michigan's Department of Environmental Quality and other concerned parties are on record in support of regulation under the provisions of the federal Clean Air Act; now, therefore, be it

Resolved by the Senate, That we urge the United States Environmental Protection Agency to regulate emissions of mercury from utility plants under the federal Clean Air Act; and be it further

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

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 question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Byrum offered the following resolution:

Senate Resolution No. 206.

A resolution to memorialize the Congress of the United States to amend the Internal Revenue Code to make all games of chance conducted by 501(c) organizations tax exempt.

Whereas, Charitable, philanthropic, and mutually beneficial organizations operating as tax exempt entities under section 501 of the Internal Revenue Code contribute to our society in many ways. These groups enrich community life, encourage high standards of citizenship, and meet needs beyond governmental responsibility. State and federal tax policies help to foster this component of our national character; and

Whereas, The Internal Revenue Code provides tax exemptions for groups often called "501(c) organizations" for a variety of activities, including proceeds from bingo games that meet set standards. This fund-raising tool is a revenue lifeline for many groups. However, other types of games of chance, even other types of bingo, are not tax exempt. This inconsistency is harmful. Since many of these types of organizations do not realize other games of chance are not exempt, the organizations may be unknowingly breaking the law. Considerable confusion can surround the reporting requirements even for groups that understand the law and are trying to comply; and

Whereas, Most importantly, groups committed to service within our society use games of chance as a major source of financial support to enable them to carry out worthwhile projects. This service should be encouraged as much as possible and not restricted by nuances of the Internal Revenue Code. The more clarity brought to the often baffling provisions regarding tax exempt groups, the better for society; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to amend the Internal Revenue Code to make all games of chance conducted by 501(c) organizations tax exempt. We urge that this exemption be made retroactive; and be it further

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

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 question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Finance.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Gougeon, Hammerstrom, Johnson and Shugars introduced

Senate Bill No. 1371, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217e.

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

Senators Gougeon, Hammerstrom, Johnson and Shugars introduced

Senate Bill No. 1372, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16*l* of chapter XVII (MCL 777.16*l*), as amended by 2000 PA 279.

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

Senators Hammerstrom, Gougeon, Johnson, Shugars and North introduced

Senate Bill No. 1373, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81c.

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

Senators Hammerstrom, Gougeon, Johnson, Shugars and North introduced

Senate Bill No. 1374, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2000 PA 279.

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

Senator Stille introduced

Senate Bill No. 1375, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 2, 3, 6, 7, 17, 20, and 21 (MCL 431.302, 431.303, 431.306, 431.307, 431.317, 431.320, and 431.321), section 17 as amended by 1998 PA 408 and section 20 as amended by 1997 PA 73.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators Schuette, North, Steil, Hammerstrom and Leland introduced

Senate Bill No. 1376, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 946 (MCL 600.946).

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, North, Steil, Hammerstrom and Leland introduced

Senate Bill No. 1377, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16186 (MCL 333.16186), as amended by 1993 PA 80.

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 Steil, North, Schuette, Hammerstrom and Leland introduced

Senate Bill No. 1378, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 203 (MCL 339.203), as amended by 1988 PA 463.

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, North, Steil, Hammerstrom and Leland introduced

Senate Bill No. 1379, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending sections 2, 3, 4, 10, and 12 (MCL 124.502, 124.503, 124.504, 124.510, and 124.512), section 2 as amended by 1995 PA 108 and section 10 as amended by 1985 PA 10.

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 and Steil introduced

Senate Bill No. 1380, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35b.

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 and Steil introduced

Senate Bill No. 1381, entitled

A bill to create the office of protocol in the executive branch; to provide for the appointment and term of certain state officers; to create certain commissions; and to prescribe certain duties and responsibilities for certain state officers and commissions.

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 Bullard, Hammerstrom and Peters introduced

Senate Bill No. 1382, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 162.

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

Committee Reports

The Committee on Judiciary reported

House Bill No. 4996, entitled

A bill to amend 1967 PA 119, entitled "An act regulating the use of chemical agents containing toxic chemicals or organic solvents or both, having the property of releasing toxic vapors; and providing for penalties," by amending the title and section 3 (MCL 752.273) and by adding section 2a; 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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4997, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 1999 PA 67.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5556, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401a, 7410, 7410a, and 7521 (MCL 333.7401a, 333.7410, 333.7410a, and 333.7521), section 7401a as added by 1998 PA 319, section 7410 as amended by 1999 PA 188, section 7410a as added by 1998 PA 261, and section 7521 as amended by 1990 PA 30, and by adding section 7401b.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5557, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 13 and 18 of chapter XVII (MCL 777.13 and 777.18), section 13 as amended by 1999 PA 61 and section 18 as added by 1998 PA 317.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

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 Judiciary submits the following:

Meeting held on Wednesday, September 20, 2000, at 1:00 p.m, Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Peters, V. Smith and Dingell

The Committee on Education reported

Senate Bill No. 1249, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1231 and 1236 (MCL 380.1231 and 380.1236), section 1236 as amended by 1995 PA 289, and by adding section 1236a.

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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons and Stille

Nays: Senators Peters and Leland

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

The Committee on Education reported

House Bill No. 5272, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1233 (MCL 380.1233), as amended by 1995 PA 289.

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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons and Stille

Nays: Senator Leland

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, September 20, 2000, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bennett (C), Emmons, Stille, Peters and Leland

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 1313, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2512 and 2517 (MCL 339.2512 and 339.2517), section 2512 as amended by 1996 PA 430 and section 2517 as added by 1993 PA 93.

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

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

Bill Schuette
 Chairperson

To Report Out:

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

Nays: None

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

The Committee on Technology and Energy reported

Senate Bill No. 1342, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 309c.

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.

Mat Dunaskiss
 Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Rogers, Byrum, Leland and Dingell

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 Technology and Energy submits the following:

Meeting held on Thursday, September 21, 2000, at 9:00 a.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, September 19, 2000, at 1:30 p.m., Room 210, Farnum Building

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

Scheduled Meetings

Appropriations - Wednesday, September 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

State Police and Military Affairs - Wednesday, September 27, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Conference Committee -

SB 694 - Wednesday, September 27, 12:30 p.m., Room 405, Capitol Building (373-7946)

Families, Mental Health and Human Services - Wednesday, September 27, 3:00 p.m., Room 100, Farnum Building (373-3543)

Government Operations - Thursday, September 28, 1:00 p.m., Room 405, Capitol Building (373-1707)

Judiciary - Wednesday, September 27, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Legislative Retirement Board of Trustees - Thursday, September 28, 3:00 p.m., Room H65, Capitol Building (373-0575)

Local, Urban and State Affairs - Wednesday, September 27, 3:00 p.m., Room 405, Capitol Building (373-1707)

Michigan Capitol Committee - Tuesday, October 3, 12:00 noon, Room 405, Capitol Building (373- 0289)

Senate Fiscal Agency Governing Board - Wednesday, September 27, 3:00 p.m. or immediately following Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 11:39 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, September 27, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

