

No. 63
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, September 27, 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 present.

Bennett—excused
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—excused
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

The Honorable Dick Posthumus, President of the Senate, offered the following invocation:

Dear Lord, as we gather here this morning on this beautiful fall day in Michigan, we thank You for the beauty that surrounds us. We thank You for the people who You brought here to lead this state and ask that You guide them in the decisions that they make. On this day as we go forward please give us the strength and knowledge that we need. Amen.

Senators Schwarz, Leland and A. Smith entered the Senate Chamber.

Motions and Communications

The following communication was received:
Northeast Michigan Consortium

The Workforce Development Board of Northeast Michigan Consortium has prepared the final Work First Job Training Plan for the program year beginning October 1, 2000. A copy of the Plan may be viewed at Northeast Michigan Consortium, 20709 State Street, Onaway, Michigan 49765. Please address questions or comments to Terry L. Basel, Program Coordinator. An equal opportunity program/employer. Auxiliary aids and services will be made available upon request to individuals with disabilities. Michigan Relay Center 1(800) 649-3777 (Voice & TDD).

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 Wednesday, September 27:

House Bill Nos. 5919 5921

The Secretary announced the printing and placement in the members' files on Tuesday, September 26, of:

Senate Bill Nos. 1376 1377 1378 1379 1380 1381 1382

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

Senator Rogers moved that Senators Bennett and Johnson be excused from today's session.
The motion prevailed.

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

Senators Hoffman, Murphy, Jaye and Schuette entered the Senate Chamber.

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

The motion prevailed.

Senator North's statement is as follows:

I have kind of a sad announcement to make today. One of my staff members, Elizabeth Wudyka, is trading down—she's going from the Senate to employment by one of our colleagues in the State House, Representative Mary Ann Middaugh. Most of my colleagues will remember Elizabeth from a year and a half ago when she served as Senate Messenger for the Pages in this chamber. It was her very efficient carrying out of those duties which drew her to my attention, and so we employed her for the better part of the last year and a half.

I want to wish her well in her new responsibilities. And to that end, I'm going to present her with a seal, signed by all my Senate colleagues here in the Senate, that I'm sure will adorn her office over there to remind our colleagues over there that there is another chamber in the Michigan Legislature. So I wish my colleagues would join me in wishing Elizabeth well in her new duties in the Michigan State House.

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

Senator McManus entered the Senate Chamber.

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 Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

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.

The bill 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:

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.

Substitute (S-1).

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

1. Amend page 2, line 4, after "TO" by inserting "NITROUS OXIDE THAT HAS BEEN DENATURED OR OTHERWISE RENDERED UNFIT FOR HUMAN CONSUMPTION OR TO".

2. Amend page 2, line 10, after "UTING" by inserting "CATERING SUPPLIES ONLY OR FOOD PROCESSING EQUIPMENT ONLY, OR SELLING OR DISTRIBUTING".

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:

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.

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:

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.

Substitute (S-1).

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

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:

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.

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. 611**Yeas—35**

Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

Shugars
Sikkema
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—3**

Bennett

Johnson

Vaughn

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.
The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 967, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2001; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(For Conference Report, see Senate Journal No. 59, p. 1592.)

The House of Representatives has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

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

Senate Bill No. 734, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 1992 PA 267.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House of Representatives requested the return of

Senate Bill No. 734, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 1992 PA 267.

Senator Rogers moved that the request of the House be granted.

The motion prevailed.

Senate Bill No. 773, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House of Representatives requested the return of

Senate Bill No. 773, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

Senator Rogers moved that the request of the House be granted.

The motion prevailed.

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 President, Lieutenant Governor Posthumus, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

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.

Substitute (S-2).

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

1. Amend page 4, line 14, after "TRANSACTION" by striking out "OR POTENTIAL REAL ESTATE TRANSACTION".

2. Amend page 5, line 3, after "OF" by striking out the balance of the sentence and inserting "A BUILDING SITE FOR A RESIDENTIAL UNIT ON EITHER A LOT AS DEFINED IN SECTION 102 OF THE LAND DIVISION ACT, 1967 PA 288, MCL 560.102, OR A CONDOMINIUM UNIT AS DEFINED IN SECTION 4 OF THE CONDOMINIUM ACT, 1978 PA 59, MCL 559.104."

3. Amend page 9, line 24, after "OF" by striking out the balance of the sentence and inserting "A BUILDING SITE FOR A RESIDENTIAL UNIT ON EITHER A LOT AS DEFINED IN SECTION 102 OF THE LAND DIVISION ACT, 1967 PA 288, MCL 560.102, OR A CONDOMINIUM UNIT AS DEFINED IN SECTION 4 OF THE CONDOMINIUM ACT, 1978 PA 59, MCL 559.104."

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.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Schuette, Steil, McCotter, Bennett, Gougeon, Johnson, Jaye, Leland, Hammerstrom and Schwarz introduced

Senate Bill No. 1383, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 72105b.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators McManus and North introduced

Senate Bill No. 1384, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 225, 821, 821a, and 822 (MCL 600.225, 600.821, 600.821a, and 600.822), section 225 as amended by 1996 PA 388, section 821 as amended by 1998 PA 298, section 821a as added by 1998 PA 100, and section 822 as amended by 1998 PA 313, and by adding section 823.

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

Senators Gougeon, Hammerstrom, Johnson, Steil, Bullard, Goschka, Hart and Shugars introduced
Senate Bill No. 1385, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5305 and 5406 (MCL 700.5305 and 700.5406), section 5406 as amended by 2000 PA 54.

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

Senators Goschka, Hammerstrom, Steil, Bullard, Hart and Shugars introduced
Senate Bill No. 1386, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8102) by adding section 5108.

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

Senators Rogers, Hammerstrom, Johnson, Steil, Bullard, Goschka, Hart and Shugars introduced
Senate Bill No. 1387, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5401 (MCL 700.5401).

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, Johnson, Steil, Bullard, Goschka, Hart and Shugars introduced
Senate Bill No. 1388, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 54.

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

Senators Johnson, Hammerstrom, Steil, Bullard, Goschka, Hart and Shugars introduced
Senate Bill No. 1389, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5303 (MCL 700.5303).

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

Senators Steil, Hammerstrom, Bullard, Johnson, Shugars, Sikkema, Bennett, Dunaskiss, North, Gougeon, Schwarz, Hart, Dingell, DeBeaussaert, Goschka, Schuette and McManus introduced

Senate Bill No. 1390, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5215, 5314, and 5423 (MCL 700.5215, 700.5314, and 700.5423), section 5314 as amended by 2000 PA 54, and by adding section 5108.

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

Senators Steil, Hammerstrom, Bullard, Johnson, Shugars, Sikkema, Bennett, Dunaskiss, North, Gougeon, Schwarz, Hart, Dingell, DeBeaussaert, Goschka, Schuette and McManus introduced

Senate Bill No. 1391, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5305 and 5406 (MCL 700.5305 and 700.5406), section 5406 as amended by 2000 PA 54.

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

Senators Steil, Hammerstrom, Bullard, Johnson, Shugars, Sikkema, Bennett, Dunaskiss, North, Gougeon, Schwarz, Hart, Dingell, DeBeaussaert, Goschka, Schuette and McManus introduced

Senate Bill No. 1392, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 54.

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

Senators Steil, Bullard, Shugars, Sikkema, Bennett, Dunaskiss, North, Gougeon, Schwarz, Hart, Dingell, DeBeaussaert, Goschka, Schuette and McManus introduced

Senate Bill No. 1393, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5306 (MCL 700.5306).

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

Senators Steil, Bullard, Shugars, Sikkema, Bennett, Dunaskiss, North, Gougeon, Schwarz, Hart, Dingell, DeBeaussaert, Goschka, Schuette and McManus introduced

Senate Bill No. 1394, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5306 and 5314 (MCL 700.5306 and 700.5314), section 5314 as amended by 2000 PA 54.

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. 5919, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5306, 5313, 5314, 5417, and 5418 (MCL 700.5306, 700.5313, 700.5314, 700.5417, and 700.5418), sections 5313 and 5314 as amended by 2000 PA 54.

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. 5921, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 54.

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.

Statements

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

The motion prevailed.

Senator V. Smith's statement is as follows:

I have introduced Senate Resolution No. 210, and my resolution urges the Michigan Supreme Court to respond to Attorney General Jennifer Granholm's request for an expedited hearing. Attorney General Granholm has applied to the Michigan Supreme Court for a quick hearing on the PSC-Attorney General case because it involves her ability to protect the public interest. Both my Senate Democratic colleagues and myself agreed that this is an urgent issue, and we would hope that every Michigan citizen would be concerned. This matter deserves what we think would be a quick response from the Michigan Supreme Court. There are new electric restructuring and phone deregulation laws that we have passed here in the Michigan Legislature. These new laws give board authorities to both electric utility companies and the phone companies. It is the Attorney General who takes action to ensure that there are fair utility rates. In the past the Attorney General has saved ratepayers over \$6.3 billion in utility charges.

We want to make sure that as electric restructuring and phone deregulation are in the best interest of the people of the state of Michigan, and we feel that Attorney General Granholm, as have all other previous Attorney Generals for the last 160 years of Michigan's history, has adequately represented the interests of the Michigan Public Service Commission. The Attorney General has been able to act responsibly in a role to protect the rights of taxpayers in this state in her representations before the Michigan Public Service Commission. We want the Supreme Court to act on her request, and we would hope that her powers would not be usurped. We would hope that the Supreme Court would act in an expeditious fashion.

Senator Gougeon's statement is as follows:

On a lighter note, I'd like to make a statement about my experiences this past summer and especially to place in the record my appreciation to the railroad folks of this state, in particular the model railroaders. I had an opportunity as a Senator to enjoy a very fun experience this past summer at Mr. Russ Eldred's White Creek Railroad in Grand Rapids, Michigan, and had an opportunity to join another colleague, Senator Schwarz, who has had past experience running a live steam locomotive. Just for proof of that I wanted the colleagues on the floor to know that I'm showcased in MODELTEC Magazine this past month, actually running a locomotive owned by Mr. Tom Patton.

Mr. President, I want the record to reflect and would request my comments be printed on my high appreciation to both Mr. Patton and Mr. Eldred for allowing this particular Senator to have the experience of the fun enjoyed by both youngsters and seniors alike in the particular model hobby of live steam locomotion.

Senator Schwarz's statement is as follows:

I would like to comment briefly on the continued position of something called the Michigan Health Purchaser Coalition and the continuing opposition of this group, which could only be called mindless and absurd to the diabetes package, which is now stalled in the House.

We have gone through all of the details about the disease. We have gone through the cost of the disease. We have tried to educate people as best we can on this issue. And I personally find it maddening, and I'm quite certain that the 400,000 diagnosed diabetics in this state and the 200,000 Michiganders walking around with diabetes who have not yet been diagnosed and their families wonder what in the world is going on.

I would say to the people who are members of the Michigan Health Purchaser Coalition, all good groups, all groups with very fine reputations, but all 100 percent wrong on this issue, should check their position and should learn something about the disease because it's fairly obvious that they don't know anything about the disease. They don't know how people get there. They don't know what happens if they're not cared for, and they don't know the number of legs taken off, kidneys that fail, and eyes that fail because of diabetes in this state.

I have no idea why these bills have become such a political lightning rod because the substance of the bills has been forgotten in the efforts of lobbying groups to intimidate the Legislature, especially legislators who are up for reelection this year. That is unfair and something that heretofore, I think, is unheard of in this Legislature.

I would ask them again, the Michigan Chamber of Commerce, the Big Three, the Economic Alliance, SBAM, and National Federation of Independent Businesses to change their opposition to support these bills. It's very clear what their motives are—their motives are that they sell insurance. A profit center in each one these organizations, and in some cases a large profit center, is selling health insurance. Their opposition to these bills, Mr. President, is unconscionable, and they should change that opposition to support.

One final point, on October 4, 2000, the Journal of the American Medical Association, which is the most widely read medical journal in the world, will come out with some facts and figures about diabetes which placed the state of Michigan near the dead bottom as far as our policy toward treating and taking care of diabetics.

I think it is shameful that this state has that sort of ranking, and it's even more shameful that people who know better should oppose these bills.

By unanimous consent the Senate returned to the order of

Resolutions

House Concurrent Resolution No. 113.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Thursday, September 28, 2000, at 12:30 p.m., to receive the State of the Judiciary message from the Honorable Elizabeth A. Weaver, Chief Justice of the Michigan State Supreme Court.

The House of Representatives has adopted the concurrent resolution.

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.

Senator Stille offered the following resolution:

Senate Resolution No. 209.

A resolution to urge the United States Army Corps of Engineers to hold public hearings on its proposed erosion mitigation policy for portions of the Lake Michigan shoreline.

Whereas, The United States Army Corps of Engineers, through its Detroit district office, has issued a proposed erosion mitigation policy for shore protection projects along the eastern shoreline of Lake Michigan's Lower Peninsula. This proposed policy is designed to minimize damage to the delicate ecology of the shore by structures constructed to save property threatened by erosion. The corps is seeking public comment until September 29, 2000; and

Whereas, The policy proposed provides for a series of requirements and reviews to safeguard the shoreline from damage that may occur at locations that can be some distance from any retaining wall or other project. A variety of permit options are presented; and

Whereas, There are many aspects of the proposed policy that have generated concern. One of the key problem areas is the possibility that the Corps of Engineers may be impinging upon the rights of private property owners to take reasonable steps to protect their property. Requirements for private property owners who follow regulations in constructing protective seawalls to bear all of the costs of beach nourishment can be a major obstacle for a property owner protecting his or her property. As presented, the Corps of Engineers' policy will greatly restrict property owners who are trying to exercise their rights. This policy also would likely impose an ongoing financial burden when beach replenishment measures must be taken repeatedly as time passes and conditions require further actions; and

Whereas, In any discussion of the erosion mitigation policy, it is essential to determine the authority for the establishment of policies and for the enforcement of them. The line between congressional responsibility and the Army's responsibility must be understood for both clarity and consistency. This will also contribute to public support for shore protection practices; now, therefore, be it

Resolved by the Senate, That we urge the United States Army Corps of Engineers to hold public hearings on its proposed erosion mitigation policy for portions of the Lake Michigan shoreline (file number 00-900-001-0); and be it further

Resolved, That copies of this resolution be transmitted to the Detroit District of the United States Army Corps of Engineers, 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.

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

Roll Call No. 612

Yeas—21

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

Nays—14

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

Excused—3

Bennett	Johnson	Vaughn
---------	---------	--------

Not Voting—0

In The Chair: President

Protest

Senator DeBeaussiaert, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion to suspend the rules for immediate consideration of Senate Resolution No. 209.

Senator DeBeaussiaert's statement is as follows:

I voted against suspending the rules on Senate Resolution No. 209 because I think that the chamber would have been better served by following the rules and allowing for the committee process to work and for allowing committees to have an opportunity to hear some debate on this issue. I think it's ironic that the Senate apparently is going to now be asked to adopt the resolution calling on the EPA to conduct hearings when we, in fact, just voted not to allow hearings on that same resolution here in this chamber.

I think that we're always well-served while allowing input. I recognize that there may be some time lines involved, but I think that by passing the committee process and not allowing for some discussion of the content of resolutions is a mistake. There are, in fact, always serious issues that are involved not only in the resolving clause of resolutions, but in the statements that precede it. As I look at the resolution very briefly, we have just had a short time, and in fact, Mr. President, I point out that before the vote I don't think that the resolution was even distributed to the members on the floor so that the members could have had an opportunity to review whether or not we should suspended the rules in the first place.

I think that it was a mistake not to have the resolution at least before the members' desk before we took that vote, but it seems to me that if you are going to ask members to take up a resolution, there should be some discussion of the content of some of the "Whereas" clauses of resolutions. As I read it there are some, in fact, statements of fact that I am not sure that I can, in the short time that we have here before us, attest to. When it says that "As presented, the Corps of Engineers' policy will greatly restrict property owners who are trying to exercise their rights," we're making a judgement on facts for a resolution in the EPA that none of us have seen, at least on this side of the aisle.

So I think it was a mistake to suspend the rules to not allow this to have some greater deliberation through the committee process, and that's why I voted against suspending the rules.

The question being on the adoption of the resolution,

Senator Rogers requested the yeas and nays.

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

Recess

Senator Cherry moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 11:10 a.m.

11:12 a.m.

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

Senators Rogers and DeBeaussiaert asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Rogers' statement is as follows:

We have a very, very special guest with us today. We have the commander-in-chief for the Veterans of Foreign Wars of the United States in our chamber, John Gwizdak. I just want to read just a couple paragraphs of his extremely impressive biography, just so we know who is in charge of taking care of the men and women who serve in defense of the United States today. I know I'm going to sleep a little better just after reading this.

His service career included three tours in Germany, including a rotational tour in Berlin and in Viet Nam with Company E, 4th Battalion, 12th Infantry, 199th Light Infantry Brigade. Starting out as a heavy mortar platoon leader, he eventually assumed command of Company E based at Long Binh. The unit operated out of Camp Frenzell-Jones. He held the distinction of having served in all leadership positions from squad leader to company commander of an infantry company—rarely done—that in of itself is impressive.

Also, he was inducted in the United States Army Officer Candidate School Hall of Fame.

His military awards and decorations include the Legion of Merit, Meritorious Service Medal, four awards of the Bronze Star (including one for valor), the Purple Heart, the Viet Nam Cross of Gallantry with palm device, the Army Commendation Medal (3), Army of Occupation Medal (Berlin), Viet Nam Campaign and Service Medals, the Good Conduct Medal (3), Armed Forces Reserve Medal, National Defense Service Medal, Combat Infantryman's Badge, Parachutist Badge, and Drill Sergeants Badge.

He joined the VFW in 1997 and has risen to the rank this year of commander-in-chief.

We are very, very honored to have him with us today, and I would ask the colleagues and Senate staff to please rise and recognize the commander-in-chief of Veterans of Foreign Wars, John F. Gwizdak.

Thank you, sir, and welcome. We appreciate your service.

Senator DeBeaussaert's statement is as follows:

First, let me apologize to the members if I misspoke earlier in reference to the EPA rather than the Corps of Engineers in this resolution. As was indicated, we have not had a lot of time to review the resolution, and if I misspoke, I regret it.

I would also remind the members that my point earlier was not to ask for opposition to the resolution or for the call for public hearings. It was to raise the point that there are, in fact, several statements of fact that preceding that call for further discussion and further hearings that I think we haven't had a chance, as members of this body, to fully review. So I will be supporting the resolution because the "Resolved" clause does, in fact, leave cause for further discussion, but I would like the record to reflect by having this statement printed in the Journal that at least this member of the chamber has not had the opportunity and the committee has not had the opportunity to review all the preceding statements in the resolution, the "Whereas" clauses to discuss and determine the accuracy of all of those statements that preceded the resolving clause.

To call for further discussion and further hearings, I think is appropriate, and I will be supporting the resolution. But I would ask that the record reflect that we haven't had the chance to fully discuss some of those other issues that I am concerned about.

The question being on the adoption of the resolution,

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

Roll Call No. 613

Yeas—35

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

Nays—0

Excused—3

Bennett	Johnson	Vaughn
---------	---------	--------

Not Voting—0

In The Chair: President

Senators V. Smith, Cherry, Peters, Byrum, Koivisto, Dingell, A. Smith, DeBeaussaert, Young, Emerson, Miller, Leland, Murphy and Hart offered the following resolution:

Senate Resolution No. 210.

A resolution to urge the Michigan Supreme Court to respond quickly to urgent matters regarding the Attorney General's powers and duties to protect the public interest and uphold justice and fairness in matters of importance to every citizen of this state.

Whereas, For over 160 years the Attorney General has had a distinguished history of acting on behalf of Michigan citizens by prosecuting injustice; and

Whereas, The Attorney General, having been created by state constitution and empowered by state statute, has the sole responsibility of intervening in any case where the interests of the citizens of Michigan are at stake; and

Whereas, The Attorney General has taken action to ensure there are fair utility rates, and subsequently saved ratepayers over \$6.3 billion in utility charges since the creation of the Special Litigation Division within the Department of Attorney General; and

Whereas, The Legislature recently passed legislation to restructure the electric utility industry and rewrite the act governing the local telephone market. It is essential that the Attorney General be ready to provide appropriate and proper representation in delicate matters before the Michigan Public Service Commission and the courts that could involve millions of dollars of ratepayers' money and essential utility services; and

Whereas, A rapid decision regarding this matter is decidedly in the public interest so that the authority of the Attorney General to act to protect the public interest is affirmed; and

Whereas, Inaction in this matter will be a disservice to this state and to its citizens. Michigan stands to benefit from prompt action on this matter; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Supreme Court to respond quickly to urgent matters regarding the Attorney General's powers and duties to protect the public interest and uphold justice and fairness in matters of importance to every citizen of this state; and be it further

Resolved, That copies of this resolution be transmitted to the justices of the Michigan Supreme Court.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Committee Reports

The Committee on Finance reported

Senate Bill No. 959, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending the title and sections 1, 3, 5, 6, 7, 8, 16, and 20 (MCL 141.1051, 141.1053, 141.1055, 141.1056, 141.1057, 141.1058, 141.1066, and 141.1070), the title and sections 3, 7, and 8 as amended by 1997 PA 27 and section 20 as amended by 1988 PA 316; 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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom and Dingell

Nays: Senator Peters

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

The Committee on Finance reported

Senate Bill No. 1300, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 1982 PA 376.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

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.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, September 26, 2000, at 1:05 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

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

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).

With the recommendation that the bill be referred to the Committee on Judiciary.

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil and Leland

Nays: None

The bill was referred to the Committee on Judiciary.

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

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.

With the recommendation that the bill be referred to the Committee on Health Policy.

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil and Leland

Nays: None

The bill was referred to the Committee on Health Policy.

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

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.

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, Steil, 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. 1380, entitled

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

With the recommendation that the bill be referred to the Committee on Finance.

Bill Schuette

Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee on Finance.

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

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.

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, Steil, 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, September 26, 2000, at 1:11 p.m., Room 110, Farnum Building

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

Scheduled Meetings

Education - Wednesday, October 4, 3:00 p.m., Room 110, Farnum Building (373-7350)

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

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

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

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 11:20 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, September 28, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.