

No. 70
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, November 14, 2000.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—excused
Goschka—present
Gougeon—present

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

Rogers—excused
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

Reverend Dan Dickerson of Calvary Baptist Church of Midland offered the following invocation:

Father God, how we thank You at this Thanksgiving season for the many blessings that You have poured out upon us. We are so grateful for Your wonderful grace. I do thank You for these public servants whom You have raised up to serve God and to glorify God here in this state of Michigan. I thank You for the book of Romans, Chapter 13, that teaches us that servants of God are ministers of God, not here to provide for every need of every person. We know there is only one God to whom we must pray; give us this day our daily bread. But how we thank You that You have raised up these public servants to encourage good in the land, to punish evildoers, and to be Your representatives.

Thank You, Lord, for the undergirding beliefs You have given to us as a nation. Thank You for our wise forefathers who founded the national Constitution and Bill of Rights. Lord, thank You that we have a society that has gone on record as believing in the Creator God who has given to all people certain unalienable rights. We thank You that we can discern right and wrong, and we can come to know the character and nature of our Creator God through the scriptures and through the person of Jesus Christ. How we pray for wisdom for these our leaders. Thank You that we have been given moral absolutes of right and wrong based upon Your unchanging character, Your holiness, and Your righteousness. We thank You that there is a compass for true north, and we look to You to give us that direction.

Now, Lord, we thank You for the gossip, the good news of Christ's death, burial, and resurrection that there is a full and sufficient payment for our sins. Through humble faith in Jesus Christ we can not only be forgiven of our sins, but we can also be sustained in our daily needs. You will give us strength.

Lord, in these confusing times with our national election still undecided, we pray You will give us peace—peace that You are still on the throne; peace that You are able to work all things together for the good to them who love God; peace that You are able to bring things about to Your glory and Your honor. Hold our constitutional republic together in these days by Your grace. We claim Your promise in 2 Chronicles 7:14 to give unto Israel, but, Lord, we believe it is applicable to America: "If my people, which are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sins and will heal their land."

O Lord, do forgive us, as a nation and as a people, for how prone we are to love gold more than God; to love money more than morality; to love convenience more than conviction; to love pleasure more than purity. Give us grace to seek You with all of our heart, for we know we will seek You and find You when we shall search for You with all of our heart. Help us today, have mercy on us, and have mercy on our nation and on the state of Michigan. Use us now and bless us this day. In Jesus' name we pray. Amen.

Motions and Communications

Senators Emerson, Cherry and A. Smith entered the Senate Chamber.

Senator McCotter moved that Senator Dunaskiss be temporarily excused from today's session.
The motion prevailed.

Senator McCotter moved that Senators Rogers, Gast and McManus be excused from today's session.
The motion prevailed.

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

Senator Dunaskiss entered the Senate Chamber.

Senator McCotter moved that the order of Messages from the Governor be postponed for today.
The motion prevailed.

Messages from the House

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

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.

(This bill was announced on October 3, amendments offered, and consideration postponed. See Senate Journal No. 65, p. 1696.)

The question being on the adoption of the amendment to the House amendments offered by Senator Peters, Senator Peters withdrew the amendment.

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 681**Yeas—33**

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

Nays—0**Excused—5**

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

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 full title.

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

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.

(For text of the amendments, see Senate Journal No. 64, p. 1673.)

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 682**Yeas—32**

Bennett	Emmons	Koivisto	Shugars
Byrum	Goschka	Leland	Sikkema
Cherry	Gougeon	McCotter	Smith, A.
DeBeaussaert	Hammerstrom	Miller	Smith, V.
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille

Dunaskiss
Emerson

Jaye
Johnson

Schuette
Schwarz

Van Regenmorter
Young

Nays—0

Excused—5

Gast
McManus

Murphy

Rogers

Vaughn

Not Voting—1

Bullard

In The Chair: Hoffman

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

Senators North, Johnson, Bennett, Goschka, Sikkema, Steil, Dunaskiss, Gougeon, DeBeaussaert and Byrum moved that they be named co-sponsors of the following bill:

Senate Bill No. 734
The motion prevailed.

Senators Bennett, Goschka, Sikkema, Steil, Gougeon, DeBeaussaert, A. Smith and Jaye moved that they be named co-sponsors of the following bill:

Senate Bill No. 773
The motion prevailed.

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:

House Bill No. 5066, entitled

A bill to establish conditions to the transfer of structured settlement rights; to establish a procedure for approval of the transfer of structured settlement rights; and to create circuit court jurisdiction for proceedings for approval of structured settlement rights.

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. 683

Yeas—25

Bullard
Byrum
Cherry

Emerson
Emmons
Hammerstrom

Leland
McCotter
Miller

Shugars
Smith, A.
Smith, V.

DeBeaussaert
DeGrow
Dingell
Dunaskiss

Hart
Johnson
Koivisto

North
Peters
Schwarz

Steil
Van Regenmorter
Young

Nays—8

Bennett
Goschka

Gougeon
Hoffman

Jaye
Schuette

Sikkema
Stille

Excused—5

Gast
McManus

Murphy

Rogers

Vaughn

Not Voting—0

In The Chair: Hoffman

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.

The following bill was read a third time:

Senate Bill No. 1320, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 35 (MCL 205.735), as amended by 2000 PA 165.

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. 684**Yeas—31**

Bennett
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
Miller
North
Peters
Schuette
Shugars

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

Nays—0**Excused—5**

Gast
McManus

Murphy

Rogers

Vaughn

Not Voting—2

Bullard

Schwarz

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senator McCotter moved that Senator Bullard be temporarily excused from the balance of today's session. The motion prevailed.

Senator Bullard entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1356, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding sections 39d and 39e.

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. 685**Yeas—32**

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

Nays—1

Jaye

Excused—5Gast
McManus

Murphy

Rogers

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1357, entitled

A bill to create certain authorities; to authorize the creation of certain funds; to authorize expenditures from certain funds; to finance the purchase of land and buildings; to allow for the leasing of facilities; and to prescribe the powers and duties of certain state and local officials.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 9, following line 18, by inserting:

“(4) If an authority develops a public school facility under this act, the authority shall pay the prevailing wage as provided in 1965 PA 166, MCL 408.551 to 408.558.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 686

Yeas—17

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

Nays—16

Bennett	Emmons	Johnson	Sikkema
Bullard	Gougeon	North	Steil
DeGrow	Hammerstrom	Schuette	Stille
Dunaskiss	Jaye	Shugars	Van Regenmorter

Excused—5

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

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. 687

Yeas—23

Bennett	Goschka	McCotter	Smith, A.
Bullard	Gougeon	North	Steil
Byrum	Hammerstrom	Schuette	Stille
DeGrow	Hoffman	Schwarz	Van Regenmorter

Dunaskiss
Emmons

Johnson
Koivisto

Shugars
Sikkema

Young

Nays—10

Cherry
DeBeaussaert
Dingell

Emerson
Hart
Jaye

Leland
Miller

Peters
Smith, V.

Excused—5

Gast
McManus

Murphy

Rogers

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protests

Senators Cherry and Dingell, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1357.

Senator Cherry's statement is as follows:

I voted "no" on the preceding bill because I really see it is nothing more than a subterfuge to get around the prevailing wage act in this state. Ultimately, what will occur under this act is businesses building schools not as a charitable enterprise, but instead recovering their costs of the lease arrangements, and the net effect ultimately will be simply that the prevailing wage act will no longer apply to school construction. On that basis, Mr. President, I voted "no" on this bill.

Senator Dingell's statement is as follows:

At the present time in Michigan, schools are simply not inspected by the state the way every other workplace is. Schools are not just a workplace; they're a workplace where children are concentrated. If there's any place that protections against shoddy construction of buildings are important, it's in schools. About the only protection against shoddy construction in schools is the prevailing wage act.

What the prevailing wage act in general does is say that when certain types of buildings are being built, then the persons building them have to use high quality construction personnel who don't make the kind of terrible mistakes in construction that one occasionally sees when shoddy construction firms are hired and when shoddy construction firms are paying low wages. The thinking is that if a school board has to pay topnotch wages, then they'll hire a topnotch construction firm with topnotch workers. That's what prevailing wage does, and right now it's the only protection for quality construction in school buildings. Therefore, since the Peters' amendment was not adopted, I voted "no" on Senate Bill No. 1357.

Senators A. Smith and Steil asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator A. Smith's statement is as follows:

True confusion. If I had been paying attention at the last minute when I put up my vote on this bill, I would have voted "no," but I was paying attention to a couple issues down the road and did not have a chance to switch my vote. I don't know if we ran out of time or if my switching mechanism is locked up, but I would have voted "no" on the last bill.

Senator Steil’s first statement is as follows:

Here we go again. Instead of trying to help kids out, we’re going to try to help the unions out. This is about private; industry supplying their own money to build schools. Now they’re not using the state fund to build these schools; they’re using their own darn money. Now why should we make them subject to the prevailing wage act? I know we’ve got to protect those unions, but doggone-it, this is for kids.

Senator Steil’s second statement if as follows:

Well, I’d like to explain it to Senator Cherry a little bit. What it does is sell the building, the dilapidated, old buildings in the city of Grand Rapids that our kids are going to—they’re very poor schools, average of 59 years old—sell this to the authority for a dollar. The authority, in turn, sells it to Steelcase or a corporation for \$5 million or \$6 million, whatever it costs to build a new school. They build a new school, and then during that period of 20 years, they lease back with the money in the authority to pay for the lease program. At the end of that 20 years, it’s given back to the school authority for a dollar. Now, how better can we get it, folks?

Senators Shugars and Van Regenmorter moved that they be named co-sponsors of the following bills:

Senate Bill No. 1356

Senate Bill No. 1357

The motion prevailed.

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

Senate Bill No. 863, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1106, 5106, and 5313 (MCL 700.1106, 700.5106, and 700.5313), section 1106 as amended by 2000 PA 54 and section 5313 as amended by 2000 PA 312.

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. 688

Yeas—33

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

Nays—0

Excused—5

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

Senator Hart offered to amend the title as follows:

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5106, 5313, and 5409 (MCL 700.1106, 700.5106, 700.5313, and 700.5409), section 1106 as amended by 2000 PA 54, section 5313 as amended by 2000 PA 312, and section 5409 as amended by 1998 PA 386.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

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 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. 689

Yeas—33

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

Nays—0

Excused—5

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 690

Yeas—33

Bennett	Emmons	Koivisto	Shugars
Bullard	Goschka	Leland	Sikkema

Byrum	Gougeon	McCotter	Smith, A.
Cherry	Hammerstrom	Miller	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Schuette	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young
Emerson			

Nays—0

Excused—5

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 691

Yeas—33

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

Nays—0

Excused—5

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 313.

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. 692**Yeas—33**

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

Nays—0**Excused—5**

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 693**Yeas—33**

Bennett	Emmons	Koivisto	Shugars
Bullard	Goschka	Leland	Sikkema

Byrum	Gougeon	McCotter	Smith, A.
Cherry	Hammerstrom	Miller	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Schuetter	Van Regenmorter
Dunaskiss	Johnson	Schwarz	Young
Emerson			

Nays—0

Excused—5

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 313, and by adding section 5108.

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. 694

Yeas—33

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

Nays—0

Excused—5

Gast	Murphy	Rogers	Vaughn
McManus			

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senator North moved that he be named co-sponsor of the following bills:

Senate Bill No. 1385

Senate Bill No. 1386

Senate Bill No. 1387

Senate Bill No. 1388

Senate Bill No. 1389

Senate Bill No. 1390

The motion prevailed.

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Emerson as Chairperson.

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

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.

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.

Resolutions

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

Senate Resolution No. 219

Senate Resolution No. 220

The resolution consent calendar was adopted.

Senator Miller offered the following resolution:

Senate Resolution No. 219.

A resolution offered as a memorial for Warren Police Detective Sgt. Christopher Michael Wouters.

Whereas, With the tragic passing of Warren Police Detective Sgt. Christopher Wouters, the Warren community and Macomb County have lost a gentleman of great dedication and unselfishness. Detective Sgt. Wouters distinguished life was filled with public service, leadership in civic organizations, outstanding athletic abilities, and the highest standards of citizenship. To his beloved wife, Valerie, his children, Evan, Taylor, and Olivia, and his entire family, we offer this expression of our respect and admiration for the gifts he shared with the people of our state; and

Whereas, A lifelong resident of Warren, Detective Sgt. Christopher Wouters built strong bonds with his hometown over the decades. He graduated from St. Clement High School in Center Line, and they remember him as "a stellar individual who led by example and with his heart." He then earned a bachelor's degree in criminal justice from Wayne State University in 1980 and joined the Warren Police Department in December 1981. To him, being a law enforcement officer was not just a job, but it was total commitment and one he carried out in a most commendable way; and

Whereas, Detective Sgt. Christopher Wouters continually set standards of service that epitomized the values and qualities we seek in the men and women who commit themselves to public safety. Christopher excelled in a variety of endeavors throughout his career, such as a member of the Police Emergency Response Team, Community Policing Unit, Warren Detective Bureau, Macomb Auto Theft Squad, and his work as an undercover officer. He also received numerous departmental awards: Unit Commendation, Certification of Merit, Commendation Certificate by the Detroit Police Department, Warren Police Department citations, and Life Saving Award. He even provided security to visiting President Ronald Reagan. Truly, he served in a manner that reflected favorably on his integrity, thoroughness, strong convictions, and genuine concern for the people he encountered in the course of duty; and

Whereas, While Detective Sgt. Christopher Wouters excelled in his work, he is also remembered for his strong contributions and abilities as a baseball player. He earned baseball varsity letters at Wayne State University during his attendance. He gained the respect of his fellow players and competitors for his remarkable ability and expertise. His accomplishments included a career batting average of over .300, team batting champion in 1979 and 1980, and he established career records in games played, at-bats, hits, doubles, triples, total bases, and extra base hits. All of these records resulted in his induction into the Wayne State University Athletic Hall of Fame in 1999; and

Whereas, In addition to the love Detective Sgt. Wouters had for his work, nothing was more important to him than his family and God. Christopher was a loving family man who thought the world of his wife and children. He was always a concerned citizen and an active member of St. Clement Catholic Church in Center Line. Clearly, his family should take great pride in a wonderful legacy of accomplishment that has been bequeathed to the people of Michigan; now, therefore, be it

Resolved by the Senate, That we honor the memory of Warren Police Detective Sgt. Christopher Wouters. We wish his family, friends, and the entire policing community comfort in their memory of him as a fine man, an outstanding citizen, and a public servant; and be it further

Resolved, That copies of this resolution be transmitted to the Wouters family as a reflection of our condolences.

Senator McCotter moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Miller's statement is as follows:

I really want to thank the body for taking up this resolution. Two weeks ago we had a very, very serious, terrible tragedy that happened in my community, the city of Warren. We had a police officer, Sgt. Chris Wouters, lose his life in the line of duty protecting Warren citizens. Mr. President, I would like and the good floor leader asked that all members and the Lieutenant Governor be named co-sponsors of this memorial resolution.

Chris Wouters was an outstanding individual, Mr. President. He was a life-long resident of the city of Warren. He attended St. Clement High School where he not only was a great student, but he was also an outstanding all-state baseball player. He furthered his education after graduating from St. Clement High School to move on to Wayne State University where he was an outstanding athlete. He lead that university and the baseball team as well as in the classroom. Just last year he was named to the Wayne State University Hall of Fame as an outstanding baseball player. Just tragically last month, he lost his life in a terrible, terrible mishap when protecting the citizens of Warren.

Chris Wouters will not only be lost and remembered forever by his wife, Valerie, and their children, Evan, Taylor, and Olivia, but he will also be missed by all the members of the Warren Police Department. This man gave his life for my community, and he really gave his life for all the citizens of Michigan, to protect the safety of them in a very, very tough job protecting citizens as a police officer in this state.

I'm so proud to see that all the members here of this body and the Lieutenant Governor co-sponsored this resolution because he was a man who was in the prime of his life. He was a very young man in his forties, who obtained so much success at an early age not only as a great police officer in my city, but as a father and as somebody who worked very, very hard in the community. He was so active in the Center Line/St. Clement parish. He helped children throughout the years to learn about skills and school and sports. It was a great, great loss for my community and for this state.

I really, really want to thank the members, and I hope, Mr. President, that we have a moment of silence because this community and this state lost not only a great father, but a great, great member of law enforcement for all the citizens of Warren and Michigan.

A moment of silence was observed in memory of Christopher Michael Wouters, Warren Police Detective Sergeant.

Senators DeGrow, Cherry, Emerson, Bennett, V. Smith and Stille offered the following resolution:
Senate Resolution No. 220.

A resolution recognizing Patricia P. Nichols for her many years of service to health education.

Whereas, Patricia P. Nichols served the children, parents, educators, and citizens of the state of Michigan for over 27 years by contributing to the design, development, and implementation of two nationally recognized programs. These programs include the Read, Educate and Develop Youth (READY), which increases the number of children entering school with the language and pre-reading skills needed to succeed, and the Michigan Model for Comprehensive School Health Education, which improves children's health and well-being; and

Whereas, Patricia directed the development and implementation of the Michigan Literacy Progress Profile (MLPP) to provide meaningful literacy assessment tools and professional development to Michigan elementary teachers, thereby increasing student reading achievement. She also guided the development of the Michigan Literacy Progress Portfolio to provide teachers and parents with information on individual student literacy achievement; and

Whereas, As the Deputy Director of the Office of School Excellence, Patricia Nichols provided guidance and counsel to leadership and staff at the Michigan Department of Education; and

Whereas, During her 27 years of service in the fields of public health and education in Michigan, Patricia P. Nichols has acted as an advocate for coordinated school health education throughout the state and has provided expert leadership and guidance to school nurses, administrators, and staff in the delivery of quality health services to youth in Michigan schools; and

Whereas, Patricia significantly contributed to the national school health field as a contributing author, lecturer, and consultant. She served as a health consultant for both the Birmingham School District and Troy School District. She compiled a model *Administrator's Health Handbook* for the Troy School District; and

Whereas, Patricia Nichols updated and strengthened both the undergraduate and graduate community health curriculum and increased the visibility for the health education discipline within the College of Education at Wayne State University; now, therefore, be it

Resolved by the Senate, That we recognize and commend Patricia Nichols for her dedicated service in the field of health education; and be it further

Resolved, That a copy of this resolution be transmitted to Patricia P. Nichols as an expression of our appreciation for her efforts on behalf of the state of Michigan. The children, parents, educators, and citizens of this great state owe her a debt of gratitude for her many contributions to the education and health of the children of Michigan.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Jaye's statement is as follows:

Tomorrow, November 15, is the opening of deer firearm season in the state of Michigan. Michigan very proudly boasts that we have almost a million deer hunters in this state. Not only is this a great renewable resource, being able to enjoy with family and friends the chance to go deer hunting, but this is also a tremendous economic boom to Michigan's economy. The economist, David Littman, from Comerica Bank estimates that the hunting seasons together contribute at least \$700 million to Michigan's economy; purchases including clothing, equipment, license fees of this state, travel costs, food, lodging, entertainment, plus related expenses such as taxidermy and meat processing.

What also is included is not only the boom to the economy, but also a major safety issue. Last year in 1999, there were several deer/car crashes. There were over 67,660 deer/car crashes that resulted in six people being killed, over 2,300 individuals were seriously injured, and over \$100 million were paid by the consumers for repairs on their cars.

The men and women who are going to be hunting this next two weeks of firearm season are an important part of the lifecycle of the food chain. We don't have enough wolves. We don't have enough mountain lions. It is absolutely essential for a balance of our biosystem for the hunting traditions to continue because the deer overpopulation also results in a crowding out of other species as well as a crowding out of fauna, and it also leads to mass starvation.

So as we're going to be gone for a Thanksgiving break, I want folks to say thank you to their friends and neighbors and relatives who are deer hunting and providing a tremendous service not only to our environment, but also to the motoring public. I hope everybody will exercise safety and enjoy themselves and their families with some quality time, and have a happy Thanksgiving.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Bullard introduced

Senate Bill No. 1433, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 834 (MCL 500.834), as amended by 1995 PA 274.

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

Senator McCotter moved that when the Senate adjourns today, it stand adjourned until Tuesday, November 28.

The motion prevailed.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 17, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520a (MCL 750.520a), as amended by 1983 PA 158.

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

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

Senate Bill No. 1293, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 5h (MCL 117.5h), as amended by 1994 PA 313.

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

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

Senate Bill No. 1295, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 1 (MCL 41.181), as amended by 1999 PA 257, and by adding section 1a.

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

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

Senate Bill No. 1296, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," (MCL 78.1 to 78.28) by adding section 24d. With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Senate Bill No. 1297, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 1 of chapter VII (MCL 67.1), as amended by 1994 PA 314, and by adding section 1b to chapter VII.

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

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. 4327, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending sections 1, 6, and 7 (MCL 722.671, 722.676, and 722.677), sections 6 and 7 as amended by 1999 PA 33.

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

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. 5133, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5208. With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, 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 Judiciary reported

House Bill No. 5134, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3805 (MCL 600.3805). With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, 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 Judiciary reported

House Bill No. 5569, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 1999 PA 39.

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

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters 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 Thursday, November 9, 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 Families, Mental Health and Human Services reported

Senate Bill No. 1418, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109g.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom

Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka, Johnson and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1419, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109f.

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.

Beverly S. Hammerstrom

Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka, Johnson and Hart

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Monday, November 13, 2000, at 12:00 noon, Room 110, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Goschka, Johnson and Hart

Excused: Senator Vaughn

Senator McCotter moved that the Senate adjourn.
The motion prevailed, the time being 11:05 a.m.

In pursuance of the order previously made, the Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, November 28, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.