

No. 68
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, November 9, 2000.

12:00 noon.

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 Joanne G. Emmons of the 23rd District offered the following invocation:

We thank You for this day, for this nation, and for the opportunity to choose our leaders. Now that this election is over, I pray that You would once again unite us. We pray for our new leaders. May they be men and women of character as they begin their honorable service.

We thank You for our great nation. We thank You for those who created our system of government, and especially for those who fought to preserve it. Most of all, Father, we thank You for Your providence.

Without You, we would not have a great nation. Without You, no election would matter. Without You, our leaders would be rudderless, self-interested, and lacking in compassion. They could not lead, and we could not follow.

But You, Lord, are our Shepherd. We pray that You would guide us through green pastures and beside still waters. We pray that You would protect our democracy. Where there is uncertainty, give us stability.

Even today, as we return to the work You have set before us, we pray for charity, temperance, and wisdom. I ask Your blessings on each person in this room. May we work together as one to bring about Your will for the people of Michigan. Humble us, admonish us, unite us, and strengthen us. But most of all, Father, lead us as we begin the task You have set before us today.

In Jesus' name. Amen.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 12:06 p.m.

12:23 p.m.

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

During the recess, Senators Sikkema, North, Steil, Cherry, Stille, Johnson, DeGrow, Bennett, Van Regenmorter, McCotter, Gougeon, Bullard, Gast, Goschka, McManus, Hoffman, Hammerstrom and Shugars entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

The following communications were received:
Department of State

Administrative Rules Notices of Filing

October 2, 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 10:35 a.m. this date, administrative rule (00-10-01) for the Department of Environmental Quality, Air Quality Division, entitled "*Rescission of Part 13, Requirements for Disbursement of Surveillance Fees to Local Units,*" effective 15 days hereafter.

October 4, 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 2:50 p.m. this date, administrative rule (00-10-02) for the Department of Consumer and Industry Services, Director's Office, entitled "*Lead,*" effective 7 days hereafter.

October 24, 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 10:50 a.m. this date, administrative rule (00-10-03) for the Department of Transportation, Aeronautics Commission, entitled "*Michigan Seaplane Regulations - Part 20. Seaplane Operations,*" effective 15 days hereafter.

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

The communications were referred to the Secretary for record.

The following communications were received:

Office of the Auditor General

October 5, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Western Wayne Correctional Facility and Camp Brighton, Department of Corrections, October 2000.

October 18, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the Single Audit Act, of the Michigan Department of State Police, October 1, 1997, through September 30, 1999.

October 27, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Treasury, October 1, 1997, through September 30, 1999.

November 1, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the Single Audit Act, of the Family Independence Agency, October 1, 1996, through September 30, 1998.

November 2, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Community Health, October 1, 1997, through September 30, 1999.

November 2, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Federal Cash Management Improvement Act Program, Department of Treasury, November 2000.

November 2, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Saginaw Correctional Facility, Department of Corrections, November 2000.

November 3, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Consumer and Industry Services, October 1, 1997, through September 30, 1999.

November 3, 2000

Enclosed is a copy of the following audit report and/or executive digest:
 Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Corrections, October 1, 1997, through September 30, 1999.

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

The communications were referred to the Secretary for record.

The Secretary announced that pursuant to rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from April 1, 2000 through June 30, 2000, and are available in the Secretary's office during business hours for public inspection:

Committee

Appropriations
 Economic Development, International Trade and
 Regulatory Affairs
 Education
 Families, Mental Health and Human Services
 Farming, Agribusiness and Food Systems
 Finance
 Financial Services
 Gaming and Casino Oversight
 Government Operations
 Health Policy
 Human Resources, Labor, Senior Citizens and
 Veterans Affairs
 Hunting, Fishing and Forestry
 Judiciary
 Local, Urban and State Affairs
 Natural Resources and Environmental Affairs
 Reapportionment
 Technology and Energy
 Transportation and Tourism
 Appropriations Subcommittee on Department of
 Education
 Appropriations Subcommittee on Higher Education
 Appropriations Subcommittee on School Aid
 Appropriations Subcommittee on Transportation

Chairperson

Senator Harry Gast
 Senator Bill Schuette

 Senator Loren Bennett
 Senator Beverly Hammerstrom
 Senator George McManus
 Senator Joanne Emmons
 Senator Bill Bullard
 Senator Glenn Steil
 Senator Thaddeus McCotter
 Senator Dale Shugars
 Senator Mat Dunaskiss

 Senator Dave Jaye
 Senator William Van Regenmorter
 Senator Thaddeus McCotter
 Senator Ken Sikkema
 Senator Bill Schuette
 Senator Mat Dunaskiss
 Senator Bill Bullard
 Senator Leon Stille

 Senator John Schwarz
 Senator Leon Stille
 Senator Phil Hoffman

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending September 30, 2000:

Senator Loren Bennett	July 22-29	Attend ALEC Conference San Diego, CA	\$ 1,335.20
Senator Mat Dunaskiss	July 24-30	Attend ALEC Conference San Diego, CA	\$ 1,644.45
Senator Robert Emerson	July 16-20	Attend NCSL Annual Meeting Chicago, IL	\$ 900.69
Senator Joanne Emmons	July 14-19	Attend NCSL Annual Meeting Chicago, IL	\$ 1,374.60
	July 25-30	Attend ALEC Conference San Diego, CA	\$ 1,323.50

Senator Philip Hoffman	August 10-11	Ride and review Amtrack High Speed Rail Line Chicago, IL	\$ 177.87
	August 31-September 4	Review transportation link between shipping and highway construction industries Toledo, OH	\$ 23.08
Senator Thaddeus McCotter	July 16-20	Attend NCSL Annual Meeting Chicago, IL	\$ 322.26
Senator Raymond Murphy	July 16-20	Attend NCSL Annual Meeting Chicago, IL	\$ 579.72
Senator John Schwarz	July 16-20	Attend NCSL Annual Meeting Chicago, IL	\$ 1,013.62
Senator Dale Shugars	August 6-9	Attend CSG Conference Minneapolis, MN	\$ 922.43
Senator Alma Smith	July 16-20	Attend NCSL Annual Meeting Chicago, IL	\$ 1,031.36
	August 6-8	Attend Midwestern Legislative Conference Minneapolis, MN	\$ 464.68
Senator Leon Stille	July 9-12	Attend Education Commission of the States Annual Meeting Minneapolis, MN	\$ 1,228.47
Senator Joe Young	August 10-11	Ride and review Amtrak High Speed Rail Line Chicago, IL	\$ 161.37

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 5:
House Bill Nos. 4452 4552 4615 5013 5522 5565 5786 5821 5846 5910 5925 5926 5928 5929
5930 5931 5932 5933 5958 5959 5963 5996 6027

The Secretary announced the enrollment printing and presentation to the Governor on Friday, October 6, for his approval the following bill:

Enrolled Senate Bill No. 892 at 9:49 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, October 9, for his approval the following bills:

Enrolled Senate Bill No. 696 at 1:41 p.m.

Enrolled Senate Bill No. 801 at 1:43 p.m.

Enrolled Senate Bill No. 961 at 1:45 p.m.

Enrolled Senate Bill No. 1273 at 1:47 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, October 12, for his approval the following bills:

Enrolled Senate Bill No. 806 at 10:50 a.m.

Enrolled Senate Bill No. 945 at 10:52 a.m.

Enrolled Senate Bill No. 1184 at 10:54 a.m.

Enrolled Senate Bill No. 1186 at 10:56 a.m.

Enrolled Senate Bill No. 1276 at 10:58 a.m.

Enrolled Senate Bill No. 1043 at 11:00 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, October 13, for his approval the following bill:

Enrolled Senate Bill No. 1340 at 9:56 a.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, October 26, for his approval the following bill:

Enrolled Senate Bill No. 1339 at 3:14 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, October 5, of:

Senate Bill No. 1416

The Secretary announced the printing and placement in the members' files on Friday, October 6, of:

Senate Bill Nos. 1417 1418 1419 1420 1421 1422 1423

House Bill Nos. 6070 6071 6072 6073 6074 6075 6076 6077 6078 6079 6080 6081

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

The motion prevailed.

Senator Rogers moved that when the Senate adjourns today, it stand adjourned until Monday, November 13, at 2:00 p.m.

The motion prevailed.

Messages from the Governor

The following messages from the Governor were received:

Date: October 14, 2000

Time: 3:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 961 (Public Act No. 306), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 252a and 719 (MCL 257.252a and 257.719), section 252a as amended by 1981 PA 104 and section 719 as amended by 1996 PA 136.

(Filed with the Secretary of State on October 16, 2000, at 10:38 a.m.)

Date: October 14, 2000

Time: 3:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 892 (Public Act No. 308), being

An act to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration,

audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1998 PA 221.

(Filed with the Secretary of State on October 16, 2000, at 10:42 a.m.)

Date: October 17, 2000

Time: 9:35 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 801 (Public Act No. 309), being

An act to amend 1893 PA 206 entitled, "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 7o (MCL 211.7o), as amended by 1998 PA 536.

(Filed with the Secretary of State on October 17, 2000, at 2:14 p.m.)

Date: October 17, 2000

Time: 9:58 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 806 (Public Act No. 310), being

An act to authorize a county, city, village, or township law enforcement agency to enter into mutual aid agreements with law enforcement agencies of a physically adjacent state; to prescribe the minimum terms of the mutual aid agreements; and to provide immunity from civil and criminal actions to certain persons.

(Filed with the Secretary of State on October 17, 2000, at 2:16 p.m.)

Date: October 17, 2000

Time: 10:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1184 (Public Act No. 311), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 760.1 to 777.69) by adding section 2b to chapter IV.

(Filed with the Secretary of State on October 17, 2000, at 2:18 p.m.)

Date: October 17, 2000
Time: 10:10 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1043 (Public Act No. 314), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 7401, 7402, 7403, 7404, 7410a, and 20954 (MCL 333.7401, 333.7402, 333.7403, 333.7404, 333.7410a, and 333.20954), section 7401 as amended by 1998 PA 319, sections 7402 and 7404 as amended by 1994 PA 38, section 7403 as amended by 1996 PA 249, section 7410a as added by 1998 PA 261, and section 20954 as added by 1990 PA 179, and by adding section 7401c.

(Filed with the Secretary of State on October 17, 2000, at 2:24 p.m.)

Date: October 17, 2000
Time: 10:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1186 (Public Act No. 315), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 279.

(Filed with the Secretary of State on October 17, 2000, at 2:26 p.m.)

Date: October 19, 2000
Time: 3:35 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1273 (Public Act No. 316), being

An act to define organic agriculture and products; to provide for the establishment of standards relative to organic products, producers and handlers of organic products, and other persons; to provide for designation of certain entities as certifying agents; to provide for registration of certain persons; to create certain funds and provide for their disposition; to create certain advisory committees; to provide for certain powers and duties of certain state agencies; and to provide for penalties and remedies.

(Filed with the Secretary of State on October 20, 2000, at 2:25 p.m.)

Date: October 25, 2000
Time: 9:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 945 (Public Act No. 320), being

An act to amend 1974 PA 163, entitled “An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members,” by amending section 4 (MCL 28.214), as amended by 1998 PA 459.

(Filed with the Secretary of State on October 25, 2000, at 2:10 p.m.)

Date: October 25, 2000
Time: 10:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1276 (Public Act No. 321), being

An act to provide for the establishment of recreational authorities; to provide powers and duties of an authority; to authorize the assessment of a fee, the levy of a property tax, and the issuance of bonds and notes by an authority; and to provide for the powers and duties of certain government officials.

(Filed with the Secretary of State on October 25, 2000, at 2:12 p.m.)

Date: October 26, 2000
Time: 3:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1340 (Public Act No. 322), being

An act to create certain funds from certain sources and to provide for the disposition of money from the funds; to provide for the creation of certain funds by certain private entities; to create incentives and to locate and maintain value-added agricultural processing and production ventures within this state; to provide for grants and loans to certain private and governmental entities for environmental purposes; to provide for certain powers and duties for certain private entities, state agencies, commissions, and departments; to authorize loans, expenditures, and grants from the funds; and to finance the development of certain programs.

(Filed with the Secretary of State on October 26, 2000, at 4:20 p.m.)

Date: October 31, 2000
Time: 12:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1339 (Public Act No. 323), being

An act to amend 1988 PA 466, entitled “An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts,” 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 11b, 13a, 26a, and 30d; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 31, 2000, at 3:40 p.m.)

Respectfully,
John Engler
Governor

The following message from the Governor was received on October 18, 2000, and read:

EXECUTIVE ORDER
No. 2000 - 11

**Michigan Education Assessment Program Subject Area
Blue Ribbon Advisory Committees**

Department of Treasury

Whereas, the Michigan Education Assessment Program ("MEAP") has been a nationally recognized state assessment program since the early 1970's. It is increasingly important that parents, students, teachers, administrators and citizens have a clear understanding of the purpose, role and nature of the MEAP assessments; and

Whereas, the Michigan Merit Award Board ("Board") was established as part of the Michigan Merit Award Scholarship Act, Act No. 94 of the Public Acts of 1999, being Section 390.1451 *et seq.* of the Michigan Compiled Laws; and

Whereas, the Board is statutorily charged with administering the Michigan Merit Award Program ("Program") for which a primary eligibility requirement is that a student meet or exceed state standards of the MEAP subject area assessments in reading and writing, mathematics and science; and

Whereas, for assessments administered after January 1, 2000, the Board must review and approve the assessments before they may be used to determine eligibility under the Program; and

Whereas, subject matter experts in reading and writing, math, science and social studies are recognized both in Michigan and nationally. These individuals are available to lend their expertise to provide greater public understanding and credibility to Michigan's student assessment program; and

Whereas, these subject matter experts will work on the MEAP Subject Area Blue Ribbon Advisory Committees to review and analyze the structure and questions contained on MEAP tests. Together, these experts will help create the best possible assessment program for Michigan.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

A. ESTABLISHMENT OF THE MEAP SUBJECT AREA BLUE RIBBON ADVISORY COMMITTEES

1. The MEAP Subject Area Blue Ribbon Advisory Committees ("Committees") are hereby established within the Department of Treasury. A separate Committee shall be formed for reading and writing, math, science and social studies. Each Committee shall have five (5) members appointed by the Governor.

2. Members of the Committees shall serve without compensation. Members of the Committees may receive reimbursement for necessary travel and expenses according to relevant procedures of the Department of Management and Budget and Civil Service Commission rules and regulations.

3. Members of the Committees shall attend Committee meetings and shall not delegate their responsibilities to other persons. The members of the Committees shall serve at the pleasure of the Governor. The State Treasurer shall appoint one member of each Committee as chairperson and such member shall serve as chairperson at the pleasure of the State Treasurer. The Michigan Department of Treasury shall staff the Committees.

4. The Committees shall meet at least annually.

B. DUTIES

1. The Committees are charged with considering and making recommendations to the Board regarding the following:

a. Improved clarity of early elementary, later elementary, middle school and high school benchmarks that support state educational content standards;

b. Review assessment plans for 2002-2003, subsequent changes to layout of the proposed tests, including format and scoring criteria, multiple choice and constructed response items, including scoring rubrics and scored papers;

c. Suggest changes in content, process or format, shifts in emphasis to strengthen the practical connections of tests in the content area, and improvements needed in reporting for parents and students; and

d. Assess the test strengths and weaknesses, in light of student needs in the content area, and assess the test and the development process for reasonableness.

All state departments and agencies shall cooperate with the MEAP Subject Area Blue Ribbon Advisory Committees in the performance of their responsibilities. The Committees may request, and state agencies and departments shall provide, such information and assistance as is required by the Committees in the discharge of their responsibilities.

It is critical that the MEAP assessments continue to be as reliable, valid and useful as possible and that they properly assess the skill and knowledge that Michigan expects of its students at key points in the K-12 academic progression.

The Michigan Education Assessment Program Subject Area Blue Ribbon Advisory Committees will provide valuable input to this process and the net effect will be an improved Michigan Education Assessment Program.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 17th day of October, in the Year of our Lord, Two Thousand.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on October 31, 2000, and read:

EXECUTIVE ORDER
No. 2000 - 12

**Carl D. Perkins Vocational and Technical
Education Act of 1998**

**Department of Career Development
State Administrative Board**

Executive Reorganization

Whereas, Article V, Section 2 of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

Whereas, Executive Order No. 1999-12 transferred the day-to-day administrative powers, duties, functions, and responsibilities under the Perkins Act to the Department of Career Development; and

Whereas, the purpose of the Carl D. Perkins Vocational and Technical Education Act of 1998, 20 USC 2301 *et seq.*, as amended, ("Perkins Act") is to provide federal funds to fully develop the academic, vocational, and technical skills of secondary students and post-secondary students who elect to enroll in vocational and technical education programs; and

Whereas, although the 1998 amendments to the federal Perkins Act intended to provide states more flexibility in assigning Perkins-related administration to an eligible state entity, the United States Department of Education still adheres to the policy that oversight responsibility must be administered by a board; and

Whereas, the State Administrative Board was created by Act No. 2 of the Public Acts of 1921, as amended, being Sections 17.1 *et seq.* of the Michigan Compiled Laws, and is composed of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Superintendent of Public Instruction, and State Treasurer; and

Whereas, the State Administrative Board exercises general supervisory control over the functions and activities of all administrative departments, boards, commissioners and officers of the state and its institutions.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. TRANSFER OF FUNCTIONS

All of the administrative statutory powers, duties, functions and responsibilities of the Department of Career Development to administer the Carl D. Perkins Vocational and Technical Education Act, 20 USC 2301 *et seq.*, as amended, are hereby transferred to the State Administrative Board by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

II. RESPONSIBILITIES

A. The State Administrative Board is hereby designated as the state "eligible agency" for the supervision of the administration of the responsibilities of vocational and technical education pursuant to the Perkins Act.

B. The responsibilities of the State Administrative Board shall include:

1. Coordination of the development, submission, and implementation of the Perkins state plan, and the evaluation of the program, services, and activities assisted under Perkins, including preparation for nontraditional training and employment; and

2. Consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, state and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under Perkins; and

3. Convening and meeting at such times as the Board determines necessary to carry out the Board's responsibilities under Perkins, but not less than four times annually; and

4. The adoption of such procedures as the Board considers necessary to:

(a) implement state level coordination with the activities undertaken by the State Board of Education under Section 111 of Public Law 105-220; and

(b) make available to the service delivery system under Section 121 of Public Law 105-220 within the state a listing of all school dropout, postsecondary, and adult programs assisted under Perkins.

C. The Department of Career Development shall retain all other permissible administrative matters of vocational and technical education pursuant to state law and the Perkins Act.

III. IMPLEMENTATION OF THE EXECUTIVE ORDER

A. Nothing in this Executive Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

B. The Director of the Department of Career Development and the Chairperson of the State Administrative Board shall provide executive direction and supervision for the implementation of the transferred functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. All records, personnel, property and funds used, held, employed or to be made available to the Department of Career Development for the activities transferred herein are hereby transferred to the State Administrative Board.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

E. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be in effect until revised, amended, or rescinded.

F. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

G. If a court or other entity with proper jurisdiction finds any portion of this Order to be invalid, such invalidity shall not affect the remaining portions of the Order that can be given effect without the invalid portion. Any portions found invalid shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty days (60) from the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 31st day of October, in the Year of our Lord, Two Thousand.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

October 10, 2000

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

Michigan Cranberry Marketing Committee

Mr. Ronald E. Bodtke, P.O. Box 190, Grand Junction, Michigan 49056, county of Van Buren, as a member representing growers at large, for a term expiring on October 10, 2004.

Mr. Wallace A. Huggett, 4114 Marlette Road, Marlette, Michigan 48453, county of Sanilac, as a member representing growers at large, for a term expiring on October 10, 2003.

Mr. Loren G. House, 30957 W. Wildcat, Paradise, Michigan 49768, county of Chippewa, as a member representing growers at large, for a term expiring on October 10, 2002.

Mr. Michael DeGrandchamp, 15599 77th Street, South Haven, Michigan 49090, county of Van Buren, as a member representing growers at large, for a term expiring on October 10, 2002.

Mr. Wayne O. Kiel, 13313 Fillmore Street, West Olive, Michigan 49410, county of Ottawa, as a member representing growers at large, for a term expiring on October 10, 2003.

October 23, 2000

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

Board of Mechanical Rules

Mr. James J. Lapham, 4739 Rayfore Drive, Commerce, Michigan 48382, county of Oakland, as a member representing organized labor, succeeding himself, for a term expiring on October 1, 2002.

Mr. David Joseph Baker, P.O. Box 111, Kinross, Michigan 49752, county of Chippewa, as a member representing unlimited refrigeration and air conditioning service, succeeding himself, for a term expiring on October 1, 2002.

Mr. Thomas L. Vander Hyde, 2871 Four Mile Road, NW, Grand Rapids, Michigan 49544, county of Kent, as a member representing limited refrigeration and air conditioning service, succeeding himself, for a term expiring on October 1, 2002.

Mr. Lawrence James Wood, 3662 Collingwood, SW, Wyoming, Michigan 49507, county of Kent, as a member representing professional mechanical engineers, succeeding himself, for a term expiring on October 1, 2002.

Mr. Michael J. Lawrence, 21624 Greydale Court, Detroit, Michigan 48219-1847, county of Wayne, as a member representing fire suppression expertise, succeeding himself, for a term expiring on October 1, 2002.

Mr. Thomas P. Lisowski, 37795 Lakeshore Drive, Harrison Township, Michigan 48045, county of Macomb, as a member representing HVAC equipment installers, succeeding himself, for a term expiring on October 1, 2002.

Mr. Nicholas W. Seraphinoff, 2480 Iroquois, Detroit, Michigan 48214-1871, county of Wayne, as a member representing refrigeration service, succeeding Mr. James A. Arnold of Marine City, whose term has expired, for a term expiring on October 1, 2002.

October 24, 2000

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

Michigan Board of Dentistry

Ms. Colleen Marie McClorey, 48188 Andover Drive, Novi, Michigan 48374-3470, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on June 30, 2004.

Dr. Jane A. Smydo-Grover, 1717 Maybrook, Jackson, Michigan 49203, county of Jackson, as a member representing dentists, succeeding Dr. Pamela W. Hammel of Grosse Pointe, whose term has expired, for a term expiring on June 30, 2004.

Dr. Jeffrey S. Schmidt, 1112 Highland Avenue, St. Joseph, Michigan 49085, county of Berrien, as a member representing dentists, succeeding Mr. J. David VanderVeen of Clarkston, for a term expiring on June 30, 2004.

Ms. Linda I. Borowski, 1932 Barnes Court, Troy, Michigan 48098, county of Oakland, as a member representing dental hygienists, for a term expiring on June 30, 2004.

Dr. Ashraf Maher, 4107 Old Field Trail, Kalamazoo, Michigan 49024, county of Kalamazoo, as a member representing dentists, for a term expiring on June 30, 2004.

Ms. Barbara Purifoy-Seldon, 28315 W. Kalong Circle, Southfield, Michigan 48034, county of Oakland, as a member representing dental hygienists, for a term expiring on June 30, 2004.

Mr. William E. Jannenga, 1013 Leo, P.O. Box 222, Fremont, Michigan 49412, county of Newaygo, as a member representing the general public, for a term expiring on June 30, 2004.

October 25, 2000

Please be advised that the following appointments on the letter dated October 23, 2000, was incorrectly stated and should read as follows:

Michigan Board of Nursing

Ms. Edith Joan Miller, 3037 Tansy Trail, SW, Grandville, Michigan 49418, county of Kent, as a member representing Nurses with a master's degree who are engaged in nursing education in a licensed practical nurses program, succeeding Alice Rasmussen of Berrien Springs, for a term expiring June 30, 2004.

Ms. Susan P. Wambach, 3833 Keeweenaw, NE, Grand Rapids, Michigan 49525, county of Kent, as a member representing nurses with a BSN who are engaged in the nursing practice program, succeeding Mr. Jerald S. DeWeerd of Byron Center, whose term has expired, for a term expiring on June 30, 2004.

November 6, 2000

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

Commission on Spanish-Speaking Affairs

Ms. Emily Martinez, 386 S. Monroe Street, Blissfield, Michigan 49228, county of Lenawee, as a member representing the general public, succeeding Ms. Andrea M. Rodriguez of Lansing, whose term has expired, for a term expiring on December 10, 2001.

Ms. Carmen Munoz, 17468 Lakeview Circle, Northville, Michigan 48167, county of Wayne, as a member representing the general public, succeeding herself, for a term expiring on December 10, 2001.

Mr. Ricardo J. Verdoni, 5090 Overhill Drive, Saginaw, Michigan 48603, county of Saginaw, as a member representing the general public, succeeding himself, for a term expiring on December 10, 2002.

Mr. George E. Fierro, 3570 47th Street, Hamilton, Michigan 49419, county of Allegan, as a member representing the general public, succeeding himself, for a term expiring on December 10, 2002.

Mr. Manuel Alfonso, 701 Sheffield Road, Auburn Hills, Michigan 48326, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on December 10, 2001.

Mrs. Nelida B. Bravo, 528 Sunset, White Lake, Michigan 48383, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on December 10, 2002.

Mr. Johnny M. Morales, 6800 Williams Road, Lansing, Michigan 48911, county of Ingham, as a member representing the general public, succeeding Mr. Raymond Bobby DeLeon of Saginaw, whose term has expired, for a term expiring on December 1, 2001.

Ms. Frances Diaz Plets, 43398 Rivergate Drive, Clinton Township, Michigan 48038, county of Macomb, as a member representing the general public, succeeding Mr. Robert C. Callejas of Holland, whose term has expired, for a term expiring on December 10, 2002.

Ms. Juanita S. Rogers, 219 S. Wing Street, Northport, Michigan 49670, county of Leelanau, as a member representing the general public, succeeding the Honorable Valde Garcia of St. Johns, who has resigned, for a term expiring on December 10, 2000.

Mr. Sergio Paneque, 9318 Oakdale Drive, Laingsburg, Michigan 48848, county of Clinton, as a member representing the general public, succeeding Mr. David Carbajal of Saginaw, whose term has expired, for a term expiring on December 10, 2002.

Mr. Randall S. Fernandez, 3968 Jack Pine Lane, Port Huron, Michigan 48060, county of St. Clair, as a member representing the general public, succeeding Mr. Alberto M. Flores of Perrinton, whose term has expired, for a term expiring on December 10, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

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. 267, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3, 14, 25, and 26 (MCL 38.1603, 38.1614, 38.1625, and 38.1626), section 3 as amended by 1995 PA 192, section 14 as amended by 1989 PA 191, and section 26 as amended by 1991 PA 53, and by adding sections 13a and 40b.

(This bill was read a third time on October 5, amendment offered, and consideration postponed. See Senate Journal No. 67, p. 1764.)

The question being on the adoption of the amendment offered by Senator A. Smith, Senator A. Smith withdrew the amendment.

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. 675

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.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

For the members of the chamber here, I'd like to just briefly take you back to—I don't know, I guess it was a month ago when we were in session—when this bill was highly debated. I want to thank Senator Alma Wheeler Smith for working with me on this bill. What this bill would do is allow state troopers who were injured in the line of duty to have their retirement figured on the date in which the occurrence happened, the date in which the injury happened, not the date of discharge of service from the Department of State Police. And what that means is there are 105 state troopers out here currently who would be positively affected in their retirement bills. Those retirements would be recalculated from the day that the injury occurred and not the date of departure. That's really because many times they were on workers' compensation, or they were at reduced service so they weren't making the maximum wage. This will go a long way to making them whole.

I would expect that once we get this bill passed and signed into law by the Governor, it's my belief that there are members in this chamber led by Senator Smith and others who would like to see this become retroactive. This is a bite at the apple. This is one in a series of stuff that will make these folks whole. I think that we owe it to the troopers of this state who have been injured in the line of duty serving the people of the state of Michigan. I'd ask the membership for their support on the passage of Senate Bill No. 267.

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 Dingell as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

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

1. Amend page 2, following line 14, by inserting:

"Enacting section 1. This amendatory act does not take effect unless both of the following bills of the 90th Legislature are enacted into law:

(a) Senate Bill No. 1373.

(b) House Bill No. 4456."

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

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

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

1. Amend page 2, following line 15, by inserting:

“Enacting section 1. This amendatory act does not take effect unless both of the following bills of the 90th Legislature are enacted into law:

(a) Senate Bill No. 1371.

(b) House Bill No. 4456.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1372, entitled

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

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

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.

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. 217

Senate Resolution No. 218

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 217.

A resolution to congratulate John M. Elliott upon his retirement as President of the Detroit Federation of Teachers.

Whereas, It is a pleasure and a privilege to honor John M. Elliott and wish him well upon his retirement from the Detroit Federation of Teachers (DFT). A respected educator, administrator, and leader, he served the DFT in an exemplary fashion for more than two decades, and his retirement as president will indeed leave a void that will be hard to fill; and

Whereas, A determined and highly capable administrator, Mr. Elliott joined the Federation in 1980 with experience as a teacher and in a variety of union positions—serving as an executive board member, treasurer, administrative assistant, and executive vice president. As DFT president, John Elliott served as the union’s chief negotiator with the Detroit Board of Education at contract bargaining time and directed a staff of administrative assistants who assist members in grievances and arbitration hearings. Since 1980, Mr. Elliott has also been elected to consecutive terms as a vice president of the American Federation of Teachers; and

Whereas, Born in Raleigh, West Virginia, on June 30, 1931, John Elliott served in the U.S. Army Airborne from 1952-54. He was hired as a Detroit teacher by the school board in September 1961 and taught at Hutchins, Hampton, and Cooley schools. Statewide, Mr. Elliott was appointed by former Governor Blanchard in 1987 to the Michigan Employment Security Commission, where he served until January 1991. He also served on the State Board of Education’s Future of Teaching Committee, as a member of the Northern Michigan University Task Force on Enrollment, Service to Special Constituencies, and the Michigan Sesquicentennial Commission; and

Whereas, Over the years, John Elliott has continued to pursue higher education, earning his bachelor of science degree from Wayne State University in 1961, majoring in English and social studies with minors in math and science. He added a master's degree in leadership of educational organizations from the University of Michigan in 1975. His diligence and pursuit of knowledge and experience have truly made a difference in his own career path and to all those who have certainly benefitted from his honorable years of dedicated service; and

Whereas, Mr. Elliott's leadership and accomplishments as an effective administrator, educator, and active member of numerous organizations, both civic and professional, warrant our sincere commendation. He serves as a stakeholder on the Detroit Compact and a member of the Board of Directors of the Detroit Urban League, United Foundation, A. Philip Randolph Institute, Metro Detroit Historical Council, and the NAACP Detroit Chapter. He further served as a member of the Bond Authority monitoring panel, overseeing school renovation projects, and as a member of the Board of Directors of Co-Op Optical; now, therefore, be it

Resolved by the Senate, That we congratulate and commend John M. Elliott for his outstanding career. We extend our best wishes to him and his family and wish him the happiest of retirements; and be it further

Resolved, That a copy of this resolution be transmitted to John M. Elliott in appreciation of his exemplary career and the high esteem we have for him.

Senator DeBeaussaert was named co-sponsor of the resolution.

Senators DeGrow, Cherry and Koivisto offered the following resolution:

Senate Resolution No. 218.

A resolution offered as a memorial for Alvin C. "Mike" Hampton, former member of the Michigan Senate.

Whereas, With the recent passing of Mr. Alvin "Mike" Hampton, the community of Negaunee has lost a gentleman of great dedication and unselfishness. His long and distinguished life was filled with public service, leadership in civic organizations, and the highest standards of citizenship. To his beloved wife of sixty-two years, Emma, and their 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 Negaunee, Mike Hampton built strong bonds with his hometown over the decades. From his earliest work experiences as a miner and his efforts as a union organizer with the United Steel Workers to his years in elected office, Mr. Hampton knew the challenges facing his neighbors and worked hard to address their concerns. For eight years, he served as the mayor of Negaunee. For fifteen years, he served on the Negaunee School Board. In 1944, he was elected to the Michigan Senate. His term as a lawmaker came as the state was beginning the adjustment to the post-war era. In each of these roles, Mr. Hampton drew from his belief in service and his deep understanding of his community; and

Whereas, Mike Hampton's sense of responsibility was further evident throughout his twenty-one years as the manager of the Negaunee City Waste Water Plant. He also provided leadership to a host of Masonic groups and projects. In addition to his formal positions, Mike Hampton also derived great strength from his wide circle of friends and his family. This spirit of unselfishness, which was at the heart of his public and private life, will long be treasured; now, therefore, be it

Resolved by the Senate, That we honor the memory of Alvin C. "Mike" Hampton, former member of the Michigan Senate and longtime civic leader of Negaunee; and be it further

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

Senator Rogers 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.

A moment of silence was observed in memory of Alvin C. "Mike" Hampton, former member of the Michigan Senate.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Jaye, V. Smith, A. Smith, Miller, Cherry and Rogers asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jaye's statement is as follows:

Saturday is the 11th month, and the 11th day and on the 11th hour of the 11th month is when World War I ended. Saturday is Veteran's Day, and it is also a state holiday. I am taking this time to strongly and sincerely urge my colleagues and the other branch of government, the Michigan State House, to take up legislation that the State Senate passed unanimously, Senate Bill No. 308, which ends the death tax on veterans.

A lot of people are astounded to learn that veterans honorably discharged have to pay sales tax on various items that are involved in a funeral. In fact, the Michigan Funeral Home Directors Association estimates that the average funeral is \$12,000 times the 6 percent sales tax. The average military family pays approximately \$720 in a sales tax. Senate Bill No. 308 exempts funeral caskets, tombstones, and other burial items of honorably discharged military servicemen and women from this 6 percent sales tax.

The veterans and their families are very grateful that Senator Joanne Emmons, chair of the Senate Finance Committee, gave priority to this legislation and that the full Senate passed it. The bill, unfortunately, is tied up in the State House. I hope the House will quickly pass this legislation.

I read over the last couple of weeks that World War II veterans are dying at a rate of 1,000 per week. Military families are burdened with the extra fear, cost, constant travel, and family sacrifice involved with being part of the U.S. armed services.

My father is a Marine. David N. Jaye and my uncles, soldier Jerry Jodloski and sailor Tony Narkun, and other veterans have risked their lives and limbs to protect and preserve America and to allow us to enjoy the fruits of a booming free-market economy in the democracy that we all participated in national elections on Tuesday. My cousin, Richard Shebib, is flying F-16s as part of the 31st U.S. Air Force Fighter Wing based in Aviano, Italy. I would like to close with the very famous poem by Major John McCrae, "In Flanders Field." It says:

"IN FLANDERS FIELDS the poppies blow
Between the crosses, row on row,
That mark our place, and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.
Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields."

I hope that we do not break faith with the veterans, the men and women of the armed services, and their families, and urge the State House to pass this legislation, and end the death tax of Michigan veterans.

Senator V. Smith's statement is as follows:

I have the tough duty of bidding farewell to one of my primary staffers, my chief of staff, Felicia Wasson. Felicia has been with me since 1993. She started out with me after she graduated from Michigan State University as a secretary. That is a word to the wise for some of those who want to come into the Capitol, even though you have that undergraduate degree. She still came to work for me as a secretary, she moved up fast, and she was also my aide on the Senate floor.

For the last several years she served as my chief of staff. I am here to pay tribute to her and wish her well in the future. Felicia is leaving my employ to be the associate state director for the American Association of Retired Persons, the AARP. They couldn't have gotten a better person as their associate state director. I am very proud of her. I wanted to publicly thank her, congratulate her, and wish her well in the future. I would like the body to give her a warm applause as part of my thank you to the dedicated service that Felicia Wasson has given not only to myself, but also to this body and this institution.

Senator A. Smith's statement is as follows:

I would like to join my voice in thanking Felicia Wasson for all of her work. As we look around the floor of the Michigan Senate, we see a number of women staffers, and they are critical to our success as members in how well we work and how well-prepared we are. Felicia is the epitome of quality and excellence in that role.

Felicia, we're going to miss you. We're going to miss your organization. We're going to miss everything that you've done that has made this body work smoothly. Thank you very much.

Senator Miller's statement is as follows:

In all the years I've been in this body, Mr. President, I've come across a lot of great people, and I'll be the first one to stand up and tell people in my district that really the quality of people who work here as the staff are the people who really make us as Senators look good back home. I want to say that of Felicia Wasson. It has been a great privilege for me to meet a fine, young woman like her. She is not only a great employee, but is a great mother who takes care of those babies of hers, and can do both jobs—be a great professional employee for the citizens of Michigan and also raise a great family.

I'm going to personally miss her because I used to love to call up and find out, "Felicia, do I have wear a suit and tie today" or "are we going to have a long session? Are we going to have a short session?" She's just done an outstanding job, and I know that her first line of duty is she's going to make sure that she gets her former boss a new AARP card, so he can get all those discounts down in Wayne County.

Secondly, I'm glad to see at least the Democrats won one more thing in Ingham County with Lynda Rossi's new baby boy, her first child. She's been a great, great employee, and I recommended that if she didn't like the name Art or Arthur for that baby boy that we could find a name like Joseph or John would be just as good, Mr. President. But anyway, I want to send my best to Lynda Rossi. She's worked here in this chamber for many, many years. I'm so glad that she has a healthy baby boy, and she and her husband surely deserve that great gift from God.

Senator Cherry's statement is as follows:

I know that there has been a lot of news and discussion over the past couple days about votes, vote counting, and things of that nature, but I wanted to let you know that there is one person in Lansing who did vote and did have their vote count. She voted on her way to the hospital Tuesday. It was Lynda Rossi, my chief of staff, and she went to the hospital to have an 8.5 pound baby boy. So she has a son who was delivered on Election Day, but after she successfully cast her ballot. I want to congratulate Lynda, as she's doing well, and we look forward to her return.

Senator Rogers' statement is as follows:

I just want to stand here and congratulate Felicia Wasson for her moving to the AARP. Sometimes a furiously partisan spirit these chambers can get in, it is great to know that there are people of great character and integrity in leadership at the staff level who make great things happen. My staff has enjoyed working with you, Felicia, and I have as well. We have a great rapport between the two offices, and at the end of the day both understand that we had to move forward on all issues.

Thank you for your leadership. Thank you for that character and that integrity. Thank you for doing such a wonderful job on behalf of the people of the state of Michigan. I wish you, on behalf of the entire Senate, on behalf of my staff, and on behalf of me, a great success in your new endeavor. Our loss is certainly AARP's gain. You might want to come over here and make sure that Phil Hoffman gets that application before you walk off the floor today. Congratulations, Felicia.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Schuette introduced

Senate Bill No. 1424, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38c (MCL 208.38c), as amended by 1997 PA 190.

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

Senator Bullard introduced

Senate Bill No. 1425, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 106, 122, 123, 131, 133, 141, 143, 151, 338, 342a, 344, 404, 405, 407, 413, 488, 489, 521, 525, 564b, 703a, 753, 754, 901, and 1060 (MCL 450.1106, 450.1122, 450.1123, 450.1131, 450.1133, 450.1141, 450.1143, 450.1151, 450.1338, 450.1342a, 450.1344, 450.1404, 450.1405, 450.1407, 450.1413, 450.1488, 450.1489, 450.1521, 450.1525, 450.1564b, 450.1703a, 450.1753, 450.1754, 450.1901, and 450.2060), sections 106, 122, 133, 141, 405, 521, and 525 as amended and sections 342a and 754 as added by 1989 PA 121, section 123 as amended by 1993 PA 357, sections 131, 338, 407, and 1060 as amended by 1993 PA 91, and sections 151, 344, 404, 489, 564b, 703a, and 753 as amended and section 488 as added by 1997 PA 118, and by adding section 406a.

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

Senator Schuette introduced

Senate Bill No. 1426, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 403 (MCL 550.1403).

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

Senator Rogers moved that rule 2.106 be suspended to allow the Committee on Judiciary to meet during Senate session.

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

House Bill No. 4452, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4h. 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 Finance.

House Bill No. 4552, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

The House of Representatives has passed the bill.

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. 4615, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

The House of Representatives has passed the bill.

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. 5013, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 18a. The House of Representatives has passed the bill.

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

House Bill No. 5522, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 94A.

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 Health Policy.

House Bill No. 5565, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 226, 801b, 802, and 803g (MCL 257.226, 257.801b, 257.802, and 257.803g), section 226 as amended by 2000 PA 36, section 801b as amended by 1986 PA 311, section 802 as amended by 1998 PA 396, and section 803g as added by 1987 PA 151.

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

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

House Bill No. 5786, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 15 and 602 (MCL 380.15 and 380.602), as added by 2000 PA 231.

The House of Representatives has passed the bill.

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

House Bill No. 5821, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

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

House Bill No. 5846, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending sections 1, 2a, 2b, 2c, 2d, 4, 7, 8, 14, 15, 16, 17, 18, 19, and 20 (MCL 141.421, 141.422a, 141.422b, 141.422c, 141.422d, 141.424, 141.427, 141.428, 141.434, 141.435, 141.436, 141.437, 141.438, 141.439, and 141.440), sections 1 and 7 as amended by 1982 PA 451, sections 2b and 4 as amended by 1996 PA 439, section 2d as amended by 1999 PA 142, section 8 as amended by 1996 PA 400, section 15 as amended by 1981 PA 77, and sections 16 and 17 as amended by 1995 PA 41.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5910, entitled

A bill to establish procedures for certain municipalities to designate school safety immediate demolition zones; to designate as blighted certain lots or structures that pose a direct threat to the health, safety, or welfare of schoolchildren; to demolish certain blighted structures located within school safety immediate demolition zones; to impose certain duties on certain municipalities; and to provide remedies and penalties.

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 Local, Urban and State Affairs.

House Bill No. 5925, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a).

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

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

House Bill No. 5926, entitled

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

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

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

House Bill No. 5928, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 483a.

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

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

House Bill No. 5929, entitled

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

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

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

House Bill No. 5930, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 122.

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

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

House Bill No. 5931, entitled

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

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

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

House Bill No. 5932, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 119 (MCL 750.119). The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 5933, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16f of chapter XVII (MCL 777.16f), as amended by 2000 PA 279. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 5958, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402c (MCL 550.1402c), as added by 1999 PA 228. 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 Health Policy.

House Bill No. 5959, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2212b (MCL 500.2212b), as added by 1999 PA 230. 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 Health Policy.

House Bill No. 5963, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241. 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 Appropriations.

House Bill No. 5996, entitled

A bill to name a certain portion of highway M-59 and a certain portion of highway M-36 the "Korean War 50th Anniversary Memorial Highway"; and to prescribe certain duties of the state transportation department. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

House Bill No. 6027, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 6 (MCL 29.6). 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 Economic Development, International Trade and Regulatory Affairs.

Committee Reports

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 1403, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 44501, 44502, 44503, 44504, 44507, 44508, 44509, 44511, 44512, 44513, 44517, 44520, 44521, 44522, and 44526 (MCL 324.44501, 324.44502, 324.44503, 324.44504, 324.44507, 324.44508, 324.44509, 324.44511, 324.44512, 324.44513, 324.44517, 324.44520, 324.44521, 324.44522, and 324.44526), sections 44501, 44502, 44503, 44504, 44507, 44508, 44509, 44511, 44512, 44513, 44517, 44520, 44521, and 44526 as added by 1995 PA 57 and section 44522 as amended by 1998 PA 262.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 2, line 20, by striking out all of subdivision (D) and inserting:

"(D) "CERTIFIED MARINE SURVEYOR" MEANS AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(i) THE INDIVIDUAL IS A CERTIFIED OR ASSOCIATE MEMBER OF A NATIONAL ASSOCIATION OR SOCIETY THAT CERTIFIES OR ACCREDITS MARINE SURVEYORS.

(ii) THE INDIVIDUAL'S PRIMARY SOURCE OF INCOME IS DERIVED FROM THE INSPECTION AND SURVEY OF VESSELS.

(iii) THE INDIVIDUAL'S NAME APPEARS ON A LIST OF APPROVED MARINE SURVEYORS THAT IS PROVIDED BY THE DEPARTMENT.”.

2. Amend page 9, line 10, after “on” by striking out “May” and inserting “DECEMBER”.

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

Philip E. Hoffman
Chairperson

To Report Out:

Yeas: Senators Hoffman, Bullard, Gast and Byrum

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Thursday, October 5, 2000, at 9:00 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Hoffman (C), Bullard, Gast and Byrum

Excused: Senator Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submits the following:

Meeting held on Wednesday, September 27, 2000, at 9:00 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Hoffman (C) and North

Excused: Senator Murphy

COMMITTEE ATTENDANCE REPORT

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

Public hearing held on Tuesday, October 24, 2000, at 1:00 p.m., Madison Heights Senior Center, Madison Heights

Present: Senators Sikkema (C) and Peters

Excused: Senators Dunaskiss, Gast and Young

Scheduled Meetings

Families, Mental Health and Human Services - Monday, November 13, 12:00 noon, Room 110, Farnum Building (373-3543)

Financial Services - Monday, November 13, 12:00 noon, Room 100, Farnum Building (373-1758)

Health Policy - Tuesday, November 14, 3:00 p.m., Room 100, Farnum Building (373-0793)

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 1:06 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Monday, November 13, at 2:00 p.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

