

No. 60
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, September 23, 1999.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

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—excused
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—excused
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—excused
Vaughn—present
Young—present

Reverend Daniel Lashley of Trinity Baptist Church of Imlay City offered the following invocation:

Our Father, we thank You for allowing us to be citizens of this great country and this great state. We thank You, Lord, for the fact that we have the freedom to be here to vote our consciences and to do the will of the people. But yet, Lord, we know that the heart of the king is in the hand of the Lord, and so we know that the heart of the legislative branch is also in Your hands.

We thank You for these men and women who have dedicated their lives to serving You. So, Father, we pray this morning that they would judge righteous judgments, that You will bless them with wisdom that will be to the benefit of us and to our posterity. Bless the meetings today.

We pray now in Jesus' name. Amen.

Motions and Communications

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

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

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

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators Byrum and McManus offered the following concurrent resolution:

Senate Concurrent Resolution No. 20.

A concurrent resolution to memorialize the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996.

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, Among the purposes of the FQPA is to assure that pesticide tolerance decisions and policies are based upon sound science and reliable data; and

Whereas, Another purpose of the FQPA is to assure that pesticide tolerance decisions and policies are formulated in an open and transparent manner; and

Whereas, The EPA is required by the FQPA to have reviewed approximately 3,000 of the approximately 9,700 existing tolerances by August 1999 to determine whether these tolerances meet the safety standards established by the FQPA; and

Whereas, The implementation of the FQPA could have a profound negative impact on domestic agricultural production and on consumer food prices and availability. With Michigan's diverse agriculture, this impact could be especially severe on our numerous specialty crops; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to take the following actions:

1. Direct the EPA to initiate immediately appropriate administrative rulemaking to ensure that the policies and standards the agency intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made by the agency.

2. Direct the EPA to use its authority under the FQPA to provide interested persons the opportunity to produce data needed to evaluate a pesticide tolerance so that the agency can avoid the use of unrealistic default assumptions in making pesticide tolerance decisions.

3. Direct the EPA to implement the FQPA in a manner that will not disrupt agricultural production nor have a negative impact on the availability, diversity, and affordability of food.

4. Conduct oversight hearings immediately to ensure that actions taken by the EPA are consistent with the FQPA provisions and congressional intent. Following oversight hearings, Congress should, if necessary, take appropriate actions or amend the FQPA to correct problem areas.

5. Encourage the Secretary of Agriculture and the United States Department of Agriculture to increase its commitment of manpower and budgetary resources to work with the EPA to gather scientific data. Furthermore, Congress should

encourage the United States Department of Agriculture to conduct an economic impact statement on the implementation of the FQPA.

6. Clarify the role of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act as its provisions relate to the reestablishment of tolerances under the FQPA; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Farming, Agribusiness and Food Systems.

The motion prevailed.

Senators Murphy and Young were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Schuette, Hammerstrom, A. Smith, McCotter, McManus, Shugars and Jaye introduced

Senate Bill No. 734, entitled

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

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

Senators McCotter, Johnson, Hammerstrom, Rogers, Schuette, Emmons, McManus, Goschka, Stille, Bennett, Gast, Shugars, Gougeon, Bullard, Sikkema, North, Steil, Dingell, Peters, Emerson, Hart, Murphy, Byrum, Koivisto, DeBeaussaert, Miller, Cherry, A. Smith, Young, V. Smith and Leland introduced

Senate Bill No. 735, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411r.

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

Senators Johnson, McCotter, Hammerstrom, Rogers, Schuette, Emmons, McManus, Goschka, Stille, Bennett, Gast, Shugars, Gougeon, Bullard, Sikkema, North, Steil, Dingell, Peters, Koivisto, DeBeaussaert, Leland, Miller and A. Smith introduced

Senate Bill No. 736, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as added by 1998 PA 317.

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

Senators Schuette, Steil, Hammerstrom, Johnson, Schwarz and Jaye introduced

Senate Bill No. 737, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217d (MCL 257.217d), as added by 1980 PA 124.

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

Senators Hammerstrom, Shugars, McCotter, A. Smith, Bullard, Rogers, Byrum, Goschka and Jaye introduced

Senate Bill No. 738, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 3e.

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

Senator Young introduced

Senate Bill No. 739, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1306. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Jaye, Shugars, Gougeon, North and Bullard introduced

Senate Bill No. 740, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 32 of chapter 2 (MCL 141.632). The bill was read a first and second time by title and referred to the Committee on Finance.

By unanimous consent the Senate returned to the order of

Resolutions

Senator Miller entered the Senate Chamber.

Senator Hoffman offered the following resolution:

Senate Resolution No. 80.

A resolution recognizing and congratulating Bharrat Jagdeo as the President of the Republic of Guyana.

Whereas, It is a great personal privilege and a pleasure to join with the citizens of the state of Michigan in recognizing Mr. Bharrat Jagdeo as President of the Republic of Guyana and offer tribute to the outstanding contributions he has made to Guyana; and

Whereas, The noble and effective public service career of Bharrat Jagdeo has established him as a distinguished leader deserving of respect and worthy of the unique opportunity he has been given to have a significant impact on the future of Guyana; and

Whereas, Bharrat was born in Unity Village and is the youngest of five children. He received his initial education from Gibson Primary School and Mahaica Multilateral School, where he proved himself successful in the Caribbean Examination Council and the advanced level of the General Certificate of Education examinations. Bharrat Jagdeo taught for a short time and was awarded a scholarship to pursue university studies in Moscow, where he read for a master's degree in economics; and

Whereas, After serving as what was then known as the State Planning Secretariat in 1990, Bharrat was appointed as a special advisor to the People's Progressive Party/Civic Minister of Finance in 1992, which provided him an opportunity to work with the President of Guyana, Dr. Cheddi Jagan; and

Whereas, His great devotion and relentless efforts for the residents of Guyana gained him the high esteem of President Jagan and earned him, first, an appointment as the Junior Minister of Finance in 1993, a seat on the Central Committee, and within a few short months, Bharrat was promoted to the Executive Committee of the party; and

Whereas, In May of 1995, Bharrat was named the Senior Minister of Finance, the youngest person in Guyana to have served in that position; and

Whereas, Bharrat went on to serve the National Bank of Industry and Commerce as the Director, the Guyana Water Authority, the International Monetary Fund as the Governor, the World Bank, the Caribbean Development Bank, the Inter-American Development Bank, and the Caribbean Group of Governors to the Inter-American Development Bank as the Chairman; and

Whereas, As a testimony to his vision and leadership, Bharrat was selected for the illustrious purpose of creating a national development strategy, where he gathered over 200 professionals from across the country to collaborate on framing a plan for the economic future of Guyana; and

Whereas, In recognition of his outstanding achievements, remarkable abilities, and unwavering loyalty to the People's Progressive Party, Bharrat was first elected to the position of Vice President in 1997 and, as of August 11, 1999, following the resignation of President Janet Jagan, he has now been sworn in as the President of the Republic of Guyana; now, therefore, be it

Resolved by the Senate, That this document be signed and dedicated to offer honor and recognition to Bharrat Jagdeo, President of the Republic of Guyana. Certainly, he can take great pride in his distinguished list of accomplishments and years of selfless service to the people of Guyana; and be it further

Resolved, That a copy of this resolution be transmitted to President Bharrat Jagdeo as a reflection of our admiration and esteem. May he know of our most sincere wishes for continued success in leading the nation of Guyana.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Rogers moved that the rule be suspended.

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

The resolution was adopted.

Senators Murphy and Young were named co-sponsors of the resolution.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 633, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 1996 PA 303.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, 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. 634, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as added by 1998 PA 317.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, 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. 635, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as added by 1998 PA 345.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, September 22, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Rogers

Scheduled Meetings

Appropriations Committee - Wednesday, September 29, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Capital Outlay Joint Appropriations Subcommittee - Thursday, September 30, at 8:45 a.m., House Appropriations Room, Capitol Building (3-6960).

Local, Urban and State Affairs Committee - Wednesday, September 29, at 3:00 p.m., Room 405, Capitol Building (3-1707).

Michigan Capitol Committee - Wednesday, October 13, at 12:00 p.m., Room H-41, Ground Floor, Capitol Building (3-0289).

Natural Resources and Environmental Affairs Committee - Tuesday, September 28, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senate Fiscal Agency Governing Board - Wednesday, September 29, at 2:30 p.m. or immediately following the Appropriations Committee meeting, Room S-324, Capitol Building (3-6960).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:11 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, September 28, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.