

No. 69
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, October 14, 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—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—excused
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—present
Young—present

Pastor Gerhard Mau of First Evangelical Lutheran Church of Algonac offered the following invocation:

Omnipotent, eternal, and merciful God, we acknowledge that all governing authorities are subject to You. Grant Your wisdom to the deliberations of this day. May each decision strive for peace because we seek to serve You, the Prince of Peace. May each decision strive for justice because You are the most just judge. May each discussion breathe with Your mercy because You are the kindest Father. May the deliberations seek to understand and uphold the principles You have set in Your Ten Commandments that You may continue to shower Your blessings on our people. Show correct judgment that faults may be exposed and the right be acknowledged with the result that our people may continue to live with freedom, nurturing families, and prosper in proper commerce. We pray in Jesus' name. Amen.

Motions and Communications

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

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

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, October 13:
House Bill No. 4177

Messages from the Governor

The following messages from the Governor were received and read:

October 13, 1999

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

State Board of Accountancy

Mr. Richard F. Fabiano, 6629 Denham Court SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing public accountants, succeeding himself, for a term expiring on June 30, 2003.

Mr. Stephen M. Conley, 585 S. Belvedere, Canton, Michigan 48188, county of Wayne, as a member representing public accountants, succeeding Mr. Donald R. Dismuke of Plymouth, who has resigned, for a term expiring on June 30, 2002.

Dr. Samuel Paul Graci, 41 Oak Hill Drive, Marquette, Michigan 49855, county of Marquette, as a member representing the general public, succeeding Mr. Kevin B. Even of Whitehall, whose term has expired, for a term expiring on June 30, 2003.

October 13, 1999

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

Board of Mechanical Rules

Mr. Terrance Lee Carolan, 3730 E. Mitchell Road, Petoskey, Michigan 49770, county of Emmet, as a member representing building inspectors, succeeding himself, for a term expiring on October 1, 2001.

Mr. Walter M. Reckinger III, 23700 Hudson Street, Dearborn, Michigan 48124, county of Wayne, as a member representing ductwork, succeeding himself, for a term expiring on October 1, 2001.

Mr. William John O'Neil, 850 Teaberry Place, Walled Lake, Michigan 48390, county of Oakland, as a member representing hydronic heating and cooling, succeeding himself, for a term expiring on October 1, 2001.

Mr. Richard L. Shaw, 8057 Garfield Road, Hesperia, Michigan 49421, county of Oceana, as a member representing the general public, succeeding himself, for a term expiring on October 1, 2001.

Mr. Garry L. Sanchez, 1230 Wildwood, Westland, Michigan 48185, county of Wayne, as a member representing specialty work area, succeeding himself, for a term expiring on October 1, 2001.

Mr. Daniel W. Jex, 3823 Catalpa Court, Port Huron, Michigan 48060, county of St. Clair, as a member representing building inspectors, succeeding himself, for a term expiring on October 1, 2001.

Mr. Gerald W. Richards, 834 Wildemere Drive, Mason, Michigan 48854, county of Ingham, as a member representing energy-producing utilities, succeeding himself, for a term expiring on October 1, 2001.

October 13, 1999

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

Upper Peninsula State Fair Board of Managers

Mr. William E. Pesola, 1026 N. Front Street, Marquette, Michigan 49855, county of Marquette, as a member representing the general public, succeeding himself, for a term expiring on September 30, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 587, entitled

A bill to provide for the creation of public employee health care funds; to provide for the administration of the funds; to authorize the investment of the assets of the funds; and to prescribe the powers and duties of investment fiduciaries and certain public officers and employees.

Substitute (H-1).

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 468

Yeas—36

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

Nays—0

Excused—1

Murphy

Not Voting—1

Miller

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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. 717, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38e (MCL 208.38e), as added by 1996 PA 593.

The above bill was read a third time.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 469

Yeas—37

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

Nays—0

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4816, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 1 (MCL 400.231), as amended by 1998 PA 112, and by adding sections 6, 7, 8, and 9.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

1. Amend page 6, line 8, after "9." by inserting "(1)".

2. Amend page 6, following line 14, by inserting:

“(2) IN CONJUNCTION WITH THE ESTABLISHMENT OF THE SDU AND IN ADDITION TO THE NUMBER OF CHILD SUPPORT SPECIALISTS EMPLOYED BY THE DEPARTMENT ON THE DATE THAT THE STATE EXECUTED THE INITIAL SDU CONTRACT WITH THE CONTRACTOR, THE DEPARTMENT SHALL HIRE 200 CHILD SUPPORT SPECIALISTS.”.

The question being on the adoption of the amendments,

Senator Byrum requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 470

Yeas—16

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

Nays—21

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

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

Protests

Senators Gast and Rogers, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Byrum to House Bill No. 4816.

Senator Gast’s statement, in which Senator Rogers concurred, is as follows:

I just wanted to comment that my “no” vote on the Byrum amendment, the first amendment that was here, simply is that it is an appropriations amendment. To add 200 workers would require an appropriation to do that. You can’t just pick these numbers out of the air and say here’s an additional expense that will be incurred. So I think that that probably should have been challenged as germaneness to the bill to begin with. But lacking that, now that it has been defeated, I think that a brief note of explanation would be that it is a costly amendment. Had it been adopted, I think I would have then challenged it.

Senator Byrum offered the following amendment:

1. Amend page 5, following line 10, by inserting:

“(3) IN CONJUNCTION WITH THE ESTABLISHMENT OF THE SDU, THE DEPARTMENT SHALL REVIEW AND EVALUATE THE NEED TO HIRE ADDITIONAL CHILD SUPPORT SPECIALISTS AND SHALL REPORT ITS FINDINGS AND THE BASIS OF ITS FINDINGS IN WRITING TO THE LEGISLATURE BEFORE FEBRUARY 1, 2000.”.

The question being on the adoption of the amendment,
 Senator Byrum requested the yeas and nays.

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

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

Roll Call No. 471**Yeas—18**

Byrum	Goschka	Miller	Smith, A.
Cherry	Hart	Peters	Smith, V.
DeBeaussaert	Jaye	Rogers	Vaughn
Dingell	Koivisto	Schwarz	Young
Emerson	Leland		

Nays—19

Bennett	Gast	McCotter	Sikkema
Bullard	Gougeon	McManus	Steil
DeGrow	Hammerstrom	North	Stille
Dunaskiss	Hoffman	Schuetz	Van Regenmorter
Emmons	Johnson	Shugars	

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

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. 472**Yeas—21**

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

Nays—16

Byrum	Emerson	Miller	Smith, A.
Cherry	Hart	Peters	Smith, V.
DeBeaussaert	Jaye	Schuetz	Vaughn
Dingell	Leland	Shugars	Young

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create the office of child support; and to prescribe certain powers and duties of the office, certain public and private agencies, and certain employers and former employers.”.

The Senate agreed to the full title.

Protests

Senators Jaye and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4816.

The motion prevailed.

Senator Jaye’s statement is as follows:

Mr. President and Senate colleagues, I voted “no” on this legislation because this legislation, in my estimation, is a waste of taxpayers’ dollars because it does not accompany a reduction of taxpayer dollars at the local Friend of the Court level and also because of the way this centralized Friend of the Court system was handled. Five years ago, the Michigan welfare department got a waiver because they missed that first deadline. Five years ago, the welfare department was given an extension of five years to get their act together, to have a centralized Friend of the Court collection and distribution of child support to mostly moms with kids. They dropped the ball for five years!

How many people in the private sector, how many people in our offices are given five years for a task and don’t get the job done? In fact, we’re only given a four-year term to get the job done, and we have to face the voters.

Because the welfare department has failed to implement a central collections system, the taxpayers of the state of Michigan now are going to be forced to pay \$16 million in penalties—\$16 million because of the incompetence of members of the Michigan welfare department.

I also object to the procedure where the welfare department hires a firm without statutory authority to have a statewide collections process. It spends the money for this firm without statutory approval and then just notifies the Senate within a couple days after return from the summer recess, saying my goodness, this is a deadline, this is an emergency, and we must pass this bill within the next couple of weeks. These are sacred taxpayer dollars. In my estimation, we should treat taxpayer dollars with respect, and one of the ways we treat them with respect is not duplication of services. Each of the 83 counties will continue to receive a combination of state and federal money to collect and disperse Friend of the Court child support payments, even though these individuals will no longer be doing the job.

I tried unsuccessfully with several amendments to say that money, approximately \$170 million and approximately 200 employees, should be used with enforcement activities—“shall” not “may”—given a priority for investigation of child abuse, child neglect, and visitation rights usually for a father who is denied them. Those amendments failed.

I believe this is an example that the era of big government is not over. When we create a new layer of bureaucracy at the state level—and I understand about economies of scale and efficiencies of scale—without reducing resources, personnel, and money at each of the 83 counties or redirecting those resources, we are duplicating the taxpayers’ money. So this was a lost opportunity that I believe is not the fault of this Legislature as much as bureaucratic bungling. I hope that these sorts of bureaucratic errors will not continue in the welfare department.

Senator Cherry moved that the statements he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s first statement is as follows:

I rise in opposition to House Bill No. 4816. I think what bothers me most about the bill is that it seems like we have the cart before the horse here. What the bill is doing, perhaps appropriately so, is putting in place a state centralized

collection system, but we have already signed a contract with a vendor to do this. It just strikes me that the normal course of business would be to ask the Legislature for authorization, then to go out to seek bids, and then select a vendor to implement that. It just strikes me that what we're really being asked to do today is put a stamp of approval on a contract that was entered into and negotiated before there was any authorization for the system to start with. That just strikes me as a bad business practice.

More importantly than even that, it's pretty clear that the contractor that has been selected, I'm assuming, was the lowest bid. Aside from that, what we find is that in other states the performance of Lockheed Martin, in this area, has been less than exemplary. For instance, in the state of Maryland the state itself decided to hold a contest between the vendor, Lockheed Martin, and one of its county support collection units. They found that the performance of the local units surpassed the performance of Lockheed Martin by 25 percent. In the state of California, California's auditors said Lockheed resulted in a high turnover, no corrective action, and a loss of continuity and experience. If the question before us today is, "Is this the centralized collection system we want put in place?" If that is the question, that is one thing. But if the question is, "Do we want to put our stamp of approval on this action that has taken place?" We're being asked to do this after the fact. If we are being asked to do that, I have qualms and reservations about saying that this is the best way to proceed. I'm struck by some of the reactions we've seen in other parts of the nation to these centralized Lockheed Martin systems, in which they are reporting the strength of the local collection performance mechanism in comparison to what has occurred under Lockheed Martin.

There really is nothing in the federal requirement that says you can't still rely on your local Friend of the Court to administer the process. What we are talking about is a centralization that allows perhaps even the local Friend of the Courts to work together to improve their system. Ultimately, there are a number of configurations that you can put forward under the federal law. We do have a waiver. We don't have to do this immediately. It seems to me that there ought to be greater questions about just what's transpiring here.

Until I have those answers, I don't believe that I am prepared to vote "yes" on this bill. I do think that this system may lose something in the way of enforcement and follow through in the way in which we are taking away all of this authority and role of the local Friend of the Court and depositing it at the state level. This is not just data collection. This is not just money collection; it is also disbursement. There are families who depend upon this child support to make it from one week to the next. If this system gets disrupted or if it performs poorly, there will be children in this state who are going to suffer.

I just seem to believe that when the administration goes out and selects a vendor before they've had statutory authorization that something is a miss with how this program is being planned and put in place. I would urge a "no" vote.

Senator Cherry's second statement is as follows:

The bill does call for the system to be put in place incrementally, and that does make some sense—developing a centralized system is important to meeting the federal requirement.

But what bothers me here is that despite of a design of a program, what we've done is gone out and signed a contract before the program is even authorized. It's almost like someone has seen an opportunity here because of the federal mandate to force people to say "yes" to that contract without giving good sense about whether that's the appropriate way to proceed.

I understand we need to do this. It would seem that what we could have asked to be done is to approve a system that had the administration go out to seek contracts to put the system in place. But let's remember that this effort to centralize this function has been going on for a number of years. During that process, during that implementation, literally millions of moneys were spent on systems that didn't work and didn't function, ultimately wasting taxpayers' dollars. Without the proper oversight, we are not prepared to enter into another contract. It's about time that we begin to handle this in the appropriate fashion. That's put a system in place, go out and seek vendors to meet that system and then to begin implementation.

Rather, what's happening here is that we selected a vendor, we're designing a system to meet that vendor's needs, and that is how we're going to proceed. That's backwards. It's a bad way to do policy, and if there is a question about what the responsible way to proceed is, it seems to me to simply select a vendor and then design the system around the vendor is the least responsible.

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

The motion prevailed.

Senator Schuette's statement is as follows:

Tomorrow will be the last day that Melanie (Freer) Meengs, my legislative assistant, will be working in this group. Melanie has done such a great job that the Department of Treasury has hired her. So this is a friendly raid, a friendly take-over, and I only wish Melanie all the best because Mark Murray and his team there has literally one of the very, very best.

Melanie has just had a tremendous rise. She started out as an intern when she was going to James Madison College. She joined my staff full time in April of 1996 as a staff assistant, and she has done everything in this office. She received the Vern Ehlers Legislative Intern Award for her efforts as an intern in May of 1997. Then in September of 1997, she was promoted to legislative assistant and has done truly a whale of a job, such as her efforts on the Michigan Urban Homestead Initiative. When you can get so many votes and such a bipartisan passage that you get a 38-0 vote, well, all of you know that in many respects that's due to the excellence of Melanie Meengs.

She grew up in Midland, went to H. H. Dow High School, and her folks live in Evart. I'm really going to miss Melanie a whole lot. Phil, Jodi, Amanda, Kirk, Ted, and all our interns are going to miss her a lot.

Melanie, why don't you come forward. You have a lot of friends in this room, and I think we all want to say, "Thank you," and make sure our bills pass in treasury—198s.

The following bill was read a third time:

House Bill No. 4817, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2a and 9 (MCL 552.502a and 552.509), section 2a as added by 1996 PA 366 and section 9 as amended by 1998 PA 63, and by adding section 9a.

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. 473

Yeas—34

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4818, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 9, 11a, 32, 37, and 48 (MCL 552.602, 552.609, 552.611a, 552.632, 552.637, and 552.648), sections 2, 9, and 11a as amended by 1998 PA 334 and section 32 as amended by 1996 PA 301.

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. 474

Yeas—34

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to provide for and to supplement statutes that provide for the enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody, and spouse support; to prescribe certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4819, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 23 (MCL 552.23), as amended by 1983 PA 193, and by adding section 24.

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. 475**Yeas—34**

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4820, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 2, 4, 7, and 9 (MCL 552.452, 552.454, 552.457, and 552.459), section 2 as amended by 1996 PA 5, section 4 as amended by 1990 PA 292, and section 7 as amended by 1983 PA 195, and by adding section 8a.

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. 476**Yeas—34**

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

Nays—3

Jaye

Schuette

Shugars

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children or children who have reached the age of majority and of minor children or children who have reached the age of majority by noncustodial parents; to provide for the termination of the effectiveness of the orders; and to provide for the payment of fees and assessment of costs in those cases.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4821, entitled

A bill to amend 1956 PA 205, entitled “The paternity act,” by amending sections 1, 8, and 19 (MCL 722.711, 722.718, and 722.729), section 1 as amended by 1998 PA 113 and section 19 as amended by 1983 PA 194, and by adding section 19a.

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. 477**Yeas—34**

Bennett

Emmons

Leland

Sikkema

Bullard

Gast

McCotter

Smith, A.

Byrum

Goschka

McManus

Smith, V.

Cherry

Gougeon

Miller

Steil

DeBeaussaert

Hammerstrom

North

Stille

DeGrow

Hart

Peters

Van Regenmorter

Dingell

Hoffman

Rogers

Vaughn

Dunaskiss

Johnson

Schwarz

Young

Emerson

Koivisto

Nays—3

Jaye

Schuette

Shugars

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4822, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending sections 2, 7, and 9 (MCL 722.22, 722.27, and 722.29), sections 2 and 7 as amended by 1998 PA 482.

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. 478**Yeas—34**

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and

parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4823, entitled

A bill to amend 1952 PA 8, entitled “Revised uniform reciprocal enforcement of support act,” by amending sections 3b, 14, 18, 23, and 31a (MCL 780.153b, 780.164, 780.168, 780.173, and 780.181a), section 3b as added and section 18 as amended by 1985 PA 172, section 14 as amended and section 31a as added by 1990 PA 241, and section 23 as amended by 1983 PA 192, and by adding section 14a.

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. 479

Yeas—34

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relative to the extradition of persons charged with failure to provide support for dependents and to provide for the enforcement by circuit courts in chancery of this state of the duty of such persons to support their dependents in accordance with the requirements of the laws of other states or any foreign state having reciprocal legislation, and to grant to such courts power to enforce such obligations by procedures including contempt; and to prescribe the procedure to be followed by such courts in case of proceedings to require enforcement of the duty to support residents of this state by those obligated to furnish such support through proceedings in courts of other states or any foreign state having reciprocal legislation; to prescribe certain powers and duties of the friend of the court; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to prescribe rules of evidence in such proceedings.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4824, entitled

A bill to amend 1985 PA 216, entitled "Interstate income withholding act," by amending sections 3, 5, and 10 (MCL 552.673, 552.675, and 552.680), section 3 as amended by 1996 PA 11 and section 5 as amended by 1990 PA 354, and by adding section 10a.

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. 480

Yeas—33

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—1

Rogers

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to facilitate the interstate enforcement of support obligations through income withholding; to prescribe certain powers and duties of the circuit court and of certain agencies and persons; and to provide for remedies and penalties,".

The Senate agreed to the full title.

Senator Rogers stated that had he been present when the vote was taken on the passage of the following bill, he would have voted "yea":

House Bill No. 4824

The following bill was read a third time:

House Bill No. 4825, entitled

A bill to amend 1913 PA 379, entitled "An act to facilitate the collection of alimony and support and maintenance for minor children or for children who are 18 years of age or older ordered to be paid in suits for divorce or separate maintenance," by amending section 2 (MCL 552.152) and by adding section 6.

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. 481

Yeas—34

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4826, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 482

Yeas—34

Bennett	Emmons	Leland	Sikkema
Bullard	Gast	McCotter	Smith, A.
Byrum	Goschka	McManus	Smith, V.
Cherry	Gougeon	Miller	Steil

DeBeaussaert	Hammerstrom	North	Stille
DeGrow	Hart	Peters	Van Regenmorter
Dingell	Hoffman	Rogers	Vaughn
Dunaskiss	Johnson	Schwarz	Young
Emerson	Koivisto		

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4827, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2538 (MCL 600.2538), as added by 1993 PA 189.

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. 483**Yeas—34**

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

Nays—3

Jaye	Schuette	Shugars
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and 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.”

The Senate agreed to the full title.

Protests

Senators Shugars and Schuette, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 4816, 4817, 4818, 4819, 4820, 4821, 4822, 4823, 4824, 4825, 4826 and 4827.

Senator Shugars' statement is as follows:

I rise for a “no” vote explanation on the package of bills.

I have spent a lot of time with my Friend of the Court, my judges and constituents that deal with collections, disbursements and enforcement problems with child support, and I am totally convinced that the federal government truly is not going to be a friendly person in mandating this to the state level.

I want to share a couple of stories with you that deal with children, and I'll call them “Mary” and “Tom” in a divorce situation. We need to understand that these situations are very, very difficult. The spouses many times hate each other; many times they use the tool—the judicial system—to get back at one another. But in this particular case, which deals with custody and non-custody, when you start talking about the payments for child support and the non-custodial parent starts dealing with custody for a couple of weeks in the summer and after they had a parental plan that had the Friend of the Court supervisors agreed to they come in with a plan in the summer. They spend time and already wrote the check for child support. But now they get an abatement, so they're supposed to get the check back. Under the current system that's mandated by the federal government, they're supposed to get the check right away. Well, it goes into an expense account and Kalamazoo Friend of the Court didn't previously have an expense account. To make a long story short, as you can tell, it takes a long, long time to resolve problems in payments. I am sure that the state of Michigan—and it doesn't matter who it is—is going to resolve those problems in two days. I am very doubtful of that, and I think the only people who are going to get hurt with this are going to be the families that can least afford it. These children are going to have more problems because centralized disbursement is not going to work. The federal government in their wisdom thinks that they know what's best for Michigan and what's best for Kalamazoo County.

In Kalamazoo County, though it's not a perfect system, it was a model system throughout the state of Michigan and the federal government for the collections and the disbursements and the enforcement of child support. Now we have gone to a bigger and better, supposedly, system that's going to undermine the Kalamazoo County and the people who interface with the Friend of the Court. So I think for my district was absolutely the wrong package of bills, and I think it's unfortunate again that the federal government holds our children hostage when they try to get something through. I am appalled that they would do that. There is no way those people in Washington know what's what because these are people. They have names, and they have feelings.

The reason I want to share some of those things, and I know all of you have had constituents who you are dealing with and you're trying to help solve their problems, but I'm not certain that mandates from Washington will be more compassionate and more caring to those situations than the people in the local county government. These are my reasons for voting “no” against this package of bills.

Senator Schuette’s statement is as follows:

I would like to associate myself with the comments made by Senator Shugars. I think he draws a very good conclusion.

My biggest problem with this package that was just passed is that the Washington-based federal mandates and the imposition on the states is wrong, and from my standpoint, Washington doesn’t know Midland County or Mason County or Lake or Oceana or Newaygo or Clare or Osceola or Gladwin better than the people in those communities. I have to say Lansing doesn’t know that much more, either. So to have a centralized collection effort, I think flies in the face of local government, local authority, local control, and local sound decision-making. That’s the basis for my objection to this.

With respect to the dollars that are being discussed, if the imposition of this federal funding is so distasteful as it is, then we should file suit against the federal government.

The following bill was read a third time:

Senate Bill No. 744, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding section 27.

The question being on the passage of the bill,

Senator DeBeaussaert offered the following amendments:

1. Amend page 1, line 2, after “THE” by striking out “STATE SCHOOL AID FUND” and inserting “GENERAL FUND”.

2. Amend page 1, line 7, after “ANNUALLY” by inserting “FROM THE GENERAL FUND”.

The question being on the adoption of the amendments,

Senator DeBeaussaert requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 484

Yeas—16

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

Nays—21

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

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

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. 485**Yeas—34**

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

Nays—3

DeBeaussaert	Jaye	Smith, A.
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Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators DeBeaussaert and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 744.

Senator DeBeaussaert moved that the statement he made during the discussion of the amendments he offered by be printed as their reasons for voting “no.”

The motion prevailed.

Senator DeBeaussaert’s statement, in which Senator A. Smith concurred, is as follows:

I rise to offer this amendment in hopes of putting the bill in a position that I can then support because I think this is a bill with good intentions. I want to commend the sponsor and the Majority Leader here for this step forward in beginning to acknowledge the infrastructure problem facing schools across the state.

The concept of assisting with interest payments the poorest districts have, I think, has some merit, and I think that belief has been shared by a number of others—individuals and organizations across this state. Individual districts that may not even, in fact, qualify for the assistance recognize the plight that some of their other colleagues in school districts are facing.

Unfortunately, as this process has moved forward, a problem has developed in my ability to support the bill as it stands before us, and that same problem, I think, is confronting a number of others as it relates to the funding source for these interest payments. The sponsor of the bill had initially suggested that the \$30 million in assistance with the additional money coming from the state General Fund and has been more recently concluded that the dollars should, instead, simply be taken from the existing balance in the School Aid Fund.

My amendment would simply do this: protect the School Aid Fund and appropriate the \$30 million from the General Fund instead.

The School Aid Fund was established to provide stability across the state in funding the operation of all of our public schools, part of the commitments made on Proposal A. It seems to me that should not be diverted for spending outside of the operations of our schools. And while some point to the current year balance in the School Aid Fund, I think it's important to note that this is a bill with long-term implications. While it provides a single-year appropriation, it also establishes a long-term statement of legislative intent to continue funding the program at least at this level. While the sponsor has indicated that he believes that this is an issue that may be revisited annually, the fact is, the bill sets a precedent for simply draining the money from the School Aid Fund, and I think that's a mistake.

I believe that the sponsor is a man of his word, and the problem that we all have here, I think, is that our commitments here are binding as long as we're a part of this process. In a very short time, he and most of us will not be in this chamber to help make sure that commitment is kept. A new Senate will be left with a statement of intent to continue making these payments in a bill that established the precedent of simply taking the \$30 million or more from the School Aid Fund. I think that's a mistake. It's a dangerous precedent to view the School Aid Fund as a source that can be tapped into for purposes other than meeting the operating needs of all of our schools. I think we are a long way from solving all of those operating problems facing school districts in this state. If this were a multi-section bill, my guess is you would see a number of amendments proposing ways that we could begin to use the School Aid Fund to address the problems of small class size and a number of other issues similar to that that we continue to debate through this process.

So it seems to me that the virtue of the proposal before us to assist a few districts with infrastructure needs is overshadowed by the danger of the precedent of using Michigan's School Aid Fund for anything other than meeting the operational needs of Michigan's schools. I hope you will support this amendment to take the \$30 million from the General Fund and leave the School Aid Fund intact to meet the needs as promised to the voters of Michigan.

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

The motion prevailed.

Senator Cherry's statement is as follows:

I rise in support of the DeBeaussaert amendment.

I am struck, Mr. President, that both the good Senator from the 32nd District and the esteemed chairman of the Appropriations Committee, the Senator from the 20th District, have argued against the amendment on the basis that the School Aid Fund is healthy and stable and therefore, there is no need to go to the General Fund for this money. In fact, the effort to fund this via the General Fund is really simply nothing other than playing to the greed of those special interest groups that are outside the chambers.

But let me remind the body that most of us were here in 1994 when this body, the Senate, acted to eliminate the property tax as a vehicle for funding school districts. After that action by this body, we spent many days and many months crafting a public proposal to go on the ballot that would put in place an alternative funding scheme. There are people in this chamber this morning who were part of that effort to craft that proposal. When we put that proposal in front of the public, we pledged the state and we pledged ourselves to say that we were going to create a pool of dollars that would be guaranteed to go towards the operation of school districts that would not be used for capital expenses associated with bonding. We gave our full faith and credit in pledge behind that ballot proposal, and we promised the citizens of the state that this money would be used for that purpose.

The citizens took us at our word, and by majority vote of Michigan citizens, they confirmed the plan that we put before them. By their votes, they said, "We buy this proposal in which we set aside certain dollars for operation of school districts only." It's not us exercising our judgment. They didn't say, "You take an assessment of the stability of the fund. You decide whether the money ought to be spent on operations or on something else. You exercise your discretion about whether you can use this fund for one purpose or another." They took our pledge and said, "We by majority vote agree that this money ought to be set aside and used for the operation of school districts."

So when we debate this issue, it's not about that we want to overturn a previous act of the Legislature. It's not about whether our discretion is being exercised appropriately or inappropriately. It's about whether we're going to respect the will of the public as they've expressed at the ballot box. That's what this is about. This is not a question for our discretion. We made a pledge. It's clear. We ought to respect it, and if we need, and I believe we do, I think the bill serves a good purpose. I mean it is meeting a public need. If we seek to meet that need, we should seek to meet that need through funding provided by the General Fund. We ought not violate what pledge we made in 1994.

Now I can understand how in the House of Representatives they may not understand it. Most of them were not here in 1994, but most of us were. Most of us voted for that reduction of property taxes when we eliminated them as a source of funding schools. Most of us voted in support of that proposal that was put in front of the public. So this is now a question of whether we want to undo our pledge. I would suggest what's appropriate is to adopt the DeBeaussaert amendment and make it clear that the pledge we made to the public in 1994 still stands today.

To reject the DeBeaussaert amendment would be telling the public our pledge was made in sand and that, ultimately, we choose to impose our will over theirs. I don't think we should do that. I think part of what is wrong with things today is the public understands that so often their voice means nothing—that they can speak at the ballot box, and we

overturn their decisions. I think we need to correct that impression. I think we need to show them that our pledge means something that we respect their public vote. We adhere to their public vote, and when we do important things as this bill provides, that we will respect their judgment, and we will fund it through the General Fund.

I would urge adoption of the DeBeaussaert amendment.

Senator Gast's statement is as follows:

Actually, this same amendment was put forth in the Appropriations Committee, and it was rejected. It was not accepted, so I just want to share a couple of thoughts with the body before they vote.

It hasn't been too long ago, just a few years back, when we cut to double-digit the amount of appropriations to different state departments in order to keep education harmless and, indeed, keep them at the rate of inflation. So on that basis, I think the flavor of the Legislature has clearly demonstrated that we are pro-education. We do want education to survive and be healthy, and the education of our children is important to all the legislators in both houses. That was demonstrated. It will continue to be demonstrated. I don't care who the term limits affect. It's a fact of life in this state.

But I think we've got to recognize also that today the General Fund contributes \$420 million to the so-called School Aid Fund. Now, yes, there's almost—and maybe a little over now—\$600 million in the School Aid Fund. Now that's a lot of moola regardless of who shapes it up, and we won't be distributing that on a per capita basis or on a contract basis until we know what the enrollment is because here a couple of years ago, we got zapped by 17,000 more than anticipated in enrollment.

Now the \$30 million we're talking about here today can be sliced into that in this manner: if we take \$30 million out of the General Fund, then the General Fund would be inclined to say that, instead of giving you \$420 million to the School Aid Fund, we'll give you \$390 million, and we'll get back the \$30 million. Now that's a shell game, and we don't want to start playing that.

But I think my last thought here on it would be I don't think there's any need to take it out of the General Fund because the School Aid Fund has a significant bank account. I think it's simply goes into the theory in the statement that I'm about to make: It's not the need to save it in the School Aid Fund; it's the greed that's out there to keep it in the School Aid Fund and take it from state police, community health, or wherever else the General Fund has to drain it from.

So I oppose the amendment. I think it's very appropriate where it's at.

The following bill was read a third time:

House Bill No. 4413, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219e.

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. 486

Yeas—37

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

Nays—0

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4598, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 219f.

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. 487**Yeas—37**

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

Nays—0**Excused—1**

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4670, entitled

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

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. 488

Yeas—37

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

Nays—0

Excused—1

Murphy

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"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,".

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Peters' statement is as follows:

During the debate over the union-busting bill that we had here in this body on Tuesday, there was an attempt to rewrite history, and I would like to take a moment to set the record straight. The gentleman from the 8th District claimed that my characterization of a bill to eliminate supervisory unions in 110 school districts across the state as union busting was not correct. He claimed the bill merely mirrored federal law adopted in 1935 and signed by Franklin Delano Roosevelt. His statement was simply wrong.

Let's review the historical record. Franklin Delano Roosevelt did not sign a bill that prohibited supervisors from organizing. The Wagner Act, formerly known as the National Labor Relations Act, which FDR signed in 1935, allowed supervisory personnel to organize and collectively bargain. In fact, in the 1930s and 1940s, supervisors formed unions across this country. One such union was the Foreman's Association of America. This union alone represented over 4,000 supervisory personnel in the River Rouge Complex of Ford Motor Company. Also, the Supreme Court ruled and upheld the right of supervisors to organize under the National Labor Relations Act. However, the ability for supervisors to unionize changed in 1947 with passage of the Taft-Hartley Act, formerly known as the Labor Management Relations Act. What changed? What brought about this change was that Republicans took control of the House and Senate for the first time since 1930—Republicans pushed through this union-busting bill. The bill prohibited supervisors from unionizing, and according to historians and I quote, "The new law, the Taft-Hartley Law, sought the destruction of the remarkable impulse towards foreman unionism and interclass solidarity and democracy that had swept through factories and mills during the late years of the war."

Harry Truman vetoed that union-busting bill. Congress overrode Harry Truman's veto. The next year, Harry Truman was reelected President of the United State of America. The next year Republicans lost control of the House. The next year Republicans lost control of the Senate and, I may add, by a pretty substantial margin.

Now fast forward 50 years. Michigan has allowed public service supervisors and public employees to unionize for over 50 years with apparently no problems. We certainly didn't hear any problems in committee. We certainly didn't hear any problems here on the Senate floor. We passed the bill to do union busting. Why? Well, now Republicans have control of the Michigan Senate, the Michigan House, and the Governor's office. Tuesday history was repeated in this chamber with complete Republican control. We saw plain and simple union busting in this state.

Senator Byrum's statements is as follows:

Today I have introduced a resolution calling for the U.S. Department of Energy to stop plans to ship weapons-grade nuclear material through Michigan to Canada. The recently announced plans to ship mixed oxide, MOX, through Michigan has caused great surprise to residents of this state. The route would carry the nuclear material along I-94 from the western corner of Michigan through Kalamazoo and Battle Creek, around Lansing, I-69 to Flint and I-75 North over the Mackinac Bridge through Sault Ste. Marie and into Canada.

I cannot imagine a route which would more expose the Great Lakes than the route chosen. In fact, by the Department of Energy's own analysis out of seven possible routes, this route is the second longest in distance for the transport and second highest in risk. The Department of Energy has properly delayed the shipment to allow a public comment period. That comment period ends on October 30.

I urge this body to forward this resolution to the U.S. Department of Energy as the comment of the people of Michigan. Such a shipment represents a threat to large population centers and the largest body of fresh water in the world.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senators Hoffman, Koivisto, Gast, McCotter, Goschka, Stille, Hammerstrom and Bullard introduced
Senate Bill No. 806, entitled

A bill 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.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Schwarz introduced

Senate Bill No. 807, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5431 (MCL 333.5431), as amended by 1998 PA 88.

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

Senators Johnson, Bullard, Dunaskiss, Emmons, Hammerstrom, Shugars, Miller, Rogers and Leland introduced

Senate Bill No. 808, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 5400, 5402, 5800, 5901, 5905, 5911, 5913, and 5915 (MCL 500.5400, 500.5402, 500.5800, 500.5901, 500.5905, 500.5911, 500.5913, and 500.5915), section 5800 as amended by 1998 PA 457, sections 5901 and 5915 as amended by 1998 PA 121, and sections 5905, 5911, and 5913 as added by 1995 PA 215, and by adding sections 5403 and 5803 and chapter 60.

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

Senator Emmons introduced

Senate Bill No. 809, entitled

A bill 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; and to declare the effect of this act," by amending the title and section 14 (MCL 205.14), the title as amended and section 14 as added by 1998 PA 368.

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

Senators Schuette, Sikkema and McCotter introduced

Senate Bill No. 810, entitled

A bill to establish guidelines for the decennial adoption of a redistricting plan for congressional districts; to provide original jurisdiction to the supreme court to review a congressional redistricting plan enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict congressional districts under certain circumstances.

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

Senators McCotter, Schuette and Sikkema introduced

Senate Bill No. 811, entitled

A bill to confer original jurisdiction on the supreme court to hear and decide cases on congressional redistricting; and to allow the supreme court to review and order congressional redistricting plans.

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

Senators Hoffman, Schuette, McCotter and Sikkema introduced

Senate Bill No. 812, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 4 and 8 (MCL 46.404 and 46.408).

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

Senators Sikkema, Schuette and McCotter introduced

Senate Bill No. 813, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 1993 PA 190.

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

Senators Schuette, McCotter and Sikkema introduced

Senate Bill No. 814, entitled

A bill to amend 1996 PA 463, entitled "An act to establish guidelines for the decennial adoption of redistricting plans for the senate and house of representatives; to provide original jurisdiction to the supreme court to review redistricting plans enacted by the legislature for compliance with those guidelines; and to provide a procedure for the supreme court to use to redistrict the senate and house of representatives under certain circumstances," by amending sections 1, 2, and 4 (MCL 4.261, 4.262, and 4.264).

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

Senator Hammerstrom introduced

Senate Bill No. 815, entitled

A bill to amend 1976 PA 220, entitled "Persons with disabilities civil rights act," by amending sections 201 and 202 (MCL 37.1201 and 37.1202), section 201 as amended by 1990 PA 121 and section 202 as amended by 1998 PA 20.

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

House Bill No. 4177, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 1994 PA 189.

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.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 55, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16277 and 20190.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 725, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20965 (MCL 333.20965), as amended by 1997 PA 78.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 4479, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401h.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4480, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053f.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4481, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406o.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4482, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401g.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4483, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406n.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4484, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053e.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4485, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402c.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4486, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052b.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4487, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212b.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

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 Health Policy submits the following:

Meeting held on Tuesday, October 12, 1999, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Murphy

The Committee on Financial Services reported

House Bill No. 4764, entitled

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," (MCL 550.521 to 550.528) by adding section 4a.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars, Jaye, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 783, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care reform act," by amending section 207 (MCL 550.1207), as amended by 1993 PA 201.

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars, Jaye, Miller and Leland

Nays: None

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

The Committee on Financial Services reported

Senate Bill No. 784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5104 (MCL 500.5104), as added by 1993 PA 200.

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars, Jaye, Miller and Leland

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 Financial Services submits the following:

Meeting held on Wednesday, October 13, 1999, at 9:00 a.m., Room 810, Farnum Building

Present: Senators Bullard (C), Emmons, Dunaskiss, Shugars, Jaye, Miller and Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Environmental Quality submits the following:

Meeting held on Wednesday, October 13, 1999, at 8:30 a.m., House Appropriations Room, Capitol Building

Present: Senators Bennett (C), Gast, North, A. Smith and DeBeaussaert

Scheduled Meetings

Administrative Rules Joint Committee - Thursday, October 21, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Health Policy Committee - Tuesday, October 19, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Judiciary Committee - Tuesday, October 19, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 11:46 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, October 19, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

