

No. 10
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 9, 2000.

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—excused
Miller—present
Murphy—present
North—present
Peters—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Dianne Byrum of the 25th District offered the following invocation:

Dear Lord, give Your blessings to this body and to our work here today. Keep us always mindful that we are servants. We serve You in our work here and in all of our lives. We serve those who have entrusted us with the positions we hold. We serve those who have come before us and who have built our great state and nation. And we serve those who are yet to come.

That responsibility can only be upheld with Your wisdom and blessings. That task can only be undertaken with the help of the One who knows all things from beginning to end. Amen.

Motions and Communications

Senator Jaye entered the Senate Chamber.

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

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

Senators Murphy and Emerson entered the Senate Chamber.

The following communication was received:
Department of Consumer and Industry Services

February 2, 2000

Pursuant to Section 315 of P.A. 122 of 1999, we are enclosing a copy of the Special Investigation Report #9C0115024 conducted on Maxey Training School—Sequoyah Center. This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.

Director, Finance and Administrative Services

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received and read:

February 8, 2000

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

Michigan State Housing Development Authority

Ms. Colleen Pero, 49664 Powell Ridge Court, Plymouth, Michigan 48170, county of Wayne, as a member representing Republicans, succeeding Mr. Roy L. Williams of Detroit, whose term has expired, for a term expiring on March 10, 2002.

Mr. Gilbert B. Silverman, 26500 Telegraph Road, Southfield, Michigan 48034, county of Oakland, as a member representing the general public, succeeding Mr. Richard T. Miller of Midland, whose term has expired, for a term expiring on March 10, 2002.

Mr. Richard T. Miller, 5107 Foxcroft, Midland, Michigan 48642, county of Midland, as a member representing Democrats, succeeding Mr. Gilbert B. Silverman of Southfield, whose term has expired, for a term expiring on March 10, 2003.

Mr. Herman W. Coleman, 3558 Darcy Drive, Bloomfield Hills, Michigan 48301, county of Oakland, as a member representing Democrats, succeeding himself, for a term expiring on March 10, 2003.

Sincerely,

John Engler

Governor

The appointments were referred to the Committee on Government Operations.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 456, entitled

A bill to amend 1970 PA 207, entitled "An act to exempt certain dogs from license fees," by amending section 1 (MCL 287.291), as amended by 1984 PA 112.

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

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

Senate Bill No. 46, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 1993 PA 22.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-3).

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

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

The Senate agreed to the full title.

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

The House of Representatives requested the return of

Senate Bill No. 180, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43902 and 43905 (MCL 324.43902 and 324.43905), as added by 1995 PA 57.

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

The motion prevailed.

The House of Representatives requested the return of

Senate Bill No. 657, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16348 and part 185; and to repeal acts and parts of acts.

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

The motion prevailed.

The House of Representatives requested the return of

Senate Bill No. 770, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811I.

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

The motion prevailed.

The House of Representatives requested the return of

Senate Bill No. 829, entitled

A bill to amend 1982 PA 249, entitled “An act to establish the state children’s trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,” by amending section 1 (MCL 21.171), as amended by 1997 PA 34.

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

The motion prevailed.

Senators Hoffman and Schuette entered the Senate Chamber.

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. 910, entitled

A bill to designate the Bristol road overpass that spans the railroad tracks located on Michigan highway M-121 in Genesee county as the “Preston Schmidt Overpass”; and to prescribe the duties of the state transportation department.

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. 5

Yeas—36

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

Nays—1

Jaye

Excused—1

McManus

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Shugars as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 766, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1104 (MCL 380.1104), as amended by 1995 PA 289.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 658, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1704. Substitute (S-2).

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

Resolutions

Senate Resolution No. 119.

A resolution to urge the National Institutes of Health to withdraw its proposed guidelines for federally funded research using stem cells harvested from human embryos.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Shugars, Hammerstrom, Stille, Schwarz and Rogers offered the following resolution:

Senate Resolution No. 121.

A resolution to urge the Department of Consumer and Industry Services and the Department of Community Health to review health problems associated with tattooing and body piercing.

Whereas, In recent years, the increasing popularity of tattooing and body piercing has generated concerns among public health officials. These procedures, which do not require licensing, include invasive techniques that expose people to risks of infection; and

Whereas, Some procedures for body piercing seem to be as invasive as certain standard medical and dental services that require years of education, training, and equipment on hand for possible emergencies. In the case of piercing of the tongue, for example, the potential for harm extends not only to the teeth and mouth, but to the heart and brain, which are vulnerable to certain infections. Those concerned with the impact on health wonder if some of these practices amount to practicing medicine or dentistry without a license; and

Whereas, In many areas across the country, health officials have expressed serious worries over the impact that tattoos and body piercing are having on another aspect of public health, the number of people donating blood. Because of the fears of infection, federal rules prohibit a person from donating blood within a year of receiving a tattoo or body piercing outside a doctor's office or with a piercing gun. Reductions of young donors have many worried over even greater damage to the nation's blood supply in the near future; and

Whereas, Clearly, there are health issues associated with tattooing, branding, body piercing, and scarring that need to be examined thoroughly; now, therefore, be it

Resolved by the Senate, That we urge the Department of Consumer and Industry Services and the Department of Community Health to review health problems associated with tattooing and body piercing, including whether some of these procedures can be considered as practicing medicine or dentistry without a license; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Consumer and Industry Services, the Department of Community Health, and the Attorney General.

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 Health Policy.
The motion prevailed.
Senator Young was named co-sponsor of the resolution.

Senators Shugars, Hammerstrom, Stille, Schwarz and Rogers offered the following concurrent resolution:

Senate Concurrent Resolution No. 33.

A concurrent resolution to urge the Department of Consumer and Industry Services and the Department of Community Health to review health problems associated with tattooing and body piercing.

Whereas, In recent years, the increasing popularity of tattooing and body piercing has generated concerns among public health officials. These procedures, which do not require licensing, include invasive techniques that expose people to risks of infection; and

Whereas, Some procedures for body piercing seem to be as invasive as certain standard medical and dental services that require years of education, training, and equipment on hand for possible emergencies. In the case of piercing of the tongue, for example, the potential for harm extends not only to the teeth and mouth, but to the heart and brain, which are vulnerable to certain infections. Those concerned with the impact on health wonder if some of these practices amount to practicing medicine or dentistry without a license; and

Whereas, In many areas across the country, health officials have expressed serious worries over the impact that tattoos and body piercing are having on another aspect of public health, the number of people donating blood. Because of the fears of infection, federal rules prohibit a person from donating blood within a year of receiving a tattoo or body piercing outside a doctor's office or with a piercing gun. Reductions of young donors have many worried over even greater damage to the nation's blood supply in the near future; and

Whereas, Clearly, there are health issues associated with tattooing, branding, body piercing, and scarring that need to be examined thoroughly; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Department of Consumer and Industry Services and the Department of Community Health to review health problems associated with tattooing and body piercing, including whether some of these procedures can be considered as practicing medicine or dentistry without a license; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Consumer and Industry Services, the Department of Community Health, and the Attorney General.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Rogers moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senator Young was named co-sponsor of the concurrent resolution.

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

Senate Resolution No. 122

The resolution consent calendar was adopted.

Senators Rogers, Van Regenmorter, Gast, North, Steil, Sikkema and Hammerstrom offered the following resolution:

Senate Resolution No. 122.

A resolution proclaiming the week of February 13-19, 2000, as Child Passenger Safety Awareness Week in the state of Michigan.

Whereas, The health and talents of Michigan's children are critical to ensuring a bright future for Michigan families and communities. Unintentional injury kills or disables more than four times as many Michigan children ages 1 to 14 than all communicable diseases, birth defects, and other causes combined and increases the health care costs for all Michigan residents; and

Whereas, Each year nearly 125 Michigan children age 15 years and under die, and more than 11,000 are injured in motor vehicle accidents. More than 90 percent of all child safety restraints are incorrectly used, and nearly 34 percent of all children ride in motor vehicles completely unrestrained; and

Whereas, Proper and consistent use of child safety restraints reduces fatalities by 69 percent for infants and 47 percent for toddlers. Safety belt use by youth reduces fatalities by 40 percent to 50 percent; and

Whereas, Effective March 10, 2000, the state's revised child passenger safety law requires children under the age of four to be properly restrained in a federally-approved child safety seat when riding in the front or back seat of a motor vehicle; and

Whereas, The Michigan SAFE KIDS Coalition, led by the Department of Community Health and 20 Michigan SAFE KIDS local coalitions and chapters around the state, unite public, private, and voluntary organizations to reduce preventable childhood injuries through community awareness, education, and public policy; and

Whereas, Through the Buckle Up Program developed by the National SAFE KIDS Campaign and General Motors Corporation, Michigan SAFE KIDS groups have checked thousands of car seats at check-up events at GM dealerships, fire stations, community centers, and shopping centers in order to educate parents and caregivers on the correct installation of child safety restraints for their children; now, therefore, be it

Resolved by the Senate, That we do hereby proclaim the week of February 13-19, 2000, as Child Passenger Safety Awareness Week in the state of Michigan and call upon all of the residents of the state to join with us in supporting the efforts and activities of the SAFE KIDS coalitions and chapters in Michigan to prevent childhood injury; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Community Health and the Michigan SAFE KIDS Coalition as evidence of our support for their endeavors to protect Michigan children.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Rogers' statement is as follows:

Just a few minutes ago, we passed a concurrent resolution naming next week Child Passenger Safety Awareness Week in Michigan. Although this is a topic that often goes unnoticed with busy families trying to get our children to and from day care and to the grocery store and getting our children in and out of cars, this is an extremely important issue in Michigan.

Every year nearly 125 Michigan children aged 15 years and under die in automobile accidents, and nearly 11,000 are injured in motor vehicle accidents. What we have found here in Michigan, Mr. President, is that through these safety checks that we've initiated around the state through the Safe Kids programs, 90 percent—that's an incredible number—nearly 90 percent of all the child safety restraints are incorrectly used and installed in automobiles, and nearly 34 percent of all children ride in motor vehicles completely unrestrained, which is, of course, against the law. We need to do a better job of educating our parents, our grandparents, and all those who undertake the important duty of the custody of children on how important these car safety systems can be.

We had some very powerful testimony from a woman who went through one of these car safety checks and found that it was incorrect for her grandchild. Just one week after that safety check, she was in a horrible accident, and the baby with the car seat correctly installed actually slept through the accident, saving that baby's life. The inspectors will tell you that had that baby gone through the way the seat was installed previously, the baby probably would not have survived the crash.

This is an extremely important issue. We're having a press conference on this issue tomorrow. Hopefully, we can raise awareness. I ask every legislator here to get involved in this issue and promote its awareness and how important it is that those car seats be properly installed for the best interest and safety of our children on our Michigan highways.

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

Senator V. Smith introduced
Senate Bill No. 980, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 373, 374, and 375 (MCL 380.373, 380.374, and 380.375), sections 373 and 375 as added by 1999 PA 10 and section 374 as amended by 1999 PA 23.

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

Senator Hammerstrom introduced
Senate Bill No. 981, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Hammerstrom introduced

Senate Bill No. 982, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 742 (MCL 330.1742), as amended by 1996 PA 588.

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

Senators Hammerstrom and Bullard introduced

Senate Bill No. 983, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 659.

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

Senators Stille, Byrum, Schwarz, Shugars, Hammerstrom, North and Rogers introduced

Senate Bill No. 984, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," (MCL 550.901 to 550.962) by adding section 33a.

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

Senators Hammerstrom, Byrum, Schwarz, Shugars, Stille, North and Rogers introduced

Senate Bill No. 985, entitled

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

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

Senators Schwarz, Byrum, Shugars, Hammerstrom, Stille, North and Rogers introduced

Senate Bill No. 986, 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 416c.

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

Senators Shugars, Byrum, Hammerstrom, Stille, North, Schwarz and Rogers introduced

Senate Bill No. 987, entitled

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

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

Scheduled Meetings

Community Colleges Appropriations Subcommittee - Wednesday, February 23, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Health Appropriations Subcommittee - Tuesdays, February 15 and March 7, at 2:00 p.m., Rooms 402 and 403, Capitol Building (3-1777).

Economic Development, International Trade and Regulatory Affairs Committee - Tuesday, February 15, at 1:00 p.m., Room 110, Farnum Building (3-7946).

Education Committee - Wednesday, February 16, at 3:00 p.m., Room 810, Farnum Building (3-7350).

Higher Education Appropriations Subcommittee - Fridays, February 11, at 10:00 a.m., Eastern Michigan University, 201 Welch Hall, Ypsilanti; February 18, at 10:00 a.m., Ferris State University, Kendall College Campus, 111 N. Division Avenue, Grand Rapids; February 25, at 10:00 a.m., University of Michigan-Dearborn, Henry Ford Estate, Dearborn; March 3, at 10:00 a.m., Lawrence Technological University, 21000 W. Ten Mile Road, Southfield; and March 8, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-3447).

Natural Resources and Environmental Affairs Committee - Friday, February 25, at 1:30 p.m., Muskegon Community College, Higher Education Center-Lecture Hall 1100, 221 S. Quarterline Road, Muskegon; Monday, March 6, at 6:00 p.m., Saginaw Valley State University, Curtis Hall-Seminar D, 2250 Pierce Road, University Center; Thursday, March 23, at 6:00 p.m., Northwestern Michigan College, Oleson Center-Rooms 1 and 2, 1701 E. Front Street, Traverse City; Thursday, April 6, at 6:00 p.m., Lake Superior State University, Cisler Student and Conference Center-Ontario-Michigan Room, 650 Easterday Avenue, Sault Ste. Marie; Monday, April 10, at 6:00 p.m., Monroe City Hall, Council Chamber, 120 E. First Street, Monroe (3-0797).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:40 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, February 10, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

