

**No. 65**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Tuesday, October 3, 2000.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

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

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

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

Senator John J.H. Schwarz of the 24th District offered the following invocation:

Lord, we ask that, as the elected representatives of the people of this state, we have the wisdom to recognize the true needs of Michigan and act upon them. We ask that You give us the ability to speak honestly, negotiate in good faith, and to act wisely.

We ask this in Your name. Amen.

Senator Leland entered the Senate Chamber.

### **Recess**

Senator Rogers moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:03 a.m.

10:50 a.m.

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

During the recess, Senators Bullard, McCotter, Dunaskiss, North, Gougeon, Steil, McManus, Jaye, Emmons, Stille, DeGrow, Gast, Shugars, Van Regenmorter, Schuette, Johnson, Hammerstrom and Sikkema entered the Senate Chamber.

A quorum of the Senate was present.

### **Motions and Communications**

The following communication was received:  
Department of Environmental Quality

September 27, 2000

I am submitting a list of nineteen research projects approved for funding under the Michigan Great Lakes Protection Fund in compliance with Act 156 of the Public Acts of 1989. Section 10.(1) of the Act requires that this list be submitted annually to the legislature.

These projects were recommended by the Michigan Great Lakes Protection Fund Technical Advisory Board after extensive review. Funding for these projects was approved under the Department's FY 2000 and FY 2001 appropriations. Also enclosed is a listing of the criteria used in assigning priority to the projects.

If you have any questions, please contact Mark Coscarelli at 335-4227, or you may contact me.

Sincerely,  
G. Tracy Mehan, III  
Director  
Office of the Great Lakes  
517-335-4056

The communication was referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

September 29, 2000

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

Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Military and Veterans Affairs, October 1, 1997, through September 30, 1999

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, September 28:

**House Bill Nos. 4378 5778**

The Secretary announced the printing and placement in the members' files on Thursday, September 28, of:

**Senate Bill No. 1410**

**House Bill Nos. 5952 5996 5998 6002 6003 6004 6005 6007 6008 6009 6010 6011 6013 6016 6017**

The Secretary announced the printing and placement in the members' files on Friday, September 29, of:

**Senate Bill No. 1375**

**House Bill Nos. 5936 5937 5938 5939 5940 5941 5942 5943 5944 5945 5946 5947 5948 5949 5950 5953 5954 5955 5956 5957 5958 5959 5960 5961 5963 6027 6030 6052**

The Secretary announced the printing and placement in the members' files on Monday, October 2, of:

**Senate Bill Nos. 1383 1384 1394 1395 1396 1397 1398 1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409**

**House Bill Nos. 5965 5966 5967 5968 5969 5970 5971 5972 5973 5974 5975 5976 5977 5978 5979 5980 5981 5982 5983 5984 5985 5986 5987 5988 5989 5990 5991 5992 5993 5994 5995 5997 5999 6000 6001 6006 6012 6014 6015 6018 6019 6020 6021 6022 6023 6024 6025 6026 6028 6029 6031 6032 6033 6034 6035 6036 6037 6038 6039 6040 6041 6042 6043 6044 6045 6046 6047 6048 6049 6050 6051**

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

The motion prevailed.

Senator Miller is attending the funeral of a family member.

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

The motion prevailed.

Senator Rogers moved that Senator Bennett be excused from today's session.

The motion prevailed.

Senator Rogers moved that the Committee on Education be discharged from further consideration of the following bill:

**Senate Bill No. 1356, entitled**

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

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Rogers moved that the bill be referred to the Committee on Finance.

The motion prevailed.

Senator Rogers moved that the Committee on Education be discharged from further consideration of the following bill:

**Senate Bill No. 1357, entitled**

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

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Rogers moved that the bill be referred to the Committee on Finance.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**Conference Reports**

Senator Schuette submitted the following:

**FIRST CONFERENCE REPORT**

The Committee of Conference on the matters of difference between the two Houses concerning  
**Senate Bill No. 694, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006).  
Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate and to the following amendments:

1. Amend page 4, line 21, after "FACILITIES" by inserting "THAT ARE NOT PHARMACIES AND".
2. Amend page 4, line 24, after "COMMISSIONER" by striking out "OF INSURANCE".
3. Amend page 5, line 14, after "SERVICES" by inserting "FOR AN ELIGIBLE INDIVIDUAL".
4. Amend page 7, following line 14, by inserting:

"(M) AN EXTERNAL REVIEW PROCEDURE FOR ADVERSE DETERMINATIONS OF PAYMENT. THE COSTS FOR THE EXTERNAL REVIEW ESTABLISHED UNDER THIS SUBDIVISION SHALL BE ASSESSED AS DETERMINED BY THE COMMISSIONER."

5. Amend page 8, line 11, after "CORPORATION" by striking out "OPERATING" and inserting "FOR BENEFITS PROVIDED UNDER A CERTIFICATE ISSUED".

6. Amend page 8, line 13, after "550.1704" by inserting a comma and "BUT NOT TO PAYMENTS MADE PURSUANT TO AN ADMINISTRATIVE SERVICES ONLY OR COST-PLUS ARRANGEMENT".

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 2006 (MCL 500.2006).

Bill Schuette  
Dan L. DeGrow  
Conferees for the Senate

Charles Perricone  
Mark Schauer  
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,  
 Senator Rogers moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 623****Yeas—34**

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

**Nays—0****Excused—3**

Bennett

Miller

Vaughn

**Not Voting—1**

Murphy

In The Chair: President

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

**Messages from the House**

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

**Senate Bill No. 1273, entitled**

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

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. 624****Yeas—35**

|         |         |          |         |
|---------|---------|----------|---------|
| Bullard | Gast    | Leland   | Shugars |
| Byrum   | Goschka | McCotter | Sikkema |

Cherry  
DeBeaussiaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

McManus  
Murphy  
North  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—3**

Bennett

Miller

Vaughn

**Not Voting—0**

In The Chair: President

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.

**Senate Bill No. 734, entitled**

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

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

The question being on concurring in the amendments made to the bill by the House,  
Senator Peters offered the following amendment to the amendments:

1. Amend House Amendment No. 2, page 2, following line 20, enacting section 1, after “effect” by striking out “October 1, 2001” and inserting “January 1, 2001”.

The question being on the adoption of the amendment,

Senator Rogers moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Senator Rogers moved that consideration of the following bill be postponed temporarily:

**Senate Bill No. 773**

The motion prevailed.

**Senate Bill No. 961, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 252a and 719 (MCL 257.252a and 257.719), section 252a as amended by 1981 PA 104 and section 719 as amended by 1996 PA 136.

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. 625**

**Yeas—35**

Bullard  
Byrum

Gast  
Goschka

Leland  
McCotter

Shugars  
Sikkema

|              |             |           |                 |
|--------------|-------------|-----------|-----------------|
| Cherry       | Gougeon     | McManus   | Smith, A.       |
| DeBeaussaert | Hammerstrom | Murphy    | Smith, V.       |
| DeGrow       | Hart        | North     | Steil           |
| Dingell      | Hoffman     | Peters    | Stille          |
| Dunaskiss    | Jaye        | Rogers    | Van Regenmorter |
| Emerson      | Johnson     | Schuetten | Young           |
| Emmons       | Koivisto    | Schwarz   |                 |

**Nays—0**

**Excused—3**

|         |        |        |
|---------|--------|--------|
| Bennett | Miller | Vaughn |
|---------|--------|--------|

**Not Voting—0**

In The Chair: President

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. 801, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7o (MCL 211.7o), as amended by 1998 PA 536.

Substitute (H-2).

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. 626**

**Yeas—34**

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

**Nays—1**

Jaye

**Excused—3**

|         |        |        |
|---------|--------|--------|
| Bennett | Miller | Vaughn |
|---------|--------|--------|

**Not Voting—0**

In The Chair: President

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. 696, entitled**

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

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

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 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.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator DeBeaussaert as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 5803, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20175 (MCL 333.20175), as amended by 1993 PA 79.

**Senate Bill No. 1364, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 203 (MCL 259.203).

**House Bill No. 5754, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12b, 12c, 12d, 13, 13a, 14, 16, 17, 19, 20a, 20c, 20d, and 20e (MCL 38.1132b, 38.1132c, 38.1132d, 38.1133, 38.1133a, 38.1134, 38.1136, 38.1137, 38.1139, 38.1140a, 38.1140c, 38.1140d, and 38.1140e), sections 12b, 12c, and 12d as added and sections 13, 14, 16, 17, 19, 20a, 20d, and 20e as amended by 1996 PA 485, section 13a as added by 1998 PA 343, and section 20c as amended by 1997 PA 42; and to repeal acts and parts of acts.

The bills were 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. 1249, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1231 and 1236 (MCL 380.1231 and 380.1236), section 1236 as amended by 1995 PA 289, and by adding section 1236a.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1300, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 1982 PA 376.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5063, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 1999 PA 241.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 1324, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 244 (MCL 257.244), as amended by 1992 PA 306.

Substitute (S-1).

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

During the Committee of the Whole, Senator Miller entered the Senate Chamber.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Rogers moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

**Senate Bill No. 1249**

**Senate Bill No. 1324**

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

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

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

**Senate Bill No. 1249, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1231 and 1236 (MCL 380.1231 and 380.1236), section 1236 as amended by 1995 PA 289, and by adding section 1236a.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 3, line 3, after "(2)" by striking out "SUBJECT TO SUBSECTION (3),".
2. Amend page 3, line 14, after "employer." by inserting "THIS SUBSECTION APPLIES TO A SUBSTITUTE TEACHER WHO IS CONTRACTED OR EMPLOYED BY A PERSON OR ENTITY THAT CONTRACTS WITH A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT PURSUANT TO SECTION 1236A."

3. Amend page 3, line 15, after “(3)” by striking out “SUBSECTIONS (1) AND (2) DO” and inserting “SUBSECTION (1) DOES”.

4. Amend page 4, following line 24, by inserting:

“(E) ASSURANCE THAT, IF THE PERSON OR ENTITY KNOWS OR LEARNS THAT AN INDIVIDUAL IT EMPLOYS OR CONTRACTS TO SERVE AS A SUBSTITUTE TEACHER UNDER THIS SECTION HAS BEEN CONVICTED OF A CRIME DESCRIBED IN SECTION 1535A(1), THE PERSON OR ENTITY WILL IMMEDIATELY NOTIFY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN WHICH THE INDIVIDUAL IS PLACED AND THE DEPARTMENT OF THE CONVICTION.”.

The question being on the adoption of the amendments,

Senator V. Smith 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. 627

#### Yeas—15

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Goschka  
Hammerstrom  
Hart

Jaye  
Koivisto  
Miller  
Peters

Rogers  
Smith, A.  
Young

#### Nays—16

Bullard  
Dunaskiss  
Emmons  
Gast

Gougeon  
Hoffman  
Johnson  
McCotter

McManus  
North  
Schwarz  
Shugars

Sikkema  
Steil  
Stille  
Van Regenmorter

#### Excused—2

Bennett

Vaughn

#### Not Voting—5

DeGrow  
Leland

Murphy

Schuetten

Smith, V.

In The Chair: President

Senator Peters offered the following amendment:

1. Amend page 2, following line 21, by inserting:

“Sec. 1233. (1) Except as otherwise provided by law, the board of a school district or intermediate school board of an intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school.

(2) The board of a school district or intermediate school board of an intermediate school district shall not allow an individual to serve in a counseling role in the school district or intermediate school district, as the role is defined by the superintendent of public instruction, unless the individual meets 1 or more of the following and the board or intermediate school board complies with subsection (7):

(a) The individual holds a valid teaching certificate with a school counseling endorsement.

(b) The individual meets all of the following:

(i) Holds a master's degree awarded after completion of an approved school counselor education program that includes at least all of the following skills and content areas or their equivalent:

(A) Guidance service--philosophy, principles, and practices.

(B) Individual and group analysis--nature and range of human characteristics and appraisal methods.

(C) Guidance information--vocational development theory, educational and occupational information.

(D) Counseling theory and practice--individual and group procedures, administration and coordination relationships, professional relationships, and ethics.

(E) Supervised experiences--laboratory, practicum, or internship.

(F) Evaluation--statistics and research methodology, follow-up evaluation, and measurement methods.

(ii) Has successfully completed the department's guidance counselor examination.

(iii) Has been recommended by an approved school counselor education program to provide services as a school counselor.

(c) The individual meets both of the following:

(i) Has at least 5 years of successful experience serving in a school counseling role in another state within the immediately preceding 7-year period.

(ii) Has successfully completed the department's guidance counselor examination.

(3) The intermediate superintendent shall notify the superintendent of public instruction immediately of the names of noncertificated teachers teaching in violation of subsection (1) and the names of individuals serving in counseling roles in violation of subsection (2), the employing district, and the amount of time the noncertificated teachers or unqualified individuals were employed.

(4) A vocational teacher preparation institution shall utilize the employment experience of an annually authorized teacher for the purpose of waiving student teaching as a requirement for vocational certification if the annually authorized teacher is supervised by the teacher preparation institution.

(5) All vocational education teachers certified after June 1, 1995 shall pass a competency test.

(6) ~~THE~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE board of a school district or intermediate school district may employ a person without a teaching certificate as a substitute teacher if the person has at least 90 semester hours of college credit from a college or university. BEGINNING JULY 1, 2001, THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT MAY EMPLOY A PERSON WITHOUT A TEACHING CERTIFICATE AS A SUBSTITUTE TEACHER ONLY IF THE PERSON HOLDS A SUBSTITUTE TEACHER PERMIT ISSUED BY THE DEPARTMENT. THE DEPARTMENT SHALL ISSUE A SUBSTITUTE TEACHER PERMIT ONLY TO A PERSON WHO HAS AT LEAST 90 SEMESTER HOURS OF COLLEGE CREDIT FROM A COLLEGE OR UNIVERSITY AND HAS PASSED A SUBSTITUTE TEACHER TEST DEVELOPED OR SELECTED BY THE DEPARTMENT. NOT LATER THAN MAY 1, 2001, THE DEPARTMENT SHALL DEVELOP APPLICATIONS AND PROCEDURES FOR ISSUANCE OF A SUBSTITUTE TEACHER PERMIT AND SHALL DEVELOP OR SELECT A SUBSTITUTE TEACHER TEST FOR THE PURPOSES OF THIS SUBSECTION.

(7) If the board of a school district or intermediate school board of an intermediate school district chooses to employ an individual who does not hold a valid teaching certificate to serve in a counseling role, as permitted under subsection (2), the school board or intermediate school board shall comply with sections 1230 and 1230a with respect to that individual to the same extent as required for employing a person with a teaching certificate to serve as a teacher.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

#### Roll Call No. 628

**Yeas—12**

Byrum  
Cherry  
DeBeaussiaert

Dingell  
Emerson  
Goschka

Hart  
Koivisto  
Miller

Peters  
Smith, A.  
Young

**Nays—20**

Bullard  
DeGrow

Gougeon  
Hammerstrom

McManus  
North

Shugars  
Sikkema

Dunaskiss  
Emmons  
Gast

Hoffman  
Jaye  
Johnson

Rogers  
Schuette  
Schwarz

Steil  
Stille  
Van Regenmorter

**Excused—2**

Bennett

Vaughn

**Not Voting—4**

Leland

McCotter

Murphy

Smith, V.

In The Chair: President

Senator Rogers offered the following amendment:

1. Amend page 4, following line 24, by inserting:

“(E) ASSURANCE THAT THE PERSON OR ENTITY, BEFORE ASSIGNING AN INDIVIDUAL TO SERVE AS A SUBSTITUTE TEACHER IN THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT, WILL COMPLY WITH SECTIONS 1230 AND 1230A WITH RESPECT TO THAT INDIVIDUAL TO THE SAME EXTENT AS IF THE PERSON OR ENTITY WERE A SCHOOL DISTRICT EMPLOYING THE INDIVIDUAL AS A SUBSTITUTE TEACHER AND WILL PROVIDE THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT WITH THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER SECTION 1230 AND WITH THE RESULTS OF THE CRIMINAL RECORDS CHECK UNDER SECTION 1230A. THE DEPARTMENT OF STATE POLICE SHALL PROVIDE INFORMATION TO A PERSON OR ENTITY REQUESTING INFORMATION UNDER THIS SUBDIVISION TO THE SAME EXTENT AS IF THE PERSON OR ENTITY WERE A SCHOOL DISTRICT MAKING THE REQUEST UNDER SECTION 1230 OR 1230A.”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 629**

**Yeas—22**

Bullard  
DeGrow  
Dunaskiss  
Emmons  
Gast  
Goschka

Gougeon  
Hammerstrom  
Hoffman  
Jaye  
Johnson  
McCotter

McManus  
North  
Rogers  
Schuette  
Schwarz

Shugars  
Sikkema  
Steil  
Stille  
Van Regenmorter

**Nays—14**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Koivisto  
Leland

Miller  
Murphy  
Peters

Smith, A.  
Smith, V.  
Young

**Excused—2**

Bennett

Vaughn

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1324, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 244 (MCL 257.244), as amended by 1992 PA 306.

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. 630****Yeas—36**

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

**Nays—0****Excused—2**

Bennett

Vaughn

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 213****Senate Resolution No. 214**

The resolution consent calendar was adopted.

Senators Johnson, McManus, Rogers, Hammerstrom, Dunaskiss, Gast, Emmons, McCotter, Sikkema, Schuetten, Gougeon, North, Steil, Van Regenmorter and Shugars offered the following resolution:

**Senate Resolution No. 213.**

A resolution to designate October 4, 2000, as Jeff Daniels Day in the state of Michigan.

Whereas, Jeff Daniels was raised in the state of Michigan and has significantly contributed to the promotion of the arts in Michigan; and

Whereas, Daniels attended Central Michigan University, majoring in English and minoring in theatre. After winning the lead role in Tennessee Williams' *Summer and Smoke* and Lanford Wilson's *The Hot L Baltimore*, Daniels was invited to join the Circle Repertory Company in New York; and

Whereas, He moved to New York in the fall of 1976, where he starred in numerous plays including *The Farm and Gemini*. In 1983, Daniels won the Obie Award for *Johnny Got His Gun*; and

Whereas, Jeff made his feature film debut in Milos Foreman's *Ragtime*. His first popular success came with his next project *Terms of Endearment*, and next came two leading roles, one of which was in Woody Allen's *The Purple Rose of Cairo*. Working with Woody Allen was a turning point in Daniels' career, and so much so, he named his theatre company after the film; and

Whereas, In 1991, Daniels established the Purple Rose Theatre Company, a nonprofit professional theatre featuring Midwestern actors, directors, playwrights, and designers, located in Chelsea, Michigan; and

Whereas, Over the past nine years, the Purple Rose Theatre has gained a national reputation as a home for new American plays and recently shared the American Critic Association's 1998 Best New American Play with Lanford Wilson for his play *Book of Days*; and

Whereas, Jeff Daniels has written several plays for the Purple Rose Theatre, including his first play *Shoe Man* which won the Detroit News 1990-91 Best New Play Award. Among other plays, Daniels has written: *The Tropical Pickle* (1992), *The Vast Difference* (1993), *The Kingdom's Coming* (1994), *Apartment 3A* (1996), *Boom Town* (1998), and the soon-to-be released *Across the Way* (2000); and

Whereas, Jeff has recently formed a Michigan-based film production company as an outlet for his desire to act, write, and direct his own films. An independent film of his screenplay *Escanaba in da Moonlight* was recently shot on location in Michigan. This most popular play, now film, is a wild comedy set in an Upper Peninsula deer camp; and

Whereas, Jeff Daniels has been a professional stage and film actor for 22 years and has committed his skills and talents to promoting the arts in Michigan; now, therefore, be it

Resolved by the Senate, That we hereby commemorate October 4, 2000, as Jeff Daniels Day in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Jeff Daniels in appreciation for the contributions he has made to the arts.

Senators Schwarz, A. Smith, Dingell, Schuette, Gast, North, Gougeon, Dunaskiss, Hammerstrom, Byrum, Young, McManus, McCotter and Jaye offered the following resolution:

**Senate Resolution No. 214.**

A resolution to honor the University of Michigan Medical School on the celebration of its Sesquicentennial Anniversary.

Whereas, The University of Michigan Medical School celebrates its Sesquicentennial Anniversary this year; and

Whereas, The University of Michigan Medical School matriculated its first class in 1850. In 1869, it established the first university-owned teaching hospital which served as a model for academic medical centers across the nation. The Medical School was also one of the first to admit women and minorities in the 1870s; and

Whereas, The development of a medical curriculum grounded in science was pioneered by the University of Michigan Medical School. Their clinical teaching program became a model for U.S. medical schools; and

Whereas, As the first professional school at the University of Michigan, the Medical School has awarded over 18,000 M.D. degrees in the past 150 years and has also educated thousands of medical residents and biomedical researchers; and

Whereas, The Medical School is recognized for its state-of-the-art research, innovative medical education, and pioneering clinical care; and

Whereas, Thanks to its overall excellence, the University of Michigan Medical School ranks among the top ten of all medical schools in terms of National Institutes of Health funding; and

Whereas, At the start of the new millennium, the University of Michigan Medical School continues to serve the needs of the residents of Michigan through cooperative initiatives such as the Life Sciences Commission; now, therefore, be it

Resolved by the Senate, That the University of Michigan Medical School be commended on the very special occasion of its Sesquicentennial Anniversary and in recognition of its many achievements over the past 150 years; and be it further

Resolved, That a copy of this resolution be transmitted to the University of Michigan Medical School in commemoration of its sesquicentennial celebration.

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

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

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Byrum, Miller, Stille, McCotter and Johnson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Byrum's statement is as follows:

I rise today to express my extreme disappointment in the low enrollment numbers for this state's children's health insurance program, MICHild. Although we created this program over two years ago and although there were 156,000 children who were expected to be eligible for the program at that time, as of August 1, 2000, there were only 13,209 children enrolled in the program. This number is disappointingly low. As a result of this very low number, Michigan just returned \$41 million to the federal government—money that the federal government had given us to insure our children. Yet because we failed to do an adequate job, we had to return the money. This money will now be divided among the states that did a good job at enrolling their uninsured children.

It is time that we demand a successful program. We know that we still have approximately 100,000 children in this state who do not have health insurance. We should make enrolling these children in the MICHild program a top priority. It is absurd that the private enrollment broker for the MICHild program receives almost \$3 million each year and yet is not held accountable for its results. Because of this low enrollment number this, private enrollment broker is receiving approximately \$220.00 for every child it enrolls.

There are many more efficient ways to spend this \$2.9 million, and it is my hope that we begin to pursue them. As lawmakers it's time that we demand improved success with the MICHild program. We should not return one more penny to the federal government and instead should be spending all of the money given to us to provide health care for uninsured children.

Senator Miller stated that had he been present when the vote was taken on concurring in the House substitutes to the following bills, he would have voted "yea":

**Senate Bill No. 1273**

**Senate Bill No. 961**

**Senate Bill No. 801**

Senator Miller stated that had he been present when the vote was taken on the adoption of the conference report to the following bill, he would have voted "yea":

**Senate Bill No. 694**

Senator Miller's statement is as follows:

The reason I missed those votes, my floor leader mentioned how I had to be—didn't have to be, I wanted to be—at a funeral for a very good friend of mine. I wish the members of this body would have had the opportunity to meet Ray Blake. He was a young man who was 52 years old. He was a man who grew up in northern Macomb County on a farm. I had a chance to meet this young man back in the '60s when we were both young people.

Ray Blake was a great man. He was a young man who happened to come down with cancer after the first of the year. Many people in southeast Michigan drink Blake's cider and eat his apples. He was a determined man, Governor. He traveled from hospital to hospital, determined to find a cure to this terrible, terrible disease.

He was a man who not only grew up on a farm in a small town of Armada in northern Macomb County, but he was a man who grew up with 11 brothers and sisters, and his father and his mother farmed this farm. You know yourself being a farmer that things get awful tough during farming, and his father contemplated selling that farm. Ray Blake went on from graduating from Armada High School to Michigan State University to earn a degree in business and horticulture. He came back to that family farm, and Governor, he saved that family farm. He brought his brothers together, and they formed a partnership. Through his education at Michigan State, he learned new farming techniques. He had vision. He took that orchard that was almost sold for firewood and turned it into one of the best orchards in the state of Michigan. He served for the Governor on the Apple Commission.

He was a young man who had vision. He and his brothers, who were his co-partners, worked to turn that farm around. He had values, Governor. He had values for not only all the hundreds of people who worked for him, but he had values for his wife, Jan, and for his two sons and his daughter, who happened to all have graduated like him not only from Armada High School, but they have green and white and all went to earn degrees from Michigan State.

I missed those votes, and I'd miss them every day because Ray Blake is the kind of guy who you hear about in the textbooks and read about in the storybooks who grew up in rural America, rural Michigan, and went on to change the values for his family and all the friends he had. I think everybody this morning, Mr. President, was at that funeral. The town of Armada was very, very solace for the loss of Ray Blake.

Michigan's going to lose him. His family, certainly, has already expressed a loss for him, and I'm going to lose him as a great, great friend—a man who was quiet, but he had leadership and he had vision that could see off into the future. He not only grew apples, but he grew the best sweet corn, the biggest pumpkins, and the best strawberries in Macomb County. I want to say I'd miss these votes every day if I had a chance to say my final good-bye to a man who I thought was just a tremendous person. We're going to miss him, and everybody in Michigan is going to miss him, especially his family. God bless Ray Blake.

Senator Stille's statement is as follows:

I will be absent tomorrow for much the same reason as Senator Miller spoke about his absence earlier. I will be attending a service for a young man who left quite a mark on the state of Michigan. He, too, was 52 years old. Pete Schmidt was the head coach of Okemos High School for some eight years, went on to Albion College, and brought back to the state of Michigan one of the only national championships brought back to Michigan by any college or college coach here in the state when his team won the national champion for Division 3 back in 1994.

Pete went on to be an assistant head coach at the University of Indiana, and he succumbed last Friday to Hodgkins disease lymphoma. He came down with the disease last October and had a valiant struggle for almost a year and passed away last Friday. He is the father of my daughter-in-law, he has become a very close friend and needless to say, this was a rather emotional weekend.

Pete will leave his mark on many families across Michigan as he touched the life of many, many athletes at Okemos, at Albion College, and at the University of Indiana. Without a doubt, he would have been a head coach for a major college here in the state of Michigan had he not been attacked by this vicious disease.

He leaves behind magnificent family, Becky his wife of some 30 years, daughter Amy, daughter Sarah, son Peter, and two sons-in-law Randy and Rob. I am extremely proud to be part of that family and will be extremely proud to honor him tomorrow as much of the Michigan athletic family, as well as those who were touched by his contacts through the years will honor him tomorrow in Albion.

Senator McCotter's statement is as follows:

I just wanted to extend my personal condolences to the people of Canada. As many of us know, the 15th prime minister in the history of Canada recently died, Pierre Elliot Trudeau, at the age of 80 this weekend.

It just seems to me that at a time when so many people in public life tend to be accused of being shallow, ungentle, and self-serving, a person of Pierre Elliot Trudeau's stature is a lesson and a point of pride not just to the people of Canada, but to all of us who engage in public service. He will be missed, and I doubt he will ever be replaced.

Senator Johnson's statement is as follows:

I, too, would rise to address the issue of the loss of federal dollars with respect to MICHild. I'm an individual legislator from the House who took part in very lengthy negotiations attempting to put together a program that we believed sincerely would be attractive to every parent at a low income to provide health care for their children. At \$5.00 a month it seemed, to me, to be a pretty fantastic insurance policy.

But one of the things I think all of us have to recognize as we deal with these issues under this dome is that life does not always offer that \$5.00 opportunity. It was believed by those of us who participated in that effort that by allowing there to be a small co-pay, it would be more attractive. I had many years ago spent some time on Oakland County's Community Development Advisory Board—as matter of fact, I chaired it for many years. I was brought in and asked to chair that because at that time the community board did not have any provisions for low-income people; they wanted to spend those federal dollars on soil surveys. We were at a peak where we were about to lose all those federal dollars, so we decided that people were not applying for them because a) they didn't know about them, and b) they didn't want government to take the title from their home and hold it until the deal was over. So we offered a small co-pay, and we were amazed at the amount of people who flocked to it.

We believed at that time, when we dealt with MICHild, by having a small, a very low co-pay and the option when you applied to indicate that you couldn't afford it would open the gates and we would just swell—the program. That didn't happen. Why it didn't happen, I think, as I started to say earlier that as we deal with things under the dome, we tend to forget what life is really like when one is trying to stretch that almighty dollar from paycheck to paycheck and sometimes not even a paycheck, but from dollar to dollar. And often what gets left behind are the children's health care. It's unfortunate, but it is not a slap on our faces. We did everything we could to provide this program for those kids. We just have to do better next time around.

Pursuant to rule 3.506, Senator Rogers submitted his statement in writing.

Senator Rogers' statement is as follows:

I am introducing this resolution, along with Senator Hoffman, to recognize October as Children's Internet Safety Month. We are all aware, especially as our children have begun a new school year, the Internet is one of the most effective tools in education and research. It can also be a dangerous means for predators to contact our children, and we need to be vigilant in promoting Internet safety awareness.

A great deal of legislation that I have sponsored in the past two years has dealt with Internet safety. As a result, we now have laws in Michigan prohibiting use of the Internet to contact minors for criminal sexual conduct and stalking, and as of October 1, 2000, Michigan libraries are required to prevent minors from accessing pornography on-line.

Instant global communication is a challenge for parents, schools, and government. The amount of material out there is staggering, and much of it can be harmful to children. Senator Hoffman and I are introducing this resolution to support and commend groups like Freedom ISP that are working to protect children on-line by developing advanced filtering systems. These systems give parents the means to protect their children from pornography and predators on-line.

I appreciate my colleagues joining with me to recognize October as Children's Internet Safety Month.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators Hart and Emerson introduced

#### **Senate Bill No. 1411, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 67 and 68 of chapter X (MCL 710.67 and 710.68), as amended by 1994 PA 373.

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

Senators Emmons and Johnson introduced

#### **Senate Bill No. 1412, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 791.201 to 791.283) by adding section 69b.

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

Senators Jaye, Stille and North introduced

#### **Senate Bill No. 1413, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40113b.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Peters introduced

#### **Senate Bill No. 1414, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 267.

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

Senator Johnson introduced

**Senate Bill No. 1415, entitled**

A bill to amend 1947 PA 179, entitled "An act to provide for the incorporation of certain municipal authorities for the collection or disposal, or both, of garbage or rubbish, or both, and for the operation of a dog pound; and to prescribe the powers, rights and duties thereof," (MCL 123.301 to 123.310) by adding section 11.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

**House Bill No. 4378, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 1995 PA 289.

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 Education.

**House Bill No. 5778, entitled**

A bill to amend 1991 PA 190, entitled "An act to provide for the direct deposit of state employee payrolls, state university payments, and state retirement benefit payments into financial institutions; to allow any financial institution to participate in a state employee payroll deduction program; and to prescribe the powers and duties of certain state agencies and officials," by amending sections 2, 3, and 5 (MCL 487.2102, 487.2103, and 487.2105), section 5 as added by 1993 PA 100.

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 Banking and Financial Institutions.

### **Committee Reports**

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**Senate Bill No. 1378, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 203 (MCL 339.203), as amended by 1988 PA 463.

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 Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Steil, Leland and Peters

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 1317, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom

Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 1346, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710g (MCL 257.710g), as added by 2000 PA 282.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 1371, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217e.

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

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

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

(a) Senate Bill No. 1373.

(b) House Bill No. 4456."

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 1373, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81c.

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

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

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

(a) Senate Bill No. 1371.

(b) House Bill No. 4456."

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 4456, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 115p.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 5919, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5306, 5313, 5314, 5417, and 5418 (MCL 700.5306, 700.5313, 700.5314, 700.5417, and 700.5418), sections 5313 and 5314 as amended by 2000 PA 54.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 5921, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5314 (MCL 700.5314), as amended by 2000 PA 54.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

**House Bill No. 5548, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as added by 1993 PA 133.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Hart

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, September 27, 2000, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senators Johnson and Vaughn

The Committee on Appropriations reported

**House Bill No. 4335, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 411 (MCL 32.811), as amended by 1996 PA 497.

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.

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Murphy, DeBeaussiaert and Emerson

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 267, entitled**

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 3 (MCL 38.1603), as amended by 1995 PA 192, and by adding section 40b.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Murphy, DeBeaussiaert and Emerson

Nays: None

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

The Committee on Appropriations reported

**Senate Bill No. 641, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 1998 PA 85.

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.

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, North, Gougeon, Stille, Goschka, A. Smith, Koivisto, Young, Murphy, DeBeaussiaert and Emerson

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 116, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2567b.

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

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 764, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 9 and 151 (MCL 259.9 and 259.151), as amended by 1996 PA 370.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 765, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 1, 4, and 20 (MCL 125.581, 125.584, and 125.600), section 1 as amended by 1995 PA 36 and section 20 as added by 1996 PA 571.

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

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 1292, entitled**

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

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 1337, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Jackson county in exchange for certain other parcels in Jackson county; to prescribe certain conditions for that exchange; and to provide for certain powers and duties of the department of management and budget, the department of corrections, and the attorney general in regard to that exchange.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 1343, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 1365, entitled**

A bill to authorize the department of management and budget to convey certain state owned property in the county of Jackson in exchange for certain other property in the county of Jackson.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 5321, entitled**

A bill to amend 1959 PA 203, entitled "Emergency interim local succession act," by amending sections 4 and 5 (MCL 31.104 and 31.105); and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 5677, entitled**

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

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 5296, entitled**

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending section 4a (MCL 41.724a), as amended by 1986 PA 180.

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

1. Amend page 2, line 13, after "hearing" by striking out the balance of the line through "AVAILABLE" on line 15 and inserting "IF A PUBLISHED NOTICE INCLUDES A LIST OF THE PROPERTY IDENTIFICATION NUMBERS OF THE PROPERTY TO BE ASSESSED, THAT LIST MAY PROVIDE EITHER THE INDIVIDUAL PROPERTY IDENTIFICATION NUMBER FOR EACH PARCEL OF PROPERTY TO BE ASSESSED OR 1 OR MORE

SEQUENTIAL SETS OF PROPERTY IDENTIFICATION NUMBERS, WHICH INCLUDE EACH PARCEL OF PROPERTY TO BE ASSESSED. IF A PUBLISHED NOTICE INCLUDES A LIST OF THE PROPERTY IDENTIFICATION NUMBERS OF THE PROPERTY TO BE ASSESSED, THAT PUBLISHED NOTICE SHALL ALSO INCLUDE EITHER A MAP DEPICTING THE AREA OF THE PROPOSED SPECIAL ASSESSMENT DISTRICT OR A WRITTEN DESCRIPTION OF THE PROPOSED SPECIAL ASSESSMENT DISTRICT”.

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

Thaddeus G. McCotter  
Chairperson

To Report Out:

Yeas: Senators McCotter, Shugars, Miller and Murphy

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Meeting held on Wednesday, September 27, 2000, at 3:00 p.m., Room 405, Capitol Building

Present: Senators McCotter (C), Shugars, Miller and Murphy

Excused: Senator Van Regenmorter

The Committee on Government Operations reported

**Senate Concurrent Resolution No. 43.**

A concurrent resolution to memorialize the President and the Congress of the United States to support the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

(For text of resolution, see Senate Journal No. 61, p. 1634.)

With the recommendation that the concurrent resolution be adopted.

Thaddeus G. McCotter  
Chairperson

To Report Out:

Yeas: Senators McCotter, Sikkema and Miller

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

**Senate Bill No. 1093, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing sections 171, 172, 173, and 173a (MCL 750.171, 750.172, 750.173, and 750.173a).

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

To Report Out:

Yeas: Senators McCotter, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**Senate Bill No. 1094, entitled**

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

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**Senate Bill No. 1144, entitled**

A bill to amend 1925 PA 12, entitled "An act to provide for the laying out and establishing of additional trunk line mileage; to make all roads that have been improved as federal aid projects, and all roads that have been, or that may hereafter be, approved for federal aid, trunk line highways; to provide for the widening, altering or straightening of trunk line highways; to provide for the abandonment, alteration or change of any portion of the trunk line highway; and to repeal all acts and parts of acts inconsistent herewith," by repealing section 2 (MCL 250.112).

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**Senate Bill No. 1152, entitled**

A bill to repeal 1927 PA 98, entitled "An act authorizing the state highway commissioner of the state of Michigan to enter into an agreement with the Wisconsin state highway commission to construct an interstate bridge project extending from approximately the intersection of Ogden avenue and Chandler street in the city of Menominee, Michigan, in a straight line terminating at the approximate center of Dunlap square in the city of Marinette, Wisconsin, and to provide for the cost and expense thereof," (MCL 254.121 to 254.123).

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**Senate Bill No. 1153, entitled**

A bill to repeal 1955 PA 191, entitled "An act authorizing the state highway commissioner of Michigan to enter into negotiations with the Wisconsin state highway commissioner in the preparation of plans, specifications and designs of an interstate bridge extending from First street in Menominee across the Menominee river to Ogden street in Marinette, Wisconsin, and to provide for the cost and expense of such plans, specifications and designs," (MCL 254.131).

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**Senate Bill No. 1348, entitled**

A bill to create the office of state poet laureate in the executive branch; to provide for the appointment and term of certain state officers; and to impose duties and responsibilities on certain state officers.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter  
Chairperson

## To Report Out:

Yeas: Senators McCotter, Sikkema and Miller

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Thursday, September 28, 2000, at 1:38 p.m., Room 405, Capitol Building

Present: Senators McCotter(C), Sikkema and Miller

Excused: Senators Hammerstrom and V. Smith

The Committee on Judiciary reported

**Senate Bill No. 1372, entitled**

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

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

William Van Regenmorter  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 1374, entitled**

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

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

William Van Regenmorter  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 1180, entitled**

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 3, 5, 6, 8, 11, 13a, 14, 15, 16, 18a, 19, 21, 31, 32, 35, 36, 38, 39, 41, 41a, 42, 43, 44, 46, 46a, 48, 61, 63, 65, 66, 68, 71, 74, 75, 76, 78, and 78a (MCL 780.752, 780.753, 780.755, 780.756, 780.758, 780.761, 780.763a, 780.764, 780.765, 780.766, 780.768a, 780.769, 780.771, 780.781, 780.782, 780.785, 780.786, 780.788, 780.789, 780.791, 780.791a, 780.792, 780.793, 780.794, 780.796, 780.796a, 780.798, 780.811, 780.813, 780.815, 780.816, 780.818, 780.821, 780.824, 780.825, 780.826, 780.828, and 780.828a), sections 2, 6, 13a, 31, 36, 41a, and 48 as amended by 1998 PA 523, sections 3, 5, 18a, 32, 35, 41, 43, 46, 63, 66, and 78 as amended and section 46a as added by 1993 PA 341, sections 16 and 76 as amended by 1998 PA 232, sections 19 and 78a as amended by 1996 PA 105, sections 38, 39, and 42 as added by 1988 PA 22, section 44 as amended by 1996 PA 562, section 61 as amended by 1996 PA 82, and sections 65, 68, 71, 74, and 75 as added by 1988 PA 21, and by adding sections 16a, 36b, 44a, and 76a.

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

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

William Van Regenmorter  
Chairperson

## To Report Out:

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

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, September 27, 2000, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

## COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Governing Board submits the following:

Meeting held on Wednesday, September 27, 2000, at 3:00 p.m., Room 324, Capitol Building

Present: Senators Gast (C), Schwarz, DeGrow, Cherry and A. Smith

**Scheduled Meetings****Appropriations -****Subcommittee -**

**Capital Outlay** - Wednesday, October 4, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Education** - Wednesday, October 4, 3:00 p.m., Room 110, Farnum Building (373-7350)

**Families, Mental Health and Human Services** - Wednesday, October 4, 3:00 p.m., Room 100, Farnum Building (373-3543)

**Farming, Agribusiness and Food Systems** - Thursday, October 5, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-1725) (CANCELED)

**Hunting, Fishing and Forestry** - Thursday, October 5, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 12:20 p.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, October 4, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

