

No. 16
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 1, 2001.

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 present.

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

Gougeon—present
Hammerstrom—present
Hart—excused
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—excused
Miller—present
Murphy—present

North—present
Peters—present
Schuette—present
Schwarz—excused
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Thaddeus G. McCotter of the 9th District offered the following invocation:
(Silent prayer) Amen.

Motions and Communications

Senator Hammerstrom moved that Senator DeGrow be temporarily excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that Senators Bullard and McManus be excused from today's session.
The motion prevailed.

Senator Emerson moved that Senator Young be temporarily excused from today's session.
The motion prevailed.

Senator Emerson moved that Senators Hart and Vaughn be excused from today's session.
The motion prevailed.

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

The Secretary announced that pursuant to rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from October 1, 2000, through December 31, 2000, and are available in the Secretary's office during business hours for public inspection:

Committee

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

Chairperson

Senator Harry Gast
Senator Glenn Steil
Senator Bill Schuette

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

Senator Phil Hoffman
Senator William Van Regenmorter
Senator Thaddeus McCotter
Senator Ken Sikkema
Senator Bill Schuette
Senator Mat Dunaskiss
Senator Bill Bullard
Senator Leon Stille

Senator Leon Stille

The Secretary announced the printing and placement in the members' files on Wednesday, February 28, of:
Senate Bill Nos. 258 259 260 261

Messages from the Governor

The following messages from the Governor were received and read:

February 28, 2001

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

Board of Architects

Mr. Donald R. Birgel, Scottish Hill Club Condominium, 5134 Plude Road, Gladwin, Michigan 48624, county of Gladwin, as a member representing the general public, succeeding himself, for a term expiring on March 31, 2005.

Ms. Kathleen H. Reehil, 775 Hickory Heights Drive, Bloomfield Hills, Michigan 48304, county of Oakland, as a member representing architects, succeeding herself, for a term expiring on March 31, 2005.

Ms. Lori Ellen Beyer, 2230 Rivenoak Court, Ann Arbor, Michigan 48103, county of Washtenaw, as a member representing the Board of Land Surveyors, succeeding herself, for a term expiring on March 31, 2005.

Mr. Larry Lee Rizor, 2407 Gethings Road, Battle Creek, Michigan 49015, county of Calhoun, as a member representing architects, succeeding Mr. James W. Bauer of Battle Creek, whose term has expired, for a term expiring on March 31, 2005.

February 28, 2001

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

Barrier Free Design Board

Mr. Eric J. Colthurst, 16345 Whitehaven, Northville, Michigan 48167, county of Wayne, as a member representing wheelchair users, succeeding himself, for a term expiring on October 31, 2003.

Ms. Mary Kathryn DeCuir, 22834 Newport Street, Southfield, Michigan 48075, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on October 31, 2003.

Mr. George A. Kiiskila, Jr., 25518 Oneco Road, Calumet, Michigan 49913, county of Houghton, as a member representing professional engineers, succeeding Mr. Paul A. Maxwell of Ann Arbor, whose term has expired, for a term expiring on October 31, 2003.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Johnson, Hammerstrom, Schuette, Goschka, Bullard, Steil, Shugars, Bennett, Gougeon, Stille, Dunaskiss and Jaye offered the following resolution:

Senate Resolution No. 23.

A resolution to ask the governor to create a task force to study the issue of regulating laboratories and personnel that handle DNA evidence.

Whereas, In a short period of time, DNA evidence has become a significant element of many court cases. In Michigan and across the country, DNA evidence has proven to be the deciding factor in determining innocence or guilt. DNA materials are also used for health-related purposes and to establish paternity; and

Whereas, Because of demand for this information, the gathering, processing, handling, and tabulating of DNA materials in court cases and other situations has become an area of great activity. There is often considerable pressure placed on the few laboratories that process DNA materials; and

Whereas, Processing and handling DNA materials requires considerable expertise and unique equipment. Most DNA lab casework is carried out by large police departments and state facilities. There are, however, some private labs doing this work. DNA work that is used for paternity or health-related purposes is more often performed by private laboratories; and

Whereas, As this field emerges and becomes a more important tool in police work and other areas, it may be that state regulation and licensing in this field will be appropriate. It is essential that there be a thorough examination of existing standards and national resources and Michigan's experiences and statutes related to DNA processing, as well as estimates of what the impacts of licensing and regulation would be; now, therefore, be it

Resolved by the Senate, That we ask the governor to create a task force to study the issue of regulating laboratories and personnel that handle DNA evidence. We urge that the task force include members from the executive office, legislators, law professors, physicians, prosecutors, defense attorneys, the Michigan State Police, and experts in DNA; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Young was named co-sponsor of the resolution.

House Concurrent Resolution No. 7.

A concurrent resolution to urge the Centers for Disease Control and Prevention and the Food and Drug Administration to take all reasonable steps to ensure that the delays in the availability of influenza vaccine for the 2000-2001 flu season do not occur in future years.

Whereas, An important component of the nation's effort to preserve the public's health is the development and distribution each year of a vaccine against strains of influenza expected during the winter flu season. This vaccine-development process is especially important for certain population groups, including the elderly, those afflicted with chronic illnesses, and those with compromised immune systems. Immunization prevents a large number of deaths and costly illnesses each year; and

Whereas, There was a significant delay in the availability of influenza vaccine this past year. According to the Centers for Disease Control and Prevention (CDC), this change in availability was due to problems with components of the vaccine and problems in manufacturing. As a result, the supply of the vaccine remained far short of the usual demand into December 2000. While there is currently ample supply of the influenza vaccine, the initial delay represented a potential threat to the health of many citizens; and

Whereas, Since the consequences of inadequate supplies of the influenza vaccine could be far-reaching in costs to our state and nation, it is essential that the CDC and the Food and Drug Administration review the events of the 2000-2001 flu season to avoid similar problems in future years; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Centers for Disease Control and Prevention and the Food and Drug Administration to take all reasonable steps to ensure that the delays in the availability of influenza vaccine for the 2000-2001 flu season do not occur in future years; and be it further

Resolved, That copies of this resolution be transmitted to the Centers for Disease Control and Prevention and the Food and Drug Administration.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

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

Introduction and Referral of Bills

Senators Hart, Smith, Young, Miller, Murphy, Leland and Emerson introduced

Senate Bill No. 270, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d, 710e, and 907 (MCL 257.710d, 257.710e, and 257.907), sections 710d and 710e as amended by 1999 PA 29 and section 907 as amended by 1998 PA 103.

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

Senator Van Regenmorter introduced

Senate Bill No. 271, entitled

A bill to require studies of the environmental impact of salt and certain replacements, including alternative techniques, for salt; and to create a temporary commission and prescribe its powers and duties.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:08 a.m.

10:12 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Hoffman.

During the recess, Senators Young and DeGrow entered the Senate Chamber.

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

The following bill was read a third time:

Senate Bill No. 196, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 625a (MCL 257.625a), as amended by 1998 PA 351.

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. 18

Yeas—29

Bennett	Goschka	Leland	Shugars
Byrum	Gougeon	McCotter	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hoffman	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Dunaskiss	Koivisto	Schuetz	Young
Emerson			

Nays—0

Excused—7

Bullard	Gast	McManus	Vaughn
Emmons	Hart	Schwarz	

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator DeGrow’s statement is as follows:

You raise them in the Senate; you work with them; you train them; and then they leave you. Once again today, we have someone who is leaving the Senate—Peter Ruddell—who has not only worked in my office, but also Senator Emmons. I am sure she would have a lot of stories to tell also about how one of her prodigies is leaving for the real world.

Peter has been working in my office for some time now, and we are going to miss him. He is going into the private sector, and he will be in a position where soon he will be calling on all of you. So you will get to see Peter in the future.

We have a tribute for him, and I want to thank him for the work he has done for us. He has done a great job. We are very proud of him. He will be graduating from law school very shortly. He will be out in the private sector and around you in the Capitol, so he will be working with you still.

We have a cake, of course, out front for anybody who is hungry. But on behalf of all those he has worked for, which will be myself, Senator Emmons, and a short stint in the House for Representative Richardville, I want to thank him for his work in the Senate and wish him well in the real world. Peter, thank you and good luck.

Senator Shugars' statement is as follows:

Can you imagine being a gymnast for a major university, being in Seattle, Washington, at the Space Needle, and all of a sudden having an earthquake? I cannot imagine being in that situation, and I just want to thank God that nothing happened to our gymnasts from Western Michigan University who were in Seattle, Washington, during the earthquake at the Space Needle.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Gougeon, Johnson, Hammerstrom and Stille introduced

Senate Bill No. 272, entitled

A bill to amend 2000 PA 296, entitled "An act to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; to provide for disposition of fees and other income received by the various state agencies; and to repeal acts and parts of acts," by adding section 418.

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

Committee Reports

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 90, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. With the recommendation that the bill be referred to the Committee on Finance.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon, Byrum and Hart

Nays: None

The bill was referred to the Committee on Finance.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, February 28, 2001, at 1:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 22, 2001, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Hoffman (C), North and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Tuesday, February 27, 2001, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schwarz (C), Johnson and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on the Career Development Strategic Fund Agency submits the following:

Meeting held on Tuesday, February 27, 2001, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stille and Dingell

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Meeting held on Wednesday, February 28, 2001, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Hoffman (C), Goschka and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Wednesday, February 28, 2001, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senator McManus (C)
Excused: Senators Gast and Koivisto

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, February 28, 2001, at 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower
Present: Senators Bennett (C), Johnson, Stille, Peters and Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submits the following:

Meeting held on Wednesday, February 28, 2001, at 3:00 p.m., Room 210, Farnum Building
Present: Senators North (C), Goschka and Dingell

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 28, 2001, at 3:00 p.m., Room 100, Farnum Building
Present: Senators Hammerstrom (C), Gougeon, Goschka and Emerson
Excused: Senators Johnson and Hart

Scheduled Meetings

Appropriations - Wednesday, March 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay, Joint - Thursday, March 8, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Career Development Strategic Fund Agency - Tuesdays, March 6 (CANCELED) and March 13, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Consumer and Industry Services - Thursday, March 8, 1:00 p.m., Room 110, Farnum Building (373-7350)

Family Independence Agency - Tuesday, March 6, 1:30 p.m., Room 210, Farnum Building (373-1760)

General Government - Tuesdays, March 6 and March 13, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, March 7 and March 14, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

State Police and Military Affairs - Thursday, March 8, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2426)

Transportation - Wednesdays, March 7 and March 14, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Legislative Council - Tuesday, March 6, 12:00 noon, Rooms 402 and 403, Capitol Building (373-7708)

Natural Resources and Environmental Affairs - Tuesday, March 6, 1:00 p.m., 8th Floor Conference Room, Farnum Building (373-0797)

Technology and Energy Committee - Wednesday, March 7, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:19 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, March 6, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.