

No. 14
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, February 27, 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 not present.

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—excused
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
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Dave Jaye of the 12th District offered the following invocation:

Lord, on this final day of excess before the Lenten season, we pray that You grant us the will to restrict our extravagant ways in our personal lives, our professional lives, and in our formation of our budget. We have a lot of sacrifices that many Michigan families are going to be struggling with due to all the layoffs that have been announced by Federal-Mogul, DaimlerChrysler, GM, and Ford. Many of our communities, our neighbors, and our families are going to be facing some strong, trying times, and let us recognize them as we are working on behalf of the citizens and taxpayers of the state of Michigan. Amen.

Recess

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

10:23 a.m.

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

During the recess, Senators Murphy, Miller, Schuette, Hoffman, Bullard, McCotter, Sikkema, Shugars, DeGrow, Van Regenmorter, Bennett, Johnson, Hammerstrom, Stille, McManus, Steil, Gougeon, North and Dunaskiss entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Emmons moved that Senator Gast be excused from this week's sessions.
The motion prevailed.

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

The following communication was received:
Office of the Auditor General

February 23, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Montcalm Community College, February 2001.

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

The communication was referred to the Secretary for record.

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 July 1, 2000, through September 30, 2000, and are available in the Secretary's office during business hours for public inspection:

Committee

Appropriations
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

Chairperson

Senator Harry Gast
Senator Bill Schuette

Senator Loren Bennett
Senator Beverly Hammerstrom
Senator George McManus
Senator Joanne Emmons
Senator Bill Bullard
Senator Glenn Steil
Senator Thaddeus McCotter

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
 Appropriations Subcommittee on Transportation

Senator Dale Shugars
 Senator Mat Dunaskiss

 Senator Dave Jaye
 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
 Senator Phil Hoffman

The Secretary announced the printing and placement in the members' files on Thursday, February 22, of:

Senate Bill Nos.	221	222	223	224	225	226	227	228	229					
House Bill Nos.	4281	4282	4283	4284	4285	4286	4287	4288	4289	4290	4291	4292	4293	4294
	4295	4296	4297	4298	4299	4300	4301	4302	4303	4304	4305	4306	4307	4308
	4309	4310	4311	4312	4313	4314								

The Secretary announced the printing and placement in the members' files on Friday, February 23, of:

Senate Bill Nos.	230	231	232	233	234	235	236	237	238	239	240	241	242	243
	244	245	246	247	248	249	250	251	252	253	254	255	256	257
House Bill Nos.	4315	4316	4317	4318	4319	4320	4321	4322	4323	4324	4325	4326	4327	4328
	4329	4330	4331	4332	4333	4334	4335	4336	4337	4338	4339			
House Joint Resolutions	I		J											

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Hoffman admittance to the Senate floor, including the center aisle.

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

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

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

The motion prevailed, the time being 10:25 a.m.

10:42 a.m.

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

During the recess, Senator Hoffman introduced to the Senate the Black History Tour Group of Jackson High School and Director Shirley Pitts.

Mrs. Pitts responded briefly.

The Black History Tour Group performed musical selections.

Senator Emmons moved that the rules be suspended and that the following bill, now on Committee Reports, be placed at the head of the General Orders calendar for consideration today:

Senate Bill No. 115

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

The President, Lieutenant Governor Posthumus, resumed the Chair.

Messages from the Governor

The following messages from the Governor were received and read:

February 22, 2001

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

Domestic Violence Prevention and Treatment Board

Mr. James A. Fink, 206 S. Washington Street, Ypsilanti, Michigan 48197, county of Washtenaw, as a member and Chair, succeeding himself, for a term expiring on September 30, 2003.

Ms. Ferne A. Farber, 2713 Hammond Trail, Grayling, Michigan 49738, county of Crawford, as a member representing the general public, succeeding herself, for a term expiring on September 30, 2003.

The Honorable Richard B. Halloran, 14538 Warwick, Detroit, Michigan 48223, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on September 30, 2003.

Ms. Catherine C. Lucas, 214 Edgebrook Drive, Battle Creek, Michigan 49015, county of Calhoun, as a member representing the general public, succeeding herself, for a term expiring on September 30, 2003.

February 22, 2001

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

Board of Ethics

Mr. John D. Pirich, 1063 Rosewood Avenue, East Lansing, Michigan 48823, county of Ingham, as a member representing Democrats, succeeding himself, for a term expiring on February 7, 2005.

Mr. Leonard C. Wolfe, 5320 River Ridge Drive, Lansing, Michigan 48917, county of Ingham, as a member representing Republicans, succeeding the Honorable Christopher M. Murray of Grosse Pointe Farms, who has resigned, for a term expiring on February 7, 2005.

February 22, 2001

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

Investment Advisory Committee

Mr. James B. Henry, 6446 Ridgepond Place, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding Mr. Samuel Valenti III of Bloomfield Hills, who has resigned, for a term expiring on December 15, 2003.

February 22, 2001

Please be advised of the following appointment to office, subject to the advice and consent of the Michigan Senate:

Acting Director of Department of Management and Budget

Mr. Duane E. Berger, 2696 Lake Lansing Road, East Lansing, Michigan 48823, county of Ingham, as a member representing the Department of Management and Budget, succeeding Ms. Janet E. Phipps of East Lansing, who has resigned, for a term expiring at the pleasure of the Governor.

February 22, 2001

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

Michigan Natural Resources Trust Fund Board

Mr. Kevin E. Johnson, 4440 Kimball Avenue, Gaylord, Michigan 49735, county of Ostego, as a member representing the general public, succeeding Mr. Paul A. Sabatine of Cedarville, whose term has expired, for a term expiring on October 1, 2003.

Mr. James B. Thompson, 20470 Crestview Drive, Reed City, Michigan 49677, county of Osceola, as a member representing the general public, succeeding himself, for a term expiring on October 1, 2004.

February 26, 2001

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

Michigan Certificate of Need Commission

Mr. Jack Smant, 1124 Colfax Street, Grand Haven, Michigan 49417, county of Ottawa, as a member representing Republicans, succeeding himself, for a term expiring on January 1, 2004.

Mr. Edward B. Goldman, 1944 Boulder Drive, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing Independents, succeeding Dr. Charles J. Kraus of Ann Arbor, whose term has expired, for a term expiring on January 1, 2004.

February 26, 2001

Please be advised of the following appointments and reappointment to office:

Grand Valley State University Board of Trustees

Ms. Donna K. Brooks, 1541 S. Shore Drive, Holland, Michigan 49423-4436, county of Ottawa, as a member representing the general public, succeeding herself, for a term expiring on December 31, 2008.

Ms. Donnalee Holton, 3258 Rogue River Road, Belmont, Michigan 49306, county of Kent, as a member representing the general public, succeeding Mr. Dick DeVos of Grand Rapids, who has resigned, for a term expiring on December 31, 2002.

Mr. Daniel J. Aronoff, 205 Abby, Birmingham, Michigan 48009, county of Oakland, as a member representing the general public, succeeding Ms. Donnalee Holton of Belmont, whose term has expired, for a term expiring on December 31, 2008.

February 26, 2001

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

Public Service Commission

Ms. Laura Chappelle, 4218 Jacobs Meadow, Okemos, Michigan 48864, county of Ingham, as chair representing the general public, succeeding Mr. John G. Strand of East Lansing, who has resigned, for a term expiring on July 2, 2001.

February 26, 2001

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

Saginaw Valley State University Board of Control

Ms. Ruth A. Braun, 4436 Windemere Drive, Saginaw, Michigan 48603, county of Saginaw, as a member representing the general public, succeeding herself, for a term expiring on July 21, 2007.

Mr. Jerome L. Yantz, 2728 Oakmont, Bay City, Michigan 48706, county of Bay, as a member representing the general public, succeeding Dr. Thomas E. Rush of Midland, who has resigned, for a term expiring on July 21, 2007.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senator Emmons moved that Senator DeGrow be excused from the balance of today's session.

The motion prevailed.

General Orders

Senator Emmons 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 Shugars 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 bill:

Senate Bill No. 115, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 60 (MCL 49.160).

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Peters, Byrum, Murphy, DeBeaussaert, Smith, Hart, Koivisto, Dingell, Cherry, Miller, Emerson and Leland introduced

Senate Bill No. 258, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 1996 PA 484.

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

Senators Leland, DeBeaussaert, Byrum, Emerson, Smith, Young, Dingell, Murphy, Bullard, Peters, McManus, Goschka, Hammerstrom and Jaye introduced

Senate Bill No. 259, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

Senators Hammerstrom, Bullard, Steil, Byrum and Sikkema introduced

Senate Bill No. 260, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 667 (MCL 168.667).

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

Senator Shugars introduced

Senate Bill No. 261, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 1996 PA 484.

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

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 21

The resolution consent calendar was adopted.

Senators Cherry, Peters, Hart, Dingell, DeBeaussaert, Koivisto, Young, Emerson, Murphy, Byrum, Smith, Miller and Leland offered the following resolution:

Senate Resolution No. 21.

A resolution to commemorate the 50th Anniversary of United Food and Commercial Workers Local 951 of Michigan.

Whereas, The year 2001 marks the 50th anniversary of the establishment of United Food and Commercial Workers Local 951 based in Grand Rapids; and

Whereas, In honor of this milestone, members, staff, and officers of Local 951, including President Robert G. Potter, Secretary/Treasurer Joseph D. Crump, and Recorder Michael McMillan, are engaging in a year-long celebration of Local 951 history; and

Whereas, Local 951 was founded on July 30, 1951, to represent 200 Meijer workers. Fifty years later, Local 951 has greatly expanded to represent over 35,000 members employed by 12 companies; and

Whereas, The leadership of Local 951 has made good health benefits, pension plans, wages, and safe working environments a priority for all members; now, therefore, be it

Resolved by the Senate, That we offer our heartiest congratulations to the members of United Food and Commercial Workers Local 951 on the 50th anniversary of the establishment of their local union; and be it further

Resolved, That a copy of this resolution be transmitted to U.F.C.W. Local 951 President Robert G. Potter as evidence of our congratulations and best wishes for continued success in the promotion of membership issues.

Senators Schwarz and Smith offered the following concurrent resolution:

Senate Concurrent Resolution No. 7.

A concurrent resolution to change the scope of the School of Natural Resources S.T. Dana Building project at the University of Michigan.

Whereas, The University of Michigan School of Natural Resources S.T. Dana Building project was authorized in 1999 PA 265 with a total project cost of \$15,000,000; and

Whereas, The University of Michigan has estimated that the total cost to complete the School of Natural Resources S.T. Dana Building has increased to \$17,700,000; and

Whereas, The University of Michigan has agreed to fund the increase in the project cost of \$2,700,000 from University of Michigan internal sources; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the University of Michigan School of Natural Resources S.T. Dana Building project to an amount not to exceed \$17,700,000 (State Building Authority share \$11,249,900; State General Fund/General Purpose share \$100; and University of Michigan share \$6,450,000), and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the University of Michigan.

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

Senator Emmons 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 Emmons moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 115, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 60 (MCL 49.160).

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

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.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Schuette, Bullard, Peters 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, February 21, 2001, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Emerson

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, February 21, 2001, at 6:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators Bennett (C), Johnson, Stille, Peters and Leland

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Wednesday, February 28, 3:00 p.m., and Thursday, March 15, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Career Development Strategic Fund Agency - Tuesday, March 6, 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, February 28, 3:00 p.m., Room 210, Farnum Building; March 7 and March 14, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

State Police and Military Affairs - Thursdays, March 1 and March 8, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2426)

Transportation - Wednesdays, February 28, March 7, and March 14, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Education - Wednesday, February 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-7350)

Families, Mental Health and Human Services - Wednesday, February 28, 3:00 p.m., Room 100, Farnum Building (373-3543)

Farming, Agribusiness and Food Systems - Wednesday, February 28, 1:00 p.m., Room 405, Capitol Building (373-1725)

Local, Urban and State Affairs - Wednesday, February 28, 3:00 p.m., Room 405, Capitol Building (373-1707)

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

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:53 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, February 28, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.