

No. 51
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 6, 2001.

10:00 a.m.

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

The roll was called by the Assistant Secretary of the Senate, who announced that a quorum was present.

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

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

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

Senator Bill Schuette of the 35th District offered the following invocation:

Lord, we ask that You grace us with Your presence and Your Spirit throughout this day and that You help us be honest with ourselves and with each other.

At the close of school in many districts across this state, I pray that all children remember their lines in school plays, and when they have their pictures taken that they'd look at the camera. We ask this in Your name. Amen.

Motions and Communications

Senator Emmons moved that rule 2.106 be suspended to allow all committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Emmons moved that Senators Gast, Schwarz, McManus, Johnson, Gougeon and Garcia be temporarily excused from today's session. The motion prevailed.

Senator Young entered the Senate Chamber.

Senator Emerson moved that Senators Smith and Koivisto be temporarily excused from today's session. The motion prevailed.

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

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, June 5:
House Bill No. 4633

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senators Steil and Stille 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 10:05 a.m.

10:22 a.m.

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

During the recess, the President, Lieutenant Governor Posthumus, introduced to the Senate Arend (Don) Lubbers, retiring President of Grand Valley State University. Senator Stille presented Mr. Lubbers with Senate Resolution No. 69. Senators Stille, Steil, Sikkema and Van Regenmorter responded briefly. Mr. Lubbers responded briefly.

During the recess, Senators McManus, Johnson, Gast, Schwarz, Gougeon, Smith, Garcia and Koivisto entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
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 Sikkema 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. 4222, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," by amending sections 12 and 13 (MCL 207.12 and 207.13), as amended by 1995 PA 257.

House Bill No. 4223, entitled

A bill to amend 1911 PA 44, entitled "An act to create a state board of equalization; to prescribe its powers and duties; to provide that said board shall be furnished with certain information by the several boards of supervisors and by the state tax commission; to provide for meeting the expense authorized by this act, and to repeal all acts or parts of acts contravening the provisions of this act," by amending sections 4 and 5 (MCL 209.4 and 209.5), section 4 as amended by 1986 PA 143 and section 5 as amended by 1981 PA 52.

Senate Bill No. 434, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

House Bill No. 4166, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 2 (MCL 52.202).

Senate Bill No. 475, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d. 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. 437, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4x (MCL 205.54x), as added by 2000 PA 204.

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. 490, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 2000 PA 429.

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. 474, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269. Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 19, after "SECTION." by inserting "IF THE TAXPAYERS FILE A JOINT RETURN, EACH TAXPAYER SHALL INDEPENDENTLY MEET THE MINIMUM VOLUNTEER HOURS REQUIREMENT OF SUBSECTION (5)(B)(i) TO QUALIFY FOR A CREDIT AMOUNT OF \$200.00."

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Emmons moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4505

Senate Bill No. 181

House Bill No. 4429

House Bill No. 4630

The motion prevailed.

The following bill was read a third time:

House Bill No. 4505, entitled

A bill to amend 1998 PA 57, entitled "An act to require contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for the modification of contracts for improvement to real property; to provide for remedies; and to repeal acts and parts of acts," by repealing section 6 (MCL 125.1596).

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. 165

Yeas—34

Bennett	Garcia	Leland	Scott
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith
DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Stille
Dingell	Hoffman	Schuette	Van Regenmorter
Emerson	Johnson	Schwarz	Young
Emmons	Koivisto		

Nays—0

Excused—3

Dunaskiss

Murphy

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 of the bill.

The following bill was read a third time:

Senate Bill No. 181, entitled

A bill to amend 1911 PA 209, entitled “An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use,” by amending section 3 (MCL 2.23).

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. 166

Yeas—32

Bennett	Gast	Leland	Scott
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeGrow	Hart	North	Steil
Emerson	Hoffman	Peters	Stille
Emmons	Johnson	Schuette	Van Regenmorter
Garcia	Koivisto	Schwarz	Young

Nays—2

DeBeaussaert	Dingell
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Excused—3

Dunaskiss	Murphy	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4429, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1201 (MCL 380.1201).

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. 167

Yeas—34

Bennett	Garcia	Leland	Scott
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith
DeBeaussaert	Hammerstrom	North	Steil
DeGrow	Hart	Peters	Stille

Dingell
Emerson
Emmons

Hoffman
Johnson
Koivisto

Schuette
Schwarz

Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Murphy

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.

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4630, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1295.

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. 168

Yeas—34

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Murphy

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.

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Bullard, McCotter, North, Hart, Hammerstrom, Stille, Young and Goschka offered the following resolution:
Senate Resolution No. 76.

A resolution condemning the Taliban’s use of Nazi tactics to force Hindus in Afghanistan to wear symbols identifying them as Hindu.

Whereas, The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee the freedom of religion; and

Whereas, On Tuesday, May 22, 2001, the Taliban regime of Afghanistan directed Hindus to wear an identity label and for Hindu women to cover themselves in yellow veils; and

Whereas, This proposal is reminiscent of the yellow Star of David that Jews were forced to wear in Nazi Germany and Nazi-occupied areas; and

Whereas, U.S. State Department spokesperson Richard Boucher condemned the Taliban action, stating that “forcing social groups to wear distinctive clothing or identifying marks stigmatizes and isolates those groups and can never, never be justified”; and

Whereas, The Taliban regime recently offended the world by ordering the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old, 100-foot-tall statues of Buddha that are carved out of a mountainside; now, therefore, be it

Resolved by the Senate, That we condemn the Taliban’s use of Nazi tactics to force Hindus in Afghanistan to wear symbols identifying them as Hindu; join with people of all faiths around the world in standing against religious persecution by the Taliban regime; and demand that the Taliban regime immediately revoke its order stigmatizing Hindus and non-Muslims in Afghanistan and conform its laws to all basic international civil and human rights standards; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States and the U. S. Secretary of State.

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Hart, Hoffman, Goschka and McManus asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hart’s statement is as follows:

I’d be remiss if I didn’t allude to the fact that today is a monumental day in America. For the first time since 1994, Democrats will take the reins of the United States Senate. Much has been made in the media of the power switch that will occur today. Many speculate that a true patients’ bill of rights will be discussed, working men and women of this country may see a much needed minimum wage increase, and our energy concerns could be alleviated.

The reason I stand before you today is to strongly urge civility and cooperation at the federal level. I call on the President to work closely with Majority Leader Daschle to work out their differences— differences on a patients' bill of rights, differences on election reform, and differences on energy concerns. The only way our country can truly move forward is to move forward together.

Majority Leader Daschle has already promised to complete work on the President's education bill before moving on to the Democratic agenda. I commend the Majority Leader for the first act of civility. Now, hopefully, the President and the rest of the GOP can follow suit. My wish is that the cooperation at the federal level could rub off on our Legislature. Leaders of the two chambers should heed caution to the reason for the power shift in Washington, D.C.

Civility and cooperation is the first step in gaining the public trust back in government. We have a tremendous opportunity to show the world that government can work. We pray that it can work.

Senator Hoffman's statement is as follows:

I want to thank the membership for their support of Senate Bill No. 181. The bill changed the state flag by adding the word "Michigan" above the state seal and the year of "1837" below the state seal. This is an important change because it makes our great state flag more identifiable to the citizens of our country.

Unless you know the Michigan flag specifically, there are 18 other similar-looking state flags with blue backgrounds that really are not that much different than the state of Michigan. Unless you know the seal of the state of Michigan, you really wouldn't be able to pick our state out from anyone necessarily. This will aid Michigan residents in their ability to show our flag proudly.

Senator Goschka's statement is as follows:

I would like to bring to all the members' attention, and all individuals listening, just a reminder that today is the 57th Anniversary of D-Day. On June 6, 1944, our forces went to the beaches at Normandy. We know that many, many died on our behalf. I know all of us as Americans, whether we be Democrat or Republican, are grateful, particularly on this day, to our World War II veterans for what they did for all of us. They ensured our liberty and our freedom—because as we all know, freedom and liberty are not free. Many paid the supreme sacrifice there. In fact, my mother's first husband never came home because he died at D-Day. I am very grateful to this day for the particular touch that that day has had in my life.

Senator McManus' statement is as follows:

In terms of national politics, I was trying to think back—it's been a long time ago since I had history in high school—but as I remember in the Revolutionary War, we had a traitor by the name of Benedict Arnold, and I think he came from Vermont.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Bullard and Hammerstrom introduced

Senate Bill No. 523, entitled

A bill to amend 1990 PA 134, entitled "Motor fuel distribution act," (MCL 445.1801 to 445.1808) by amending the title and by adding section 2a.

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

Senators Peters, Byrum, Young, DeBeaussiaert, Leland, Dingell and Scott introduced

Senate Bill No. 524, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504a and 1311h (MCL 380.504a and 380.1311h), section 504a as amended by 1995 PA 289 and section 1311h as added by 1999 PA 23.

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

Senator Shugars introduced

Senate Bill No. 525, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21712 (MCL 333.21712).

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

Senator North introduced

Senate Bill No. 526, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 512.

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

Senator Johnson introduced

Senate Bill No. 527, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 205 (MCL 436.1205), as amended by 1998 PA 416, and by adding section 206.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

House Bill No. 4633, entitled

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 7a (MCL 803.307a), as amended by 1998 PA 517.

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 Judiciary.

Scheduled Meetings

Detroit Metro Airport Review - Wednesday, June 13, 2:00 p.m. or later immediately following session, Room 810, Farnum Building (373-1801)

Economic Development, International Trade and Regulatory Affairs - Thursday, June 7, 1:00 p.m., Room 110, Farnum Building (373-7946)

Families, Mental Health and Human Services - Thursday, June 7, 9:30 a.m., Room 100, Farnum Building (373-3543) (CANCELED)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:56 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, June 7, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

