

No. 32

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, April 24, 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
Garcia—present
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—excused
Hoffman—present
Jaye—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 Walter H. North of the 37th District offered the following invocation:

Dear God, we thank Thee for the many years of service of Thy servant Richard Austin, our former Secretary of State, who passed away Friday. Please grant comfort to his widow Ida and his daughter Hazel.

Dear God, we thank Thee for this beautiful spring day. We thank Thee for the opportunity to be of service not only to the people in the state of Michigan, but also to You. In that context, let us find solutions to problems facing our citizens that are both equitable and compassionate. All of this we ask in Thy name. Amen.

Senator Schwarz entered the Senate Chamber.

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.

10:57 a.m.

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

During the recess, Senators Miller, Cherry, Bullard, Sikkema, McCotter, Johnson, Hoffman, Schuette, Garcia, Stille, Steil, Gast, Van Regenmorter, Goschka, Shugars, Hammerstrom, McManus, Bennett, Gougeon and DeGrow entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

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

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Emerson 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 11:01 a.m.

11:13 a.m.

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

During the recess, Senator Emerson introduced to the Senate Mike and Cliff Russell in honor of Green Ribbon Lobby Day, which was established to raise awareness on the importance of organ and tissue donations.

Messrs. Russell responded briefly.

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:

Senate Bill No. 412

The bill was referred to the Committee on Financial Services.

The following communication was received:
State Budget Office

April 18, 2001

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Section 18.1350 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 1999-2000.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Leon E. Hank, Director, Office of Financial Management, at 373-1010.

Sincerely,
Mary A. Lannoye
State Budget Director

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

April 20, 2001

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

Performance Audit of the Regulation of Nursing Homes, Adult Foster Care Homes, and Homes for the Aged, Department of Consumer and Industry Services, April 2001.

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, April 19:
House Bill Nos. 4156 4187 4235 4412 4550

The Secretary announced the printing and placement in the members' files on Thursday, April 19, of:

Senate Bill Nos.	376	377	378	379	380	381	382	383	384	385	386	387	388	389
	390	391	392	393	394	395								
House Bill Nos.	4551	4552	4553	4554	4555	4556	4557	4558	4559	4560	4561	4562	4563	4564
	4565	4566	4567	4568	4569	4570	4571	4572	4573	4574	4575	4576	4577	4578
	4579	4580	4581	4582	4583	4584	4585	4586	4587	4588	4589	4590	4591	4592
	4593	4594	4595	4596	4597	4598	4599	4600	4601	4602	4603	4604	4605	4606
	4607	4608	4609	4610	4611	4612	4613	4614	4615	4616	4617	4618	4619	4620
	4621													

The Secretary announced the printing and placement in the members' files on Friday, April 20, of:

Senate Bill Nos.	396	397	398	399	400	401	402	403	404	405	406	407	408	409
	410	411	412											
House Bill Nos.	4622	4623	4624	4625	4626	4627	4628	4629	4630	4631	4632	4633	4634	4635
	3636	4637	3638											

Senator Emerson moved that Senator Hart be excused from today's session.

The motion prevailed.

Senator Hart is attending a legislative conference in Florida.

Messages from the Governor

The following messages from the Governor were received and read:

April 23, 2001

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

State Boundary Commission

Dr. Kenneth VerBurg, 3529 Sandhill Road, Lansing, Michigan 48911, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on November 15, 2002.

Mr. Lloyd E. Walker, 610 South Franklin Street, Greenville, Michigan 48838, county of Montcalm, as a member representing the general public, succeeding himself, for a term expiring on November 15, 2003.

April 23, 2001

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

Michigan Dairy Market Program Committee

Mr. Carl G. Kline, 9418 Barker Road, White Pigeon, Michigan 49099, county of St. Joseph, as a member representing the Michigan Milk Producers Association, succeeding himself, for a term expiring on December 31, 2003.

Mr. Kenneth P. Nobis, 1513 North Lowell Road, St. Johns, Michigan 48879, county of Clinton, as a member representing Michigan Milk Producers Association, succeeding himself, for a term expiring on December 31, 2003.

Mr. Francis J. Engler, 2255 West River Road, Mt. Pleasant, Michigan 48858, county of Isabella, as a member representing the Michigan Milk Producers Association, succeeding himself, for a term expiring on December 31, 2003.

Mr. John H. Pell, 3547 South Fitzgerald, Fremont, Michigan 49412, county of Newaygo, as a member representing independent milk cooperatives, succeeding himself, for a term expiring on December 31, 2003.

Mr. Gerald A. Neyer, 1305 East Walton Road, Shepherd, Michigan 48883, county of Isabella, as a member representing Michigan Farm Bureau, succeeding himself, for a term expiring on December 31, 2003.

April 23, 2001

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

Judges' Retirement Board

The Honorable Robert M. Ransom, 6477 North McKinley Road, Flushing, Michigan 48433-1129, county of Genesee, as a member representing the general public, for a term expiring on March 31, 2005.

April 23, 2001

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

Michigan Potato Industry Commission

Mr. Jeffrey A. Vick, 12682 Legend Lakes Drive, Roscoe, Illinois 61073, as a member representing processors, succeeding himself, for a term expiring on July 1, 2003.

April 23, 2001

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

State Employees' Retirement Board

Mr. John Reurink, 5941 Grand River Drive, Grand Ledge, Michigan 48837, county of Eaton, as a member representing state retirees, succeeding Mr. R. Douglas Trezise of Owosso, whose term has expired, for a term expiring on July 31, 2003.

April 23, 2001

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

Western Michigan University Board of Trustees

Mr. Daniel Pero, Sterling Corporation, 118 West Ottawa, Lansing, Michigan, county of Ingham, as a member representing the general public, succeeding Mr. George Franklin of Kalamazoo, whose term has expired, for a term expiring on December 31, 2008.

Ms. Sarah DeNooyer, 1325 White Oak Drive, Kalamazoo, Michigan 49008, county of Kalamazoo, as a member representing the general public, succeeding Ms. Joan Krause of Grand Rapids, whose term has expired, for a term expiring on December 31, 2008.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senator Emmons moved that consideration of the following joint resolution be postponed for today:

Senate Joint Resolution D

The motion prevailed.

Senate Bill No. 1, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Third Reading of Bills

Senator Emmons moved that consideration of the following bill be postponed for today:

Senate Bill No. 29

The motion prevailed.

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

Senate Bill No. 360, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” (MCL 117.1 to 117.38) by adding section 4o.

The above bill was read a third time.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 62**Yeas—29**

Bennett	Emmons	Jaye	Schuette
Bullard	Garcia	Johnson	Schwarz
Byrum	Gast	Leland	Shugars
DeBeaussaert	Goschka	McCotter	Sikkema
DeGrow	Gougeon	McManus	Steil
Dingell	Hammerstrom	Miller	Stille
Dunaskiss	Hoffman	North	Van Regenmorter
Emerson			

Nays—6

Cherry	Peters	Smith	Young
Koivisto	Scott		

Excused—3

Hart	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 361, entitled

A bill to amend 1976 PA 267, entitled “Open meetings act,” by amending section 2 (MCL 15.262).

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. 63**Yeas—35**

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

Nays—0**Excused—3**

Hart	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 317, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending the title and sections 3, 14, 26, 26a, 26b, and 27 (MCL 552.603, 552.614, 552.626, 552.626a, 552.626b, and 552.627), the title as amended by 1996 PA 25, sections 3, 14, 26, 26a, and 26b as amended by 1998 PA 334, and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, and 5b.

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. 64**Yeas—34**

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

Nays—0**Excused—3**

Hart	Murphy	Vaughn
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Not Voting—1

Steil

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Steil's statement is as follows:

I voted on Senate Bill No. 317 to the positive, and somehow it didn't get recorded—whether I pushed it wrong or not. I would like it acknowledged that I would have voted “yes” if I had gotten my button properly pushed.

The following bill was read a third time:

Senate Bill No. 318, entitled

A bill to amend 1846 RS 84, entitled “Of divorce,” by amending sections 1, 15, 16, 17, 30, 35, and 36 (MCL 552.1, 552.15, 552.16, 552.17, 552.30, 552.35, and 552.36), sections 15, 16, and 17 as amended by 1996 PA 9; and to repeal acts and parts of acts.

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. 65**Yeas—35**

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

Nays—0**Excused—3**

Hart	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 319, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending section 7 (MCL 722.27), as amended by 1999 PA 156; and to repeal acts and parts of acts.

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. 66**Yeas—35**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
McManus
Miller
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—3**

Hart

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 320, entitled

A bill to amend 1956 PA 205, entitled “The paternity act,” by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and 722.721), section 7 as amended by 1996 PA 308, section 10 as amended by 1996 PA 18, and section 11 as amended by 1990 PA 244; and to repeal acts and parts of acts.

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. 67**Yeas—35**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
McManus
Miller
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—3**

Hart

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 321, entitled

A bill to amend 1968 PA 293, entitled “An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,” by amending section 3 (MCL 722.3), as amended by 1996 PA 17; and to repeal acts and parts of acts.

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. 68**Yeas—35**

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

Nays—0**Excused—3**

Hart	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 322, entitled

A bill to amend 1966 PA 138, entitled “The family support act,” by amending section 2 (MCL 552.452), as amended by 1999 PA 158; and to repeal acts and parts of acts.

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. 69**Yeas—35**

Bennett	Emmons	Koivisto	Scott
Bullard	Garcia	Leland	Shugars
Byrum	Gast	McCotter	Sikkema

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McManus
Miller
North
Peters
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Hart

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 109, 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,” (MCL 691.1401 to 691.1415) by adding section 16.

The above bill was read a third time.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 70

Yeas—26

Bennett
Bullard
Byrum
Cherry
DeGrow
Dingell
Dunaskiss

Emerson
Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom

Hoffman
Johnson
McManus
North
Peters
Schuette

Schwarz
Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—9

DeBeaussaert
Jaye
Koivisto

Leland
McCotter

Miller
Scott

Smith
Young

Excused—3

Hart

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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 pro tempore, Senator Schwarz, designated Senator Shugars as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 256, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1027 (MCL 436.2027).

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. 362, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

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.

Resolutions

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

Senate Resolution No. 40**Senate Resolution No. 41**

The resolution consent calendar was adopted.

Senator Schwarz offered the following resolution:

Senate Resolution No. 40.

A resolution proclaiming May 19-25, 2001, as North American Safe Boating Week throughout Michigan.

Whereas, The members of the Michigan Senate wish to acknowledge the importance of safe, sober, and responsible boating to the people of our great state by joining in the efforts of National Boaters Against Drunk Driving (BADD), located in the city of Battle Creek, Calhoun County; and

Whereas, BADD has worked to raise awareness of the importance of knowing and obeying all navigation rules on the water, the completion of boating safety courses, abstaining from the use of alcohol or drugs while operating a watercraft, and always wearing a life jacket-PFD (personal floatation device) when onboard any watercraft; and

Whereas, Persons in Calhoun County and statewide are trained in boating safety courses, which are designed to show how the recreational boating community places emphasis on individual responsibility, education, and respect of all waterways; and

Whereas, Knowledge and skills are brought to bear on reducing human error and improving judgment while using any watercraft; and

Whereas, It is imperative that greater awareness is generated in realizing the impact that adverse decisions such as operating a watercraft under the influence of alcohol or drugs or choosing not to wear a life jacket-PFD can have in a community and in our democracy. BADD exists to teach individuals the practice of proper boating safety and to influence others to practice it; and

Whereas, The activities of this week will serve to promote the importance of safe boating habits in our schools, workplaces, communities, state, and country; now, therefore, be it

Resolved by the Senate, That the efforts of National Boaters Against Drunk Driving and its numerous partner organizations are lauded and acknowledged by proclaiming May 19-25, 2001, as North American Safe Boating Week throughout Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to National Boaters Against Drunk Driving of the city of Battle Creek, Calhoun County, as an expression of our support for this observance.

Senators Miller, DeBeaussaert, Byrum, Dingell, Smith and Cherry offered the following resolution:

Senate Resolution No. 41.

A resolution honoring the members of Sheet Metal Workers' Local 80.

Whereas, It is a privilege to congratulate the members of Sheet Metal Workers' International Association Local Union 80. A celebration will be held on June 9, 2001, honoring the members who have served diligently for 25, 40, 50, and 60 years; and

Whereas, The state of Michigan recognizes the sheet metal workers of Local 80 as being the leaders in the heating, ventilation, and air conditioning industry. Through its coordinated efforts, they have maintained state-of-the-art training programs that have benefitted citizens, governments, and businesses with excellent and innovative services in the manufacture, fabrication, assembling, handling, erection, installation, conditioning, adjustment, alteration, repairing, and servicing of all metal work in connection with air handling systems, testing, and balancing of all air handling equipment and duct work, energy management, and indoor air quality. The efforts in these crucial areas have saved countless dollars in energy costs, provided skilled jobs, and improved indoor and outdoor air quality and comfort levels; and

Whereas, The members of Local 80 have installed systems and provided services for 91 years. Indeed this organization is well-prepared to assist our citizens with the latest technical solutions. The many years of service have earned the appreciation of the citizens of the state of Michigan; now, therefore, be it

Resolved by the Senate, That the highest accolade of tribute be hereby accorded to honor the Sheet Metal Workers' Local 80 at its honorary celebration on June 9, 2001; and be it further

Resolved, That a copy of this resolution be transmitted to the Sheet Metal Workers' Local 80 as a symbol of our appreciation and congratulations for their many accomplishments.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 15.

A concurrent resolution to increase the total project cost of the Lenawee Extension Center at Jackson Community College.

Whereas, The Jackson Community College—Lenawee Extension Center renovation and construction project was authorized in 1996 PA 480 with a total project cost of \$3,000,000; and

Whereas, Jackson Community College has been unable to secure permission to rezone their existing facility to accommodate the proposed expansion; and

Whereas, Jackson Community College has estimated that the total cost to construct a new Lenawee Extension Center has increased to \$4,400,000; and

Whereas, Jackson Community College has agreed to fund the increase in the project cost of \$1,400,000, with the state commitment remaining at \$1,500,000 (State Building Authority share at \$1,499,900 and State General Fund/General Purpose share at \$100); 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 to construct a new Lenawee Extension Center at Jackson Community College to an amount not to exceed \$4,400,000 (State Building Authority share \$1,499,900; Jackson Community College share \$2,900,000; and the State General Fund/General Purpose share \$100) 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 Jackson Community College.

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.

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

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 16.

A concurrent resolution to approve a general form of lease between the State of Michigan and the State Building Authority relative to furnishings and equipment to be leased to the State of Michigan.

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires that before a lease between the State of Michigan and the State Building Authority (the "Authority") that is only for furnishings or equipment is executed, the general form of the lease shall be approved by concurrent resolution of the Michigan Legislature concurred in by a majority of the members elected to and serving in each house. The property to be leased and the rental to be paid by the State shall be approved by the State Administrative Board; and

Whereas, Providing furnishings and equipment to be used by the State pursuant to a lease with the Authority is a recognized public purpose; and

Whereas, A general form of lease between the Authority and the State has been prepared providing for the leasing of furnishings and equipment by the Authority to the State; and

Whereas, The Executive Director of the Authority has, by communication dated March 23, 2001, which communication is available and filed with the Secretary of the Senate, furnished the Joint Capital Outlay Subcommittee of the Legislature with the general form of lease to be entered into between the State and the Authority for the leasing of furnishings and equipment and other information relative to the lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the general form of lease to be entered into between the State of Michigan and the State Building Authority for the leasing of furnishings and equipment, filed with the Secretary of the Senate and the Joint Capital Outlay Committee on March 23, 2001, is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute one or more leases in substantially the form of the lease hereby approved for and on behalf of the State at any time or times not later than two years after the adoption of this concurrent resolution with such changes therein as the State Administrative Board may approve; and be it further

Resolved, That a lease may be entered into by the State in the form approved by this concurrent resolution only if the furnishings and equipment to be leased by the State are for use by a state agency as determined under the Management and Budget Act, 1984 PA 431, as amended, being MCL §§ 18.1101 to 18.1594; and be it further

Resolved, That the total cost of furnishings and equipment to be leased to the State pursuant to the form of lease approved by this concurrent resolution during the two years succeeding final adoption of this concurrent resolution shall not exceed \$50 million, which shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonacquisition costs; and be it further

Resolved, That before execution of a lease by the Governor and the Secretary of State in the form approved by this concurrent resolution, the final form of the lease, the description of the furnishings and equipment to be leased to the State, and the rental to be paid by the State shall be approved by the State Administrative Board as provided in Section 7 of 1964 PA 183 and a copy of the final form of lease, including the description of the furnishings and equipment to be leased to the State and the rental to be paid by the State as approved by the State Administrative Board, shall be provided to the Joint Capital Outlay Subcommittee of the Legislature; and be it further

Resolved, That by hereby approving the form of lease between the State and the Authority, the Legislature agrees to appropriate sufficient amounts annually to pay the rentals and satisfy other obligations imposed on the State as authorized by this concurrent resolution; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Secretary of State, the State Building Authority, and the Director of the Department of Management and Budget.

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.

Senators Bennett, North, Stille, Gast, Cherry, Hammerstrom, Bullard, Hoffman, Steil, Schwarz, Smith, DeBeaussaert and Jaye offered the following resolution:

Senate Resolution No. 39.

A resolution to memorialize the Congress of the United States to enact legislation to permit states to ban out-of-state waste.

Whereas, In 1992, the United States Supreme Court ruled that Michigan law set unconstitutional restrictions on the importing of solid waste. This decision, Fort Gratiot Sanitary Landfill v Michigan Department of Natural Resources, was based on the constitutional authority of the Congress in matters of interstate commerce; and

Whereas, The proper disposal of solid waste is an activity that is very important to public health and safety. Landfill capacities and conditions must be monitored far into the future to safeguard the environment and protect the quality of water resources. It is wrong for the states to be hampered in regulating or refusing imported solid waste; and

Whereas, Many Michigan communities and citizens are expressing frustration over trash being brought to this state from other states and from Canada. As a state that prides itself on its natural resources, Michigan is disturbed by the prospect of our state becoming a dumping ground for other states or Canada. Congress ought to address this issue to extend to states the right to determine their own standards of health and the environment by permitting them to refuse out-of-state waste; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to permit states to ban out-of-state waste; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the 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 resolution,

Senator Emmons moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 42.

A resolution creating a Senate select committee to examine the qualifications of Senator David Jaye of the Twelfth Senatorial District, State of Michigan, and determine his fitness to continue holding the high office to which he was elected.

Whereas, Article IV, Section 16 of the Constitution of the State of Michigan provides in relevant part:

“...Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.”

; and

Whereas, Senate Rule 1.301 states:

“Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.”

; and

Whereas, Senate Rule 1.309 states:

“a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes but is not limited to, telephones, telecopy machines, computers, postage, and copy machines....”

; and

Whereas, Senate Rule 1.311 states:

“...A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled...”

; and

Whereas, Confidence in government is a prerequisite to the functioning of a democratic society; now, therefore, be it

Resolved by the Senate, That there is created a Senate select committee to consist of six members, appointed by the Senate Majority Leader, three from the Senate Republican Caucus and three members of the Senate Democratic Caucus recommended by the Democratic Minority Leader, to examine the qualifications of Senator David Jaye and determine his fitness to continue holding the high office to which he was elected. The Senate select committee shall report its findings and recommendations to the 2001 Legislature; and be it further

Resolved, That the Senate select committee may subpoena witnesses, administer oaths, and examine the books, records, and tapes of any person, partnership, association, or corporation, public or private, involved in the matter properly before the committee; may call upon the services and personnel of any agency of the state and its political subdivisions; and may engage such assistance as it deems necessary; and be it further

Resolved, That the members of the Senate select committee shall serve without compensation, but shall be entitled to actual and necessary travel and other expenses incurred in the performance of official duties, to be paid from the appropriation to the Senate; and be it further

Resolved, That a copy of this resolution be served on Senator David Jaye and that he be given a reasonable opportunity to appear before the Senate select committee and be represented by counsel.

Pending the order that, under rule 3.204, the 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 resolution was adopted.

By unanimous consent the Senate returned to the order of

Motions and Communications

The Secretary announced that the Majority Leader has made the appointment of the following select committee:

Examine Qualifications of Senator Jaye (SR 42) - Senators McCotter (C), Hoffman, North, Cherry, Smith and Koivisto.

The select committee appointments were approved, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Miller's statement is as follows:

I rise today, April 24, to bring to the attention of this body on behalf of our good colleague, Senator George Hart—who is not here today and is a member of this body and an outstanding character of Armenian descent—who, with the cooperation of the good Senator from the 9th Senate District, Senator McCotter, has offered a bill that our committee discussed last week to declare April 24th of each year as the Michigan Day of Remembrance for the Armenian Genocide of 1915-1923. This is a very, very special day for many, many thousands of Michigan Armenian citizens who lost members of their families and cousins. In many cases, it was a tragic, tragic loss of over a million and a half Armenian people who lost their lives between 1915 and 1923. That was half the total of the Armenian population back in 1915-1923. They have been outstanding citizens across the world, especially here in Michigan. I know Senator Hart, who is of Armenian descent, speaks highly of his nationality every year here.

Today is the day the Armenian population gives to remembrance, and in his absence and with the cooperation of Senator McCotter, we look forward to the day here where we have a bill that designates April 24th as Armenian Day of Remembrance. I would like to bring to the body's attention how they made huge sacrifices to keep this nationality alive, and we want to keep their remembrance alive here in Michigan.

Senator McCotter's statement is as follows:

Before the Holocaust occurred and the policy of extermination was being discussed, Adolf Hitler remarked, "Who today still remembers the alienation of the Armenians?" Today we have answered, "We do!"

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Stille, Gougeon and Hammerstrom introduced

Senate Bill No. 413, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public

utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.10cc) by adding section 9.

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

Senator Leland introduced

Senate Bill No. 414, entitled

A bill to amend 1921 PA 207, entitled “City and village zoning act,” by amending section 20 (MCL 125.600), as amended by 2000 PA 383, and by adding section 3d.

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

Senators Hoffman, Gast and Bullard introduced

Senate Bill No. 415, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 72101, 72103, 72107, and 72110 (MCL 324.72101, 324.72103, 324.72107, and 324.72110), section 72101 as amended by 1997 PA 129 and sections 72103, 72107, and 72110 as added by 1995 PA 58.

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

Senators Hammerstrom, Shugars, Bullard and Schwarz introduced

Senate Bill No. 416, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17757 (MCL 333.17757), as amended by 1986 PA 304.

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

Senator Van Regenmorter introduced

Senate Bill No. 417, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” by amending sections 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 549a, 549b, 549c, 549d, 549e, 549f, 549g, 549h, 549i, 550, 550a, 1011, 1013, 1019, 1021, and 1023 (MCL 600.502, 600.503, 600.504, 600.505, 600.506, 600.507, 600.508, 600.509, 600.510, 600.511, 600.512, 600.513, 600.514, 600.515, 600.516, 600.517, 600.518, 600.519, 600.520, 600.521, 600.522, 600.523, 600.524, 600.525, 600.526, 600.527, 600.528, 600.529, 600.530, 600.531, 600.532, 600.533, 600.534, 600.535, 600.536, 600.537, 600.538, 600.539, 600.540, 600.541, 600.542, 600.543, 600.544, 600.545, 600.546, 600.547, 600.548, 600.549, 600.549a, 600.549b, 600.549c, 600.549d, 600.549e, 600.549f, 600.549g, 600.549h, 600.549i, 600.550, 600.550a, 600.1011, 600.1013, 600.1019, 600.1021, and 600.1023), section 504 as amended and sections 1013, 1019, and 1023 as added by 1996 PA 388, sections 506, 517, 521, 535, 536, 538, 549, 550, and 550a as amended and section 549h as added by 1990 PA 54, sections 507 and 534 as amended and section 549i as added by 1994 PA 138, sections 510, 518, 528, and 537 as amended by 1988 PA 134, section 522 as amended and section 549g as added by 1981 PA 182, sections 541 and 549f as amended by 1980 PA 438, sections 542 and 547 as amended by 1984 PA 95, section 549e as added by 1980 PA 129, section 1011 as amended by 1998 PA 298, and section 1021 as amended by 2000 PA 56, and by adding sections 880e, 880f, and 880g; and to repeal acts and parts of acts.

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

House Bill No. 4156, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to

prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending the title and section 11 (MCL 207.561), section 11 as amended by 1996 PA 446.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 4187, 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 68a.

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.

House Bill No. 4235, entitled

A bill to designate highway M-109 located in Leelanau county as the “D.H. Day Highway”; and to prescribe the duties of the state transportation department.

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 Transportation and Tourism.

House Bill No. 4412, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending the part heading to part 417 and sections 41701, 41702, 41703, 41704, 41706, 41707, 41708, 41710, 41712, 42714, and 43530 (MCL 324.41701, 324.41702, 324.41703, 324.41704, 324.41706, 324.41707, 324.41708, 324.41710, 324.41712, 324.42714, and 324.43530), sections 41701, 41702, 41703, 41704, 41706, 41707, 41708, 41710, 41712, and 42714 as added by 1995 PA 57 and section 43530 as amended by 1996 PA 585.

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 Hunting, Fishing and Forestry.

House Bill No. 4550, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

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 Transportation and Tourism.

Committee Reports

The Committee on Government Operations reported

Senate Bill No. 395, entitled

A bill to establish the Michigan days of remembrance of the Armenian genocide.

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.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Hammerstrom, Sikkema, Byrum and Miller

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 Government Operations submits the following:

Meeting held on Thursday, April 19, 2001, at 1:04 p.m., Room 110, Farnum Building

Present: Senators McCotter (C), Hammerstrom, Sikkema, Byrum and Miller

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submits the following:

Meeting held on Wednesday, April 18, 2001, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators North (C) and Smith

Excused: Senator Hoffman

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Thursday, April 19, 2001, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hoffman (C), Bullard and Koivisto

Excused: Senators Gast and Cherry

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Thursday, April 19, 2001, at 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators Gougeon (C), Schwarz, Smith and Murphy

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Friday, April 20, 2001, at 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, Flint

Present: Senators Schwarz (C), Koivisto and Smith

Excused: Senators McManus and Hoffman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Monday, April 23, 2001, at 10:00 a.m., Grand Valley State University, Grand Rapids Campus-DeVos Center, Grand Rapids

Present: Senators Schwarz (C) and Smith

Excused: Senators McManus, Hoffman and Koivisto

Scheduled Meetings**Appropriations -****Subcommittees -**

Capital Outlay, Joint - Thursday, April 26, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health - Tuesdays, May 1 and May 8, 1:00 p.m., Room 210, Farnum Building (373-1777)

Corrections - Wednesdays, April 25, May 2, and May 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Department of Education - Tuesday, May 8, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

Higher Education - Friday, May 4, 10:00 a.m., Concordia College, Student Union-Riverside Rooms A, B, and C, 4090 Geddes Road, Ann Arbor; Friday, May 11, 10:00 a.m., Lake Superior State University, Cisler Center, 650 W. Easterday Avenue, Sault Ste. Marie; and Tuesday, May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Natural Resources - Wednesday, May 2, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Education - Wednesday, April 25, 3:00 p.m., Room 810, Farnum Building (373-7350)

Farming, Agribusiness and Food Systems - Wednesday, April 25, 1:00 p.m., Room 405, Capitol Building (373-1725)

Finance and House Tax Policy - Thursday, April 26, 8:30 a.m., Room 519, Anderson Building (House Office Building) (373-3760)

Financial Services - Wednesday, April 25, 9:30 a.m., Room 100, Farnum Building (373-1758) (CANCELED)

Judiciary - Wednesday, April 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Senior Citizens and Veterans Affairs - Thursday, April 26, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Technology and Energy - Wednesday, April 25, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:57 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, April 25, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

