

**No. 63**

**JOURNAL OF THE SENATE**

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Senate Chamber, Lansing, Thursday, September 30, 1999.

10:00 a.m.

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

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

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

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

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

Pastor David Hill of First Baptist Church of Lapeer and Chaplain for the Michigan State Police offered the following invocation:

Our Heavenly Father, we thank You for this opportunity before us this morning to praise You and to ask for Your help as we work in here today. We ask, Lord, for Your blessing upon each one who is here. We thank You for them and for their hearts to serve the people of this state. We thank You, Father, for their families. We pray that You would watch over them this day. We thank You, Heavenly Father, too, for the freedoms that we enjoy in this nation and for the freedom and responsibility to govern ourselves. We pray that with Your help we might do this in a way that is pleasing to You. So our Father, we ask Your blessing upon this assembly this morning. We pray these things in the name of Jesus Christ. Amen.

Senator Miller entered the Senate Chamber.

### Motions and Communications

Senator Van Regenmorter entered the Senate Chamber.

Senator Rogers moved that Senators Jaye and DeGrow be temporarily excused from today's session. The motion prevailed.

Senator Rogers moved that Senator Emmons be excused from today's session. The motion prevailed.

Senator Emmons is attending the National Conference of State Legislatures in Washington, DC.

Senator V. Smith moved that Senator Murphy be temporarily excused from today's session. The motion prevailed.

The following communication was received:

Department of State

Administrative Rules  
Notice of Filing

September 16, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:35 p.m. this date, administrative rule (99-09-4) for the Department of State, Bureau of Automotive Regulation, entitled "*Breath Alcohol Ignition Interlock Devices*," effective 15 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:

Agriculture Preservation Task Force

September 28, 1999

Pursuant to Senate Resolution 52, which created a bipartisan task force on agriculture preservation, I am forwarding to you a copy of a report on its findings and recommendations. The Senate Agriculture Preservation Task Force examined the status and future of farm preservation and food supply issues. This report is due to be submitted to the Senate by September 30, 1999.

If you have any questions concerning this report, please feel free to contact me directly.

Sincerely,  
Senator George A. McManus, Jr.  
Chairman

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, September 29:

**House Bill No. 4816**

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

**Senate Bill No. 774**

### Messages from the House

Senator DeGrow entered the Senate Chamber.

#### Senate Bill No. 182, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7208, 7220, and 7227 (MCL 333.7208, 333.7220, and 333.7227) and by adding section 7339.

Substitute (H-1)

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

#### Roll Call No. 441

**Yeas—35**

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

**Nays—0**

**Excused—3**

Emmons	Jaye	Murphy
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**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Rogers moved that the balance of the order of Messages from the House be postponed for today.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Emerson 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 with a substitute therefor, the following bill:

**Senate Bill No. 462, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2521.

Substitute (S-1).

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

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

**Resolutions**

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

**Senate Resolution No. 84**

The resolution consent calendar was adopted.

Senators V. Smith and Young offered the following resolution:

**Senate Resolution No. 84.**

A resolution to honor Ahmed M. Kathrada as a former political prisoner under the system of apartheid and currently an enlightener of society at large.

Whereas, Ahmed M. Kathrada was born in 1929. As a teenager, he became a political activist. In the 1950s, he participated in many campaigns, of which some of the participants were Nelson Mandela and Walter Sisulu. These affiliations quickly led to Mr. Kathrada being accused of treason in a trial that lasted from 1956-61. The trial was against 156 political activists of the liberation movement; and

Whereas, In 1963, Mr. Kathrada was arrested and charged with attempting to overthrow the state by violent means and sabotage, and these charges led to a sentence of life imprisonment. He spent the next 18 years in a prison known as Robben Island in isolation with Nelson Mandela and others. Ahmed Kathrada was then transferred to Pollsmoor Maximum Prison, and his stay there lasted until 1989 when he was released; and

Whereas, While imprisoned, Mr. Kathrada also amassed collegiate bachelor degrees in bibliography, history, and African politics, two of which were at the honors level. After his release in 1994, he was elected to the National Assembly as a member. Later he was elected as a member of Parliament and subsequently became Parliamentary Counselor to President Nelson Mandela; and

Whereas, In August of 1999, a selection of letters written by and to Ahmed M. Kathrada during his incarceration were compiled into a book entitled Letters From Robben Island. The book was jointly published by Michigan State University and Mayibuye Books in South Africa. Nelson Mandela rendered the forward in the book, the introduction was written by Walter Sisulu, and it was edited by Robert D. Vassen of the English Language Center at Michigan State University; now, therefore, be it

Resolved by the Senate, That honor and recognition be given to Ahmed M. Kathrada as a past political prisoner under the system of apartheid and currently an enlightener of society at large; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Ahmed M. Kathrada.

Senator Vaughn was named co-sponsor of the resolution.

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

The motion prevailed.

Senator V. Smith's statement is as follows:

Mr. President, my Resolution No. 84 would honor Ahmed M. Kathrada. Now Mr. Kathrada was a political prisoner in South Africa for over 20 years. He was in the prison on Robben Island with Nelson Mandela. After the end of the apartheid, Mr. Kathrada, who is an Indian, was elected to the South African Parliament. He had kept a series of letters that he had written from Robben Island over the 20 years that he was in prison there. And those letters have been written into a book, Letters From Robben Island. Those letters were jointly published by Michigan State University and Mayibuye Books in South Africa. He will be in Detroit tomorrow for a reception that Senator Young and I have arranged for him at the African American Museum at 4 o'clock. Of course, all of my colleagues are welcome if they would care to come. But he's a freedom fighter, and I wanted this body to at least understand his background because he had been in prison for 20 years. And I wanted you to understand why he faced that imprisonment because of his opposition to apartheid. I just wanted to give this body some information.

Senator Jaye entered the Senate Chamber.

### Introduction and Referral of Bills

Senators V. Smith, Cherry, Miller, Vaughn, Young, Emerson, Leland, Peters, Hart, Dingell, DeBeaussaert, Byrum, A. Smith, Gast, McCotter and Koivisto introduced

#### **Senate Bill No. 775, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 629f.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Leland, Emerson, Koivisto, McCotter, Emmons, North, Rogers, Johnson, Cherry, Hammerstrom, Hart, A. Smith, Byrum, DeBeaussaert, Murphy, Bennett, Schuette, Steil, Dingell, Dunaskiss, Bullard, Shugars, Peters, Goschka, V. Smith, Sikkema, Schwarz, Gast, Hoffman and McManus introduced

#### **Senate Bill No. 776, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 903 (MCL 436.1903), as amended by 1998 PA 416.

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

Senators Leland, Emerson, Koivisto, McCotter, Emmons, North, Rogers, Johnson, Cherry, Hammerstrom, Hart, A. Smith, Byrum, DeBeaussaert, Murphy, Bennett, Schuette, Steil, Dingell, Dunaskiss, Bullard, Shugars, Peters, Goschka, V. Smith, Sikkema, Schwarz, Gast, Hoffman and McManus introduced

#### **Senate Bill No. 777, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 23 (MCL 432.23), as amended by 1996 PA 167.

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

Senators Leland, Emerson, Koivisto, McCotter, Emmons, North, Rogers, Johnson, Cherry, Hammerstrom, Hart, A. Smith, Byrum, DeBeaussaert, Murphy, Bennett, Schuette, Steil, Dingell, Dunaskiss, Bullard, Shugars, Peters, Goschka, V. Smith, Sikkema, Gast, Hoffman and McManus introduced

#### **Senate Bill No. 778, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 5 (MCL 205.425), as amended by 1997 PA 187.

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

Senators Leland, Emerson, Koivisto, McCotter, Emmons, North, Rogers, Johnson, Cherry, Hammerstrom, Hart, A. Smith, Byrum, DeBeaussaert, Murphy, Bennett, Schuette, Steil, Dingell, Dunaskiss, Bullard, Shugars, Peters, Goschka, V. Smith, Sikkema, Schwarz, Gast, Hoffman and McManus introduced

#### **Senate Bill No. 779, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter IX (MCL 769.16a), as amended by 1993 PA 85.

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. 4816, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 1 (MCL 400.231), as amended by 1998 PA 112, and by adding sections 6, 7, 8, and 9.

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 Families, Mental Health and Human Services.

**Scheduled Meetings**

Families, Mental Health and Human Services Committee - Wednesday, October 6, at 3:00 p.m., Room 100, Farnum Building (3-3543).

Judiciary Committee - Wednesday, October 6, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Michigan Capitol Committee - Wednesday, October 13, at 12:00 p.m., Room H-41, Ground Floor, Capitol Building (3-0289).

Technology and Energy Committee - Wednesday, October 6, at 3:00 p.m., Rooms 402 and 403, Capitol Building (3-2417).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:21 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, October 5, at 10:00 a.m.

CAROL MOREY VIVENTI

Secretary of the Senate.