

No. 11
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, February 20, 2001.

10:00 a.m.

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

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

Bennett—present
Bullard—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

House Bill Nos.	4172	4173	4174	4175	4176	4177	4178	4179	4180	4181	4182	4183	4184	4185
	4186	4187	4188	4189	4190	4191	4192	4193	4194	4195	4196	4197	4198	4199
	4200	4201	4202	4203	4204	4205	4206	4207	4208	4209	4210	4211	4212	4213
	4214	4215	4216	4217	4218	4219	4220	4221	4222	4223	4224	4225	4226	4227
	4228	4229	4230	4231	4232	4233	4234	4235	4236	4237	4238	4239	4240	4241
	4242	4243	4244	4245	4246	4247	4248	4249	4250	4251				

The Secretary announced the printing and placement in the members' files on Friday, February 16, of:
Senate Bill Nos. 215 217 218 219 220

Messages from the Governor

The following message from the Governor was received and read:

February 16, 2001

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

Michigan Gaming Control Board

The Honorable Roman S. Gribbs, 42188 N. Waterwheel Court, Northville, Michigan 48167, county of Wayne, as a member representing Democrats, succeeding Ms. Paula L. Blanchard of Bloomfield Hills, who has resigned, for a term expiring on December 20, 2003.

Sincerely,
 John Engler
 Governor

The appointment was referred to the Committee on Government Operations.

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 Schuette 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. 199, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 1980 PA 445.

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

Resolutions

Senators Johnson, Hammerstrom and Emmons offered the following resolution:

Senate Resolution No. 16.

A resolution to memorialize the Congress of the United States to amend immigration law to eliminate gender bias in determinations of citizenship for foreign-born children of citizens.

Whereas, Generally speaking, people are citizens who are born in this country or born in a foreign land to parents who are United States citizens. If one parent is an American citizen, a person born abroad is an American citizen when that parent has lived in the United States for a certain length of time; and

Whereas, While the standards of citizenship for those born overseas are well defined, it has become clear that these standards are biased and depend upon whether it is the mother or the father who is the American citizen. Under the provisions of current immigration law, there is a gender bias in the system that discriminates against men who are citizens and who father a child born out of wedlock in a foreign country; and

Whereas, A father seeking to have a child born elsewhere recognized as a citizen of this country faces significantly more hurdles than a mother. Immigration laws presently require much more documentation and meeting of conditions by a father than a mother. The law is based on the premise that a mother is always a better caregiver. In seeking recognition of citizenship, establishing proof of the mother-child relationship does not entail as many requirements as a father-child relationship; and

Whereas, Specific cases of fathers facing additional burdens of proof have demonstrated the harm that this gender bias in immigration law can cause. The United States Supreme Court has also heard such cases and has remarked on the inappropriateness of gender-based stereotypes; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to amend immigration law to eliminate gender bias in determinations of citizenship for foreign-born children of citizens; 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.

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

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

The motion prevailed.

Senator Hoffman's statement is as follows:

Last week, one of my constituents and dear friends, Milo Thompson, passed away. It's probably not a name that many of you here recognize, but it's certainly a name that people in Jackson County recognize. Besides being a good friend of mine, he was a mentor of mine. Milo Thompson retired from the Department of State Police as a State Police sergeant back when I was first coming on the scene as a law enforcement officer myself. Previous to that, Mr. Thompson served in World War II in the Pacific Theater, and he retired as a lieutenant colonel from the National Guard.

After a distinguished career, both in the State Police Department and as a lieutenant colonel with the National Guard, he took over the directorship of the Jackson County Office of Emergency Measures, Civil Defense. During his term of service there, he established Jackson County's current dispatch system or what's commonly referred to as the emergency 9-1-1 number. His service in our community didn't stop there. He was involved in a number of community organizations such as the American Red Cross, Community Mental Health, 4-H, Jackson County Advisory Council on Aging, and the Michigan Advisory Council on Aging. Despite his retirement, he was also involved in the Michigan State Police Troopers Association and the Michigan National Guard Retired Officers Association. He also was active with the Jackson Traffic Safety Commission, was past president of the Rose City American Association of Retired People, and in 1996 they recognized him as the Jackson County Senior Volunteer of the Year.

The citizens down in Jackson County really feel the loss of our friend, Milo Thompson. I wanted his family to know that not only do they feel the loss, but we all in Jackson County, and certainly we in the Michigan Senate, wish to send Milo's widow and family our deepest sympathy and prayers.

The President pro tempore, Senator Schwarz, assumed the Chair.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 221, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 6 (MCL 722.676), as amended by 1999 PA 33.

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

Senators Bennett, McCotter, Hammerstrom, Bullard, Stille, Byrum, Jaye, Schuette, Johnson and Goschka introduced **Senate Bill No. 222, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11514a.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Leland, Smith, Peters, Murphy, Cherry, Miller, Emerson and Schwarz introduced
Senate Bill No. 223, entitled

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 1 (MCL 445.571), as amended by 1989 PA 93.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Leland, Byrum, Murphy, Hart, Emerson, Cherry, Peters, Miller, Smith, Dingell, Schwarz and Jaye introduced
Senate Bill No. 224, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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

Senators Leland, Smith, Cherry, Emerson, Hart, Murphy, DeBeaussiaert, Schwarz, Jaye, Bennett, Hammerstrom and Sikkema introduced

Senate Bill No. 225, entitled

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," (MCL 554.601 to 554.616) by adding section 15a.

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

Senator DeBeaussiaert introduced

Senate Bill No. 226, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 503 (MCL 380.503), as amended by 1995 PA 289.

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

Senator DeBeaussiaert introduced

Senate Bill No. 227, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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

Senator Van Regenmorter introduced

Senate Bill No. 228, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 216b.

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

Senator Van Regenmorter introduced

Senate Bill No. 229, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2000 PA 279.

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 151, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 911.

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.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 180, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451).

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.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 184, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending sections 1 and 2 (MCL 691.1501 and 691.1502), section 1 as amended by 1987 PA 30.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Schuette and Bullard

Nays: Senators Peters, Dingell and Emerson

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 14, 2001, at 1:00 p.m, Rooms 402 and 403, Capitol Building

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

The Committee on Government Operations reported

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the President and the Congress of the United States to support the addition of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

(For text of resolution, see Senate Journal No. 8, p. 95.)

With the recommendation that the concurrent resolution be adopted.

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter (C), Sikkema, Byrum and Miller

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Thursday, February 15, 2001, at 1:00 p.m, Room 405, Capitol Building

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

Excused: Senator Hammerstrom

The Committee on Appropriations reported

Senate Bill No. 28, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," (MCL 474.51 to 474.70) by amending the title, as amended by 1984 PA 210, and by adding section 15a.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert 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 Appropriations submits the following:

Meeting held on Wednesday, February 14, 2001, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Excused: Senator Gast (C)

Scheduled Meetings

Appropriations -

Subcommittees -

Agriculture - Wednesdays, February 21 and February 28, 3:00 p.m., and Thursday, March 15, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Capital Outlay, Joint - Thursday, February 22, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960) (CANCELED)

Career Development Strategic Fund Agency - Tuesdays, February 27 and March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Consumer and Industry Services - Wednesday, February 21, 1:00 p.m., 8th Floor Conference Room, and Thursday, March 8, 1:00 p.m., Room 110, Farnum Building (373-7350)

Family Independence Agency - Tuesdays, February 27 and March 6, 1:30 p.m., Room 210, Farnum Building (373-1760)

General Government - Tuesdays, February 27, March 6, and March 13, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, February 21 and 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, February 22, March 1, and March 8, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2426)

Transportation - Wednesdays, February 21, February 28, March 7, and March 14, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Education - Wednesday, February 21, 6:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-7350)

Human Resources and Labor - Wednesday, February 21, 1:00 p.m., Room 110, Farnum Building (373-1801)

Judiciary - Wednesday, February 21, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:35 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, February 21, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.