

No. 12
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 21, 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—excused
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—present
Gast—excused
Goschka—present

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

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

Senator George Z. Hart of the 6th District offered the following invocation:

Our Father, who art in heaven, we give You thanks and praise for giving us this opportunity to come together in the true spirit of camaraderie as well as public service. We ask that You continue to provide us with Your guidance. We ask this Your name. Amen.

Senator Schuette entered the Senate Chamber.

Motions and Communications

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

Senator Emmons moved that Senators Jaye, McManus and Stille be temporarily excused from today's session.
The motion prevailed.

Senator Emmons moved that Senator Dunaskiss be excused from today's and tomorrow's sessions.
The motion prevailed.

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

Senators Jaye and McManus entered the Senate Chamber.

The following communication was received:

Office of the Auditor General

February 12, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Statewide Cash Flow and Short-Term Borrowing, February 2001.

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

The communication was referred to the Secretary for record.

The following communication was received:

Office of Drug Control Policy

February 13, 2001

I am pleased to transmit the Byrne Memorial Formula Grant application, together with the Michigan Drug Strategy, from the Office of Drug Control Policy to the U.S. Department of Justice, Bureau of Justice Assistance for the drug enforcement grant program.

This application is being forwarded to your office for information and review pursuant to Section 1304(a)(2) of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula grant program. This application requests \$16,251,369.

Should you have questions, please contact Ardith J. DaFoe, Law Enforcement Grants, at (517) 373-2952.

Very truly yours,
Peter L. Trezise
Interim Director

The communication was referred to the Secretary for record.

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

House Bill Nos. 4252 4253 4254 4255 4256 4257 4258 4259 4260 4261 4262 4263 4264 4265
4266 4267 4268 4269 4270 4271 4272 4273 4274 4275 4276 4277 4278 4279
4280

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 Schwarz 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. 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.

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. 180, entitled

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

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. 17

The resolution consent calendar was adopted.

Senators Johnson, Peters, Emerson, Dingell, Stille and DeBeaussaert offered the following resolution:

Senate Resolution No. 17.

A resolution honoring Ms. Kathleen Penner.

Whereas, It is with much appreciation that this legislative body commemorates Ms. Kathleen Penner for her many years of dedicated service to the Michigan Works! Association and the state of Michigan. As she retires, Ms. Penner has shown a commitment to the state for over 15 years; and

Whereas, Kay Penner has acted as the executive director of the Michigan Works! Association for the past 8 years; and

Whereas, Throughout her tenure, she has been instrumental in creating a new world of workforce development; and

Whereas, Kay started her career in state government in 1984 in the Department of Licensing and Regulation, where she acted as the chief of staff. From that point, she moved to the Michigan Jobs Commission, where she stayed until she began her work with the Michigan Works! Association in 1993; and

Whereas, As Ms. Penner ends her career with the state of Michigan, she looks forward to a relaxing retirement in Florida; now, therefore, be it

Resolved by the Senate, That upon her retirement we hereby honor Ms. Kathleen Penner for her dedication to the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Ms. Penner and her family as a reflection of our high esteem and appreciation for her many contributions to the state of Michigan.

Senator Young was named co-sponsor of the resolution.

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.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Miller's statement is as follows:

Today is a very special day for me. I know I want to especially thank Senator Johnson for her support because last year, before we left here, we passed a really landmark piece of legislation which is going to save some lives here in Michigan. This all came about—this great idea of railroad crossings—because of some tragedies in the metropolitan Detroit area and especially, Mr. President, in my senatorial district where we lost five people due to train accidents of people who were not trying to beat the train, but people who were not familiar with the area or the time of day and night. Due to these tragic accidents, they lost their lives or were seriously injured.

Last year, this body and the House passed a great piece of legislation, Senate Bill No. 859, which today, the Governor's been so gracious to invite the family members up here to have a bill signing ceremony with this piece of legislation. It's a piece of legislation that's going to go very, very far in our state to provide future protection, and it's an idea that came about through the family members who wanted to do something positive to remember the lives of the family members they lost and to set an example to help end tragedies in the future here in Michigan. I'm honored that the Governor is taking time to have this bill signing with Senator Johnson.

Today, seated in the western balcony, we have the family members who worked very, very hard to remember their loved ones. They went out and got petitions signed and worked just so extremely hard to notify the public and the press and this body and to bring it to my attention that Michigan has some severe problems with railroad crossings in urban areas.

We worked hard, and I want to give them some recognition today—to step forward to this body—and recognize that all their efforts to remember their loved ones are going to come to a great, great bill signing of Senate Bill No. 859. So I wish they would stand and this body give them recognition for a lot of hard work.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senators McManus, Gast, Johnson, Stille and Goschka introduced
Senate Bill No. 230, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senators Gast, Schwarz, McManus, Johnson, Gougeon, Smith and Goschka introduced
Senate Bill No. 231, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 2002; to implement the appropriations within the budgetary process; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Senators Johnson, Stille, Gougeon and McManus introduced
Senate Bill No. 232, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senators Bennett, Stille, Gougeon, Johnson and McManus introduced
Senate Bill No. 233, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Senators Schwarz, Johnson, Gougeon, Smith, Stille and McManus introduced
Senate Bill No. 234, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2002; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Senators Goschka, Gougeon, Johnson, Smith and McManus introduced
Senate Bill No. 235, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Senators North, Gougeon, Johnson, McManus and Smith introduced
Senate Bill No. 236, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senators Hoffman, North, DeBeaussaert, Gougeon, Johnson, McManus and Goschka introduced
Senate Bill No. 237, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Senators Hoffman, North, Gougeon, Johnson, McManus and Goschka introduced
Senate Bill No. 238, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

Senators Hoffman, Gougeon, Johnson, Stille and McManus introduced
Senate Bill No. 239, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2002; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, certain state institutions of higher education, and local units of government; and to provide for the expenditure of the appropriations.

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

Senators Gast, DeBeaussaert, Gougeon, Stille, Johnson, McManus, Smith and Goschka introduced
Senate Bill No. 240, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators Gougeon, Schwarz, Johnson, Smith and McManus introduced
Senate Bill No. 241, entitled

A bill to make appropriations for the department of community health and certain state purposes related to aging, mental health, public health, and medical services for the fiscal year ending September 30, 2002; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

Senators North, Hoffman, Gougeon, Johnson and McManus introduced
Senate Bill No. 242, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

Senators Stille, DeBeaussaert, Johnson and McManus introduced
Senate Bill No. 243, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Senators Schwarz, Smith, Hoffman, McManus, Johnson, Stille and Goschka introduced
Senate Bill No. 244, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2002; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Senators Bennett, North, Gougeon, Johnson, McManus and Gast introduced
Senate Bill No. 245, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senators McManus, Gast, Hoffman, Smith and Johnson introduced

Senate Bill No. 246, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senators Smith, Peters, DeBeaussaert, Byrum, Leland, Koivisto, Murphy, Emerson, Cherry, McManus, Schwarz, Gougeon, Emmons, North and Miller introduced

Senate Bill No. 247, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 40 (MCL 125.310), as amended by 2000 PA 384, and by adding section 16h.

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

Senators Smith, Peters, DeBeaussaert, Byrum, Leland, Koivisto, Murphy, Emerson, Cherry, McManus, Schwarz, Gougeon, Emmons, North and Miller introduced

Senate Bill No. 248, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 40 (MCL 125.240), as amended by 2000 PA 385, and by adding section 16h.

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

Senators Gougeon, Johnson, Hammerstrom and Schwarz introduced

Senate Bill No. 249, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senators Jaye and Peters introduced

Senate Bill No. 250, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509t, 726, 727, 759a, and 769 (MCL 168.509t, 168.726, 168.727, 168.759a, and 168.769), section 509t as amended by 1998 PA 21, sections 727 and 769 as amended by 1995 PA 261, and section 759a as amended by 1999 PA 216, and by adding sections 750a, 750b, 750c, and 750d.

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

Senator Jaye introduced

Senate Bill No. 251, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 2000 PA 492.

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

Recess

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

The motion prevailed, the time being 10:30 a.m.

10:35 a.m.

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

During the recess, Senator Stille entered the Senate Chamber.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:
 Public hearing held on Tuesday, February 20, 2001, at 1:00 p.m., Room 810, Farnum Building
 Present: Senators Sikkema (C) and Peters
 Excused: Senators Dunaskiss, Gast and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:
 Meeting held on Tuesday, February 20, 2001, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Schwarz (C), Johnson and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Career Development Strategic Fund Agency submits the following:
 Meeting held on Tuesday, February 21, 2001, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
 Present: Senators Johnson (C), Stille and Dingell

Scheduled Meetings

Appropriations -

Subcommittees -

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

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

Consumer and Industry Services - Thursday, March 8, 1:00 p.m., Room 110, Farnum Building (373-7350)

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

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

Senator Emmons moved that the Senate adjourn.
 The motion prevailed, the time being 10:36 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, February 22, at 10:00 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate.