

**No. 34**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, April 26, 2001.

10:00 a.m.

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

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—excused  
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—excused  
McManus—present  
Miller—present  
Murphy—excused  
North—present

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

Senator Kenneth R. Sikkema of the 31st District offered the following invocation:

Lord, we start this morning where we should start and that is to acknowledge Your Lordship. We ask that You bless these proceedings this morning, recognizing that You are the Sovereign of all things, all events, and all proceedings.

We also thank You for richly blessing us as a state, both economically and through the hand of Your creation, with our tremendous natural resources.

Finally today, guide us in our dealings with each other; teach us wisdom, honesty, and love. This and more we ask in Your name. Amen.

Senators Van Regenmorter, Goschka, Bennett, Dunaskiss, Miller, Cherry and Emerson entered the Senate Chamber.

### Motions and Communications

Senator Peters moved that Senators Young, Murphy, Vaughn, Hart, Dingell and Scott be excused from today's session. The motion prevailed.

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

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

Senator Shugars entered the Senate Chamber.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senators admittance to the Senate floor in observance of Take Your Daughter to Work Day.

The motion prevailed, a majority of the members serving voting therefor.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator DeGrow admittance to the Senate floor, including the center aisle.

The motion prevailed, a majority of the members serving voting therefor.

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

The motion prevailed, a majority of the members serving voting therefor.

### Recess

Senator Emmons moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:06 a.m.

10:11 a.m.

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

During the recess, Senator DeGrow introduced to the Senate the Marysville High School Volleyball Team, Class B State Champions, and Head Coach John Knuth.

Coach Knuth responded briefly.

During the recess, Senator Schuette entered the Senate Chamber.

The following communication was received:  
Department of Consumer and Industry Services

April 20, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing copies of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Interim Licensing Report	Arbor Heights		CS810200952
Special Investigation	Green Oak Center	2001C0208018	CS470201159
Approval Study Report	Pine Lodge Res. Care Ctr.		CS330201364
Special Investigation	Summit Center	2001C0201008	CS470201446

These reports were performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: [http://www.cis.state.mi.us/fat/leg\\_rep.htm](http://www.cis.state.mi.us/fat/leg_rep.htm).

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,

John R. Suckow, C.P.A.

Director, Finance and Administrative Services

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 Wednesday, April 25:  
**House Bill Nos. 4016 4409 4538**

The Secretary announced the printing and placement in the members' files on Wednesday, April 25, of:

**Senate Bill Nos. 413 414 415 416 417**

**House Bill Nos. 4639 4640 4641 4642 4643 4644 4645 4646 4647 4648 4649 4650 4651 4652  
4653 4654 4655 4656 4657 4658 4659 4660 4661 4662 4663 4664 4665 4666  
4667 4668 4669 4670 4671**

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 pro tempore, Senator Schwarz, designated Senator Gougeon 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. 351, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2411 and 2412 (MCL 339.2411 and 339.2412), section 2411 as amended by 1991 PA 166 and section 2412 as amended by 1980 PA 496.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 5, line 26, after "ALLEGATION" by striking out the balance of the subdivision and inserting a period and "THE HOMEOWNER SHALL SEND A COPY OF THE INITIAL COMPLAINT TO THE LICENSEE CONCURRENT WITH THE SUBMISSION OF THE COMPLAINT TO THE DEPARTMENT."

2. Amend page 6, line 8, by striking out all of subdivision (C) and inserting:

"(C) UPON RECEIPT OF A BUILDING VERIFICATION REPORT ISSUED TO THE DEPARTMENT BY A STATE OR LOCAL BUILDING ENFORCEMENT OFFICIAL UNDER THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1501 TO 125.1531, THE DEPARTMENT SHALL SEND BY CERTIFIED MAIL A COPY OF THE VERIFIED COMPLAINT TO BOTH THE COMPLAINANT AND THE LICENSEE. FAILURE OF THE DEPARTMENT TO SEND A COPY OF THE VERIFIED COMPLAINT WITHIN 30 DAYS OF RECEIPT OF THE BUILDING VERIFICATION REPORT PREVENTS THE DEPARTMENT FROM ASSESSING A FINE AGAINST THE LICENSEE UNDER ARTICLE 6 BUT DOES NOT PREVENT THE DEPARTMENT FROM PURSUING RESTITUTION, LICENSE SUSPENSION, OR OTHER REMEDIES PROVIDED UNDER THIS ACT."

3. Amend page 7, line 2, after "DEPARTMENT." by inserting "THE ALTERNATE DISPUTE RESOLUTION PROCEDURE SHALL BE CONDUCTED BY A NEUTRAL THIRD PARTY IN ACCORDANCE WITH GENERALLY ACCEPTED PRINCIPLES GOVERNING ALTERNATE DISPUTE RESOLUTION."

4. Amend page 7, line 16, after "COMPLAINT." by inserting "THE GUIDELINES SHALL BE CONSISTENT WITH THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, MCL 125.1501 TO 125.1531."

5. Amend page 7, line 26, after "UTILIZE" by striking out "TO COMPLETION".

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

### **Resolutions**

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

#### **Senate Resolution No. 46**

The resolution consent calendar was adopted.

Senator Schuette offered the following resolution:

**Senate Resolution No. 46.**

A resolution to honor Michael Kergin, Canadian Ambassador to the United States.

Whereas, It is a privilege for this legislative body to honor and welcome Ambassador Michael Kergin on the occasion of his address before the Michigan Senate on Tuesday, May 1, 2001; and

Whereas, Ambassador Kergin was born on April 26, 1942, in Bramshott, England, in a Canadian military hospital; and

Whereas, He received an honors Bachelor of Arts degree from the University of Toronto in history and languages and returned to England to earn his master's in economics from Oxford University; and

Whereas, Having completed his education, Ambassador Kergin embarked upon a career in public service by joining the Department of Foreign Affairs in 1967 as a foreign service officer. In this capacity, he served the people of Canada with great devotion while representing Canadians abroad in Africa, Chile, as Ambassador to Cuba, and now as Ambassador to the United States; and

Whereas, Ambassador Kergin has represented the people of Canada admirably for the past 34 years; and

Whereas, We welcome and honor Ambassador Kergin in the continuing spirit of goodwill and peaceful relations between our two neighboring countries; now, therefore, be it

Resolved by the Senate, That our highest tribute and honor be accorded to Michael Kergin, Canadian Ambassador to the United States; and be it further

Resolved, That a copy of this resolution be transmitted to Ambassador Kergin at the Canadian Embassy in Washington, D.C.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

The motion prevailed, a majority of the members serving voting therefor.

Senator Jaye offered the following resolution:

**Senate Resolution No. 44.**

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate be amended to read as follows:

**“2.103 STANDING COMMITTEES**

The standing committees of the Senate shall be:

Appropriations (16 members)

Banking and Financial Institutions (7 members)

Detroit Metro Airport (5 members) This standing committee shall be disbanded no later than March 1, 2002.

Economic Development, International Trade and Regulatory Affairs (5 members)

Education (5 members)

ETHICS (5 MEMBERS)

Families, Mental Health and Human Services (7 members)

Farming, Agribusiness and Food Systems (5 members)

Finance (5 members)

Financial Services (7 members)

Gaming and Casino Oversight (5 members)

Government Operations (5 members)

Health Policy (5 members)

Human Resources and Labor (5 members)

Hunting, Fishing and Forestry (5 members)

Judiciary (7 members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Reapportionment (9 members)

Senior Citizens and Veterans Affairs (5 members)

Technology and Energy (7 members)

Transportation and Tourism (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)

Michigan Capitol Committee (4 members) (see MCL 4.1701)

FOLLOWING ITS CREATION, THE SENATE ETHICS COMMITTEE SHALL IMMEDIATELY REQUEST IN WRITING AND RECEIVE A RESPONSE FROM EACH MEMBER OF THE SENATE TO DETERMINE WHETHER EACH MEMBER HAS BEEN CONVICTED OR ACCUSED OF ANY MISDEMEANOR, OR HAS BEEN ACCUSED OF ANY DOMESTIC DISPUTE OR ASSAULT.”

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

Senator Jaye offered the following resolution:

**Senate Resolution No. 45.**

A resolution to direct the Senate Select Committee created by Senate Resolution No. 42 to take certain actions regarding the qualifications and fitness to hold office of members of the Michigan Senate.

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 we direct the Senate Select Committee created by Senate Resolution No. 42 to study the qualifications and fitness to hold office of members of the Michigan Senate. The select committee shall request in writing and receive a response from each member of the Senate to determine whether each member has been convicted or accused of any misdemeanor, or has been accused of any domestic dispute or assault; and be it further

Resolved, That a copy of this resolution be served on the members of the Michigan Senate and they be given a reasonable opportunity to appear before the Senate Select Committee and be represented by counsel.

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

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Jaye, DeGrow and Schuette asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jaye’s statement is as follows:

Mr. President, Senate colleagues, staff, and guests, many citizens feel that the Senator from the 27th District’s resolution establishing a temporary ethics committee to review the suitability of me to serve as a state Senator doesn’t go far enough. All state Senators should be held to the same standard. That’s why today I introduced two resolutions to require all state Senators who have been accused or convicted of a misdemeanor or assault or domestic dispute to be reviewed by a permanent Senate ethics committee. My resolution requires the temporary ethics committee, and if established, a permanent ethics committee, to send a formal letter to each current state Senator asking if they’ve been charged or convicted with any misdemeanor, domestic dispute, or assault to be reviewed by the committee. These are the same issues that the committee’s reviewing about me, Senator Dave Jaye.

I look at the formation of an ethics committee as an opportunity to publicly clear my name, and so should other Senators who face the same plight. I intend to utilize this ethics committee to prove beyond a reasonable doubt that the allegations against me are false, as my fiancée Sonia Kloss has publicly and repeatedly said. Sonia paid for my bail, used her house as collateral, and hired an attorney to get these charges dismissed. A founding principle of our Michigan and U.S. Constitutions is that a person is innocent until proven guilty. I am innocent of these charges pending against me, and the attorneys say that the charges will almost certainly be dismissed as early as 60-90 days.

If I am sanctioned or removed from office for these untrue charges and found innocent, how will the Michigan Senate repair the damage to me and the thousands of taxpayers who elected me? Some Senators want to take action and expel me before the due process of the court system has run its course in Florida.

There are some matters of my personal life that I’m not proud of. I am a recovering alcoholic. I have problems in my personal life with alcohol. I have also had challenges in my personal relationships. Like many people, I have not always made right decisions. Like many Senators, I’ve made mistakes. I’m very sorry, and I ask the taxpayers and colleagues for forgiveness of my mistakes and personal life problems.

Recovering alcoholics are easy targets for any allegations. So if the media wants to write stories that I'm a recovering alcoholic, it's true. However, none of my mistakes have ever extended to physical abuse of any person. I absolutely did not physically harm my fiancée. There was no hitting, pushing, kicking, or assault whatsoever. I will not lie by admitting to something that's false. I will not lie to make the Senators happy. I will not lie to make the media happy. When I have done something wrong, I admit it. I take my licks, and I take my penalties without complaint. However, the media and police have blown this private matter all out of proportion. Sonia has stated how the police pressed her to use words that were not her own.

A Senate ethics committee should be a permanent fixture in the Michigan Senate, just as the U.S. Congress has had a permanent ethics committee for decades. The establishment of a permanent standard of conduct for all state Senators is long overdue. A formalized and permanent ethics committee to review and receive citizens' complaints for the first time will hold Senators—the most powerful Lansing politicians—accountable.

Michigan taxpayers and all Senators should be held to the same ethic standards. Taxpayers expect that the Senator from the 27th District and my other Senate colleagues should support my resolution to permanently establish a Senate ethics committee, and review any other current Senators who may have been convicted or accused of a misdemeanor, domestic dispute, or assault. Taxpayers can only be convinced of the integrity of the state Senate if every member is held to the same ethic standards and that each Senator's errors and judgments are equally reviewed by a permanent ethics committee. It would only be fair for all Senators to hold themselves to the same standards of conduct and accountability on the suitability to serve.

I ask, like any other American, for my presumption of innocence and that my colleagues and the media stop prejudging me. I am innocent of this allegation. I shouldn't be convicted by the Senate and thrown out of office—of my office that the voters elected me to—until I have my day in court. I hope that all the Senators agree that it is time for the Michigan State Senate to set an ethics standard to govern all the members, and quickly approve my two resolutions that were referred to the Government Operations Committee today. I ask the media and people to look in their hearts and ask what they would do if a member of their family was falsely accused.

Senator DeGrow's statement is as follows:

First, on Tuesday, there will be a resolution introduced outlining all the charges against Senator Jaye. I think at that point members will understand that there's no one in this body who has conducted themselves in that kind of manner. Men and women in this body have had problems in the past, and they've been dealt with by Senator Cherry and myself while we've been leaders. Now that will continue to be the practice, and I see no need for these resolutions. One of the oldest tricks in the book is to claim "everybody else does it too" when they're caught with something.

Quite frankly, I'm offended by this type of resolution that says every member has to submit a statement that they've never done certain things. Senator Jaye, you will get your day. You will be allowed to make the statements you just made under oath, where perjury charges can be made. Quite frankly, I'm offended by these resolutions and offended by your behavior.

Senator Schuette's statement is as follows:

Today we passed a resolution honoring the Canadian ambassador who's coming to Michigan next week—his second visit outside of Washington, D.C., since Michael Kergin, the Canadian Ambassador to the United States, received his posting from Prime Minister Chrétien of Canada. He'll be the Senate's guest next Tuesday. He'll be addressing the Senate in a brief fashion at 10:00 a.m. next Tuesday, May 1. The Majority Leader and I have sent a memo to all of you and our colleagues in the House about that. There will be a reception after his speech to the Senate next Tuesday. I would ask that the Secretary of the Senate transmit in some fashion a message to the House inviting House members to attend should they choose, at 10:00 a.m. on May 1, next Tuesday. I encourage all of our Senators to hear Ambassador Kergin as he talks about the special relationship between our country and Canada, Michigan and Ontario, and the huge commercial and cultural relationships that exist between us, along with the border issues which is of great substantive importance as well.

By unanimous consent the Senate returned to the order of

#### **Introduction and Referral of Bills**

Senators Hoffman, Peters, Dingell and North introduced

#### **Senate Bill No. 425, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 9, 17, and 25 (MCL 338.1059, 338.1067 and 338.1075), as amended by 2000 PA 411.

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

Senators Hoffman, Peters, Dingell and North introduced

**Senate Bill No. 426, entitled**

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending sections 9 and 13 (MCL 28.609 and 28.613), section 9 as amended by 1998 PA 237.

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

Senator Steil introduced

**Senate Bill No. 427, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 7 of chapter 11 (MCL 141.607).

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

Senators Hammerstrom, Johnson, McManus, Garcia and Scott introduced

**Senate Bill No. 428, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 5 (MCL 722.22 and 722.25), section 2 as amended by 1999 PA 156 and section 5 as amended by 1993 PA 259.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators McCotter, Hoffman, Bullard, North, Leland, McManus, Dingell, Gast, Young, Stille, Koivisto, Scott, Garcia and Bennett introduced

**Senate Bill No. 429, entitled**

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition act," by amending the title and sections 1, 2, and 3 (MCL 390.1241, 390.1242, and 390.1243).

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

Senator Hammerstrom introduced

**Senate Bill No. 430, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 75106 (MCL 324.75106), as added by 1995 PA 58.

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

Senator Bullard introduced

**Senate Bill No. 431, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 5.

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

Senator Bullard introduced

**Senate Bill No. 432, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 246.

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

**House Bill No. 4016, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

The House of Representatives has passed the bill.

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

**House Bill No. 4409, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82118 (MCL 324.82118), as amended by 1996 PA 183.

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 Natural Resources and Environmental Affairs.

**House Bill No. 4538, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82110 (MCL 324.82110), as added by 1995 PA 58.

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 Natural Resources and Environmental Affairs.

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

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

**Corrections** - Wednesdays, 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, May 2, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-7350)

**Families, Mental Health and Human Services** - Wednesday, May 2, 4:00 p.m., Room 100, Farnum Building (373-3543)

**Finance** - Tuesday, May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3760)

**Judiciary** - Wednesday, May 2, 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 10:42 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 1, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.