

No. 65
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, October 3, 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
Garcia—present
Gast—present
Goschka—present

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

Father Cecilio Reyna of St. Mary's Catholic Church of Westphalia offered the following invocation:

Eternal God, we praise Your name, and we give You thanks for the blessings we have received from Your hand. We give You thanks for the beauty of this land and for its rich natural resources. We give You thanks for the goodness and strength that are characteristic of many aspects of our national and local government. We give You thanks for the rich diversity of the American people and for those who are committed to the common good rooted in Your eternal truth.

Eternal God, we ask for Your blessing this day and for the grace to receive this blessing. We ask for greater wisdom to understand Your presence and activity in this world. We ask for greater insight in order to distinguish between true freedom and the freedom to do as one wishes. We seek greater knowledge in order to know with greater depth the needs of those we serve. We ask for the gift of true humility, so that our deliberations may be marked by greater mutual respect for a greater commitment toward the establishment of just law. Eternal God, help us to understand with greater clarity the truth that as persons we are all equal in Your eyes. Help us, Lord, so that we will never be driven by our emotional responses to the diversity of Your people, but instead be driven by right reasoning and sound judgment.

On this day, we ask for a greater awareness and sensitivity to the presence of Hispanics in this state. We ask that our legislators will work with greater intensity to uphold their rights and to clarify their duties. We ask that their knowledge of the contributions of Hispanics to this state will grow, so that they will be better informed as they seek to serve them. We ask that their knowledge into the acts of unjust discrimination may be heightened, so that they can effectively work to abolish them in ways that are within their power. We ask that we will always understand the hearts of others when they say, "Yes, I, too, was born in this great nation. I, too, was educated in her schools. I, too, have fathers and brothers who fought in her wars to defend her freedom. I, too, am an American."

Finally, we ask You, Eternal God, to protect our nation from further acts of terrorism. Grant wisdom and right judgment to our national leaders as they seek to respond to this tragedy. Grant that our nation will never grow weary in the work ahead. May we always see deeper than what the eyes can see and the ears can hear, so that we will always stand united as brothers and sisters under one flag. Help us, O God, to seek Your will in all things. Amen.

Senator Emerson entered the Senate Chamber.

Motions and Communications

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

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Garcia 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 10:08 a.m.

10:20 a.m.

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

During the recess, Senator Garcia introduced to the Senate MaryLou Olivarez-Mason, Executive Director of the Commission on Spanish-Speaking Affairs, and presented her with Senate Resolution No. 97, commemorating Hispanic Heritage Month.

Ms. Olivarez-Mason responded briefly.

The Cesar Chavez Academy Choir of Detroit rendered musical selections.

Senator Emmons moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 5080

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

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, October 2:
House Bill No. 4621

Messages from the Governor

The following message from the Governor was received on October 2, 2001, and read:

EXECUTIVE ORDER
No. 2001 - 7

**Michigan State Industries Advisory Board
Michigan Department of Corrections**

Executive Reorganization

Whereas, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

Whereas, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

Whereas, the Michigan State Industries Advisory Board ("Board") was created within the Michigan Department of Corrections pursuant to Executive Order 1993-15, being Section 800.341 of the Michigan Compiled Laws; and

Whereas, the functions, duties and responsibilities assigned to the Board can more effectively be carried out by the Director of the Michigan Department of Corrections in consultation with the businesses and workers of the state; and

Whereas, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions and responsibilities of the Michigan State Industries Advisory Board are hereby transferred to the Director of the Michigan Department of Corrections by a Type III transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Michigan Department of Corrections shall provide executive direction and supervision for the implementation of the transfer made under this Order. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Corrections.

3. The Director of the Michigan Department of Corrections shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. All records of the Michigan State Industries Advisory Board are hereby transferred to the Michigan Department of Corrections.

5. The Michigan State Industries Advisory Board is hereby abolished.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 1st day of October, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

October 2, 2001

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

Michigan Board of Chiropractic

Mr. Clifford T. Flood, 402 Shoreline Drive, DeWitt, Michigan 48820, county of Clinton, as a member representing the general public, succeeding Dr. Bruce A. Rubenstein of Port Huron, who has resigned, for a term expiring on December 31, 2001.

Sincerely,
John Engler
Governor

The appointment was referred to the Committee on Government Operations.

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 Byrum as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5080, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; to prescribe certain powers and duties of state departments; and to repeal acts and parts of acts.

House Bill No. 4627, entitled

A bill to define the rights and responsibilities of hotels and bed and breakfasts with respect to renting or leasing hotel or bed and breakfast rooms to minors.

House Bill No. 4734, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 31 (MCL 474.131), as amended by 1996 PA 420.

House Bill No. 4879, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 33 (MCL 257.1833).

House Bill No. 4791, 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 17a.

House Bill No. 4018, entitled

A bill to repeal 1947 LA 9, entitled "The act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb."

The bills were 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:

House Bill No. 4878, entitled

A bill to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.

Substitute (S-2).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 9, following line 21, by inserting:

“Sec. 60. The overpass located at the intersection of highway I-75 and highway M-57 in Genesee County shall be known as the “Bernie Borden Memorial Overpass”.”.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 576, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4 (MCL 205.94), as amended by 2000 PA 200. 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. 502, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by adding section 80f.

Substitute (S-3).

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

1. Amend page 3, line 3, after “COURT” by striking out “SECURITY”.

2. Amend page 3, line 4, after “COURT” by striking out “SECURITY OFFICER” and inserting “OFFICER AS AUTHORIZED BY A COURT”.

3. Amend page 3, line 5, after “EMPLOYEE” by striking out the balance of the line through “OF” on line 6 and inserting “AS AUTHORIZED BY”.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 505, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 1 and 12 of chapter XVII (MCL 777.1 and 777.12), section 1 of chapter XVII as amended by 2000 PA 279 and section 12 of chapter XVII as amended by 2000 PA 459.

Substitute (S-4).

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 McManus entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 113

The resolution consent calendar was adopted.

Senators Johnson, Garcia, Sikkema, Steil, Bullard, Stille, Van Regenmorter, Hammerstrom, Schuette, Bennett, Gast, McManus, Emerson, Shugars and Scott offered the following resolution:

Senate Resolution No. 113.

A resolution commemorating October 14-20, 2001, as Michigan Credit Union Week.

Whereas, The vitality and stability of Michigan’s economy is important to ensure continued business growth, expanded employment opportunities, and improved financial security for the people of this state; and

Whereas, Credit unions were created as cooperative, not-for-profit financial institutions committed to the economic improvement of their membership; and

Whereas, The state of Michigan is home to 474 credit unions with a membership in excess of 4.3 million credit union members, which represent approximately 40 percent of the state population; and

Whereas, The credit union movement continues to provide its 4.3 million Michigan members access to affordable, reliable financial services, as well as the opportunity to be a member-owner, not “just a customer”; and

Whereas, During the week of October 14-20, 2001, credit unions throughout the world will be celebrating 76 years of providing competent financial services in a democratic, cooperative manner to citizens of both our Great Lakes State and the world; now, therefore, be it

Resolved by the Senate, That we hereby commemorate October 14-20, 2001, as Michigan Credit Union Week and recognize October 18, 2001, as International Credit Union Day. We encourage all citizens to acknowledge the many contributions credit unions have made through the years to the communities in this state, both tangible and intangible, and honor and express appreciation for the service and commitment of Michigan’s credit unions; and be it further

Resolved, That a copy of this resolution be transmitted to Michigan Credit Union League as evidence of our support. Senators Young, DeBeaussaert and Goschka were named co-sponsors of the resolution.

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

Senate Concurrent Resolution No. 11

The motion prevailed.

Senator Young stated that had he been present on October 2 when the votes were taken on the passage of the following bills, he would have voted “yea”:

Senate Bill No. 346

House Bill No. 4793

Senator DeGrow offered the following resolution:

Senate Resolution No. 114.

A resolution offered as a memorial for James H. Brickley.

Whereas, With the passing of James Brickley, Michigan has lost a gentleman who served this state in remarkable fashion in numerous positions. His knowledge, personal integrity, and commitment were evident in each responsibility he assumed throughout his long and varied career in service. The example of his decency and consistency shall long endure and benefit our state; and

Whereas, Among the talented men and women who have served our state, few have taken on a wider range of responsibilities than James Brickley. A native of Flint who was raised in Detroit, he served with great distinction in leadership roles in city, county, and state government, as well as in the halls of academia and in national law enforcement. With civility, intelligence, and diligence that marked both his personal and his public lives, Jim Brickley filled some of the most difficult roles in public service and handled them with thoughtfulness, effectiveness, and compassion; and

Whereas, James Brickley served the people of his state and country as an FBI special agent, U.S. Attorney for Eastern Michigan, a member of the Detroit Common Council, the President of Eastern Michigan University, the Lieutenant Governor and President of the Michigan Senate for two terms, and justice of the Michigan Supreme Court for 16 years. With the court, his experience and sensitivity to the true impact of the law earned him the respect of his fellow jurists, who selected him as Michigan’s Chief Justice; and

Whereas, To every office he held, James Brickley brought a wonderful blend of scholarship, integrity, and devotion. Our state is a far better place for his life and work; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor the memory of James H. Brickley, former Lieutenant Governor and President of the Senate and Chief Justice of the Michigan Supreme Court; and be it further

Resolved, That copies of this resolution be transmitted to the Brickley family as evidence of our sincerest condolences.

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 a unanimous standing vote of the Senate.

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.

Senators DeGrow, Miller, Emmons, Gast, Hart and Leland asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator DeGrow's statement is as follows:

It is no accident that in every article that you saw about James Brickley that the words "integrity" and "decency" were in it. As someone who got to know him in 1980 and in the following years got to know him even better, he epitomized what I view as what public service should be. This was a man who cared very deeply about this state, had as much integrity as any person I've ever known, and was decent to all those he came in touch with. He always had time to listen and always made time no matter who came by. He was a very special person, and this state is a lot better place because he was here. I can tell you this, if we had more elected officials like Jim Brickly, this state would be a far better place. He will be missed, and he had a tremendous impact on this state.

Senator Miller's statement is as follows:

I came to this body in 1977 and had the privilege to work under Lieutenant Governor Jim Damman. After Lieutenant Governor Damman did not run with Governor Milliken in 1978, Jim Brickley came back and fulfilled those shoes of Lieutenant Governor and President of this body.

I was really saddened to read over the weekend in Mr. Weeks' column of his untimely death. I just want to say that one of the first people I met in state government was James Brickley. He conducted this chamber with a class that very, very few people in the public ever had the opportunity to witness.

He was a man truly, and as the resolution said, he was a gentleman. He was not just a politician; he was a gentleman. If anyone had a problem, Mr. Brickley always had the time to listen to the problem. If you had a down moment, Jim Brickley always had a smile to try to bring back a smile to you.

He graced this chamber with distinction as a true leader. He was a devoted public servant. When you look back at his career as an FBI agent, as a U.S. attorney, as a Detroit city councilman, as a lieutenant governor, as a college president, and as a Supreme Court justice, he touched so many areas of public service.

His family had a leading dairy in southeast Michigan. I believe the family farm was in Senator DeGrow's district in Marlette. My uncle had the privilege to work with the Brickley Dairy, located on McNichols in the city of Detroit. His family was really, really dedicated to community projects and community activity.

Of all the people whom I had the privilege to meet coming to this town 24 years ago, Jim Brickley was one who I'll always remember as not only a leader, but he was a friend to every person who walked in this chamber, whether you were a sergeant or a dignitary visiting this state capital.

Jim Brickley did this state well, and the people of Michigan are well-rewarded for the fine public service that Lieutenant Governor Brickley, Justice Brickley, public servant Jim Brickley did for all the millions of people in Michigan. His family should be so proud of the service that he gave this state. This body was graced by his presence and what he did for leadership in the Michigan Senate.

Senator Emmons' statement is as follows:

Jim had an unique personality. I guess what I appreciated most about him was that he was always of such good cheer, and he mostly didn't take himself very seriously. He realized he had a job to do in every single position that he was ever in, and he did it with dignity and grace and always with a nice smile and a pleasant manner. He was a fine gentleman who everyone will miss.

Senator Gast's statement is as follows:

I think Jim Brickley was the person who has been described by others. But I would like to add that he was a person who cultivated friendships. He did not make enemies. And I think therein is a lesson that a lot of us could learn from. Jim Brickley was a man who will be missed, and he served our state very well.

Senator Hart's statement is as follows:

Jim Brickley was someone I knew for almost 50 years as a councilman in the city of Detroit while I was a councilman in the city of Dearborn. I knew him back when he became the assistant chief prosecutor of Wayne County. But, more importantly, in the four years that I served in the Michigan State Senate, I sat up there in the first row and had a great deal of dialogue with Jim. I'd go back there and talk to him about personal matters—he was a very friendly person. Together with Senator Gast, Senator Jackie Vaughn, and Senator Miller—we've all enjoyed the pleasure of having known him. God bless him.

Senator Leland's statement is as follows:

I just want to reflect about an experience I had with Jim back in the early '70s.

I was a social worker student doing an internship for one of the departments, the Department of Social Services. It was in the area of adult foster care. The state was going through a very large deinstitutionalization program at that time.

We were emptying out the mental health facilities, and we were placing people in a more humane environment back into the communities from whence they came. It was very difficult in many instances to open up these adult foster care homes and take our people home and clear out the institutions.

The Lieutenant Governor and the Governor at the time were getting a lot of letters from very irate constituents because they did not want this population being interfaced back into the community. I remember getting some letters that I was asked to draft on behalf of the Lieutenant Governor. I called him, and I said, "What spin do you want me to put on these letters? These are some very angry people. They don't want to live with this population of people in their community."

I remember that the Lieutenant Governor was very sincere, very humane, and felt very strongly that these people had a right to come home and be in the community. He said, "I want you to tell those folks that."

So I was just thinking about that conversation 25 years ago and realizing what a terrific human being this person was and how difficult that issue was with a lot of folks because we were scared to take a population and put them back home. He was a fighter, if you will, for this population of people.

I went on to get my master's degree, and I actually worked in that area of adult foster care. There will always be a place in my heart for him because of the conversation we had regarding the mental health population.

Senators Stille, Van Regenmorter and Byrum offered the following resolution:

Senate Resolution No. 112.

A resolution to urge the Department of Natural Resources not to approve any leases that may result in slant drilling under the Great Lakes prior to completion of the goals and objectives of the Senate Great Lakes Conservation Task Force.

Whereas, Stewardship of the Great Lakes is both the biggest treasure and the biggest challenge for the people of Michigan. Decisions involving policies or activities with potentially enormous impact—as is clearly the case with slant drilling for oil and gas under the lakes—must only be made with the utmost caution and preparation. Other important items of interest affecting the Great Lakes include combined sewer overflow, ballast water release, groundwater runoff, and general farming practices; and

Whereas, The Natural Resources Commission recently lifted the moratorium on leasing of Great Lakes bottomlands, ending the 4-year prohibition on new leases. Countless citizens and organizations protest this decision until further study of the possible impact is completed; and

Whereas, The issue of protecting our most precious natural treasure continues to arouse the interest of Michigan's citizens. At the present time, the Senate Great Lakes Conservation Task Force is gathering invaluable testimony and information from across Michigan on issues fundamental to the future of the Great Lakes. The task force has been gathering input from a wide range of individuals, interests, and communities; and

Whereas, While there are valid reasons to consider all reasonable means to develop important energy resources wherever they may be available, it is crucial that the benefits be weighted carefully against the genuine costs. The true nature and depth of the risks involved in the operation of slant drilling under the lakes must be entirely understood. As the situation now stands, especially as a key study is underway, it would be wise for our state to continue to act with prudence in making any decision involving slant drilling; now, therefore, be it

Resolved by the Senate, That we urge the Department of Natural Resources not to approve any leases that may result in slant drilling under the Great Lakes prior to completion of the goals and objectives of the Senate Great Lakes Conservation Task Force; and be it further

Resolved, That copies of this resolution be transmitted to the Natural Resources Commission and the Department of Natural Resources.

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.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Gougeon, Goschka, McCotter, Stille and Hoffman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gougeon's statement is as follows:

I rise this morning because of a news article that was recently in the *Bay City Times* and perhaps other newspapers around this state about a Michigan State Police K-9 Unit and a police dog by the name of Fix, who has served admirably for the Michigan State Police for a good number of years.

The incident in question and reported on was the fact that this particular police dog had yet done his duty by chasing down an escapee and apparently bit the escapee in violation of his training. Apparently, police dogs are trained not to bite unless they are commanded by their handler. So the result was that Fix the police dog was removed forever from serving the Michigan State Police in the K-9 Unit again. But, furthermore, the discussion in the newspaper that I read was that Fix also should be euthanized because, after all, could we trust this dog again?

I rise to vehemently oppose capital punishment for this particular police dog, and urge Colonel Robinson of the Michigan State Police to use his influence and authority as commander of the Michigan State Police to ensure that this dog, in effect, has a good home and is put out to pasture in a humane way. This dog's ultimate reward for great and valiant service to this state of Michigan should not be capital punishment, when alone with an escapee, the dog was alleged to have bitten him.

My mail is running 100 to nothing that we're euthanizing the wrong person. It should be the escapee and not the dog. I would urge Colonel Robinson, and I hope others in this Senate will agree with me, to ensure that Fix, in fact, has a good home in a humane manner. I had intended on having a resolution ready for today with regard to this issue. Unfortunately, it isn't ready. It will be submitted tomorrow, but because time is of the essence, I rise to speak on this issue today.

Senator Goschka's statement is as follows:

I rise very much in support of Senator Gougeon and his comments regarding this police dog. I also read it in my local paper, and I found it amazing that when this police dog caught the bad guy as he was supposed to do, he put puncture wounds in the forearm. That was nothing serious. Not only has it been recommended, as Senator Gougeon has already said, to pull this dog from duty—a duty that I think the dog did very well, by the way—but also to kill this dog.

I hope that all of us realize that this is a serious matter. It's not a light matter to think that a dog has been trained properly to go after criminals. I will remind you that this incident took place on September 11. In our own local area, it was initially wrongly reported on one of our local radio stations that there had been a big prison outbreak at the Saginaw Regional Correctional Facility. We found out later that it was just one individual who actually committed a sexual assault. A sexual predator on children escaped, and if he'd had the chance, he would have done it again to some other child. The dog did its job. The criminal was apprehended, so let's just kill the dog?

I hope everyone here will rise up with me in absolute and total outrage and demand, as is our opportunity as legislators in this state, not only to fight for the dog's life, but more importantly, to get the dog back in service where it belongs. I hope you'll join Senator Gougeon in this fight—I do. To do anything otherwise, to just forget about it and go on with our day's activities and let this go on because, after all, it's somewhere else and somebody else's district, I think is wrong. I hope we will join this fight. Right is right. I happen to be against the criminals. Senator Gougeon is; I know that everyone else here is, and so was the dog. Why kill the dog for doing its job to get a sexual predator off the street? I think there's some serious questions that need to be answered with this situation.

Senator McCotter's statement is as follows:

I'd like to thank Senator Garcia for the guests he had today. It reminded me to call my wife and children and wish them Happy Hispanic Heritage Month.

One time I asked my wife, "How come as a Hispanic you get a whole month to celebrate, and as an Irishman I only get one day?" She looked at me and said, "Because if you're Irish more than one day, it would kill you." So to her, my children, and my loving in-laws, I wish them a Happy Hispanic Heritage Month.

Senator Stille's statement is as follows:

I rise to support Senator Gougeon and Senator Goschka and their comments relative to the police dog Fix and also to make the State Police commander aware that I will offer a home for that dog. I would love to take him to Ottawa County.

Senator Hoffman's statement is as follows:

I would just like to add to what the previous Senators, Senator Gougeon and Goschka, have said. I do find it a bit troubling that we can't have a little common sense. A little common sense should prevail. Instead of euthanizing the dog, we should give the dog to the dog trainer, his handler. Then there wouldn't be a problem here. Why can't we all just get along?

I just hope that the department would take and review this a little bit, and come to the same conclusion that a little common sense here might work out best of all.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Johnson, North, Shugars, Hammerstrom, Bennett, Goschka, Garcia, Steil, Scott and Schwarz introduced
Senate Bill No. 687, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766 (MCL 333.17766), as amended by 1990 PA 30, and by adding section 17766d.

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

Senators Sikkema, North, Gast and Steil introduced

Senate Bill No. 688, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1212 (MCL 380.1212), as amended by 1993 PA 312.

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

Senator Young introduced

Senate Bill No. 689, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17763 (MCL 333.17763), as amended by 1997 PA 153.

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

Senators Steil, Stille, Bennett, Emmons, Van Regenmorter, Gougeon, North, Hart, Shugars, Garcia, Goschka, Johnson, McManus, Schuette, Schwarz and Sikkema introduced

Senate Bill No. 690, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 133 (MCL 259.133), as amended by 1996 PA 370, and by adding sections 126d, 126e, 126f, 126g, 126h, 126i, and 126j.

The bill was read a first and second time by title and referred to the Committee on Detroit Metro Airport Review.

House Bill No. 4621, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 9, 10, 11, and 12 (MCL 207.772, 207.773, 207.779, 207.780, 207.781, and 207.782), section 9 as amended by 1996 PA 449 and section 12 as amended by 1994 PA 391; and to repeal acts and parts of acts.

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.

Committee Reports

The Committee on Finance reported

House Bill No. 5080, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; to prescribe certain powers and duties of state departments; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, October 2, 2001, at 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators Emmons (C), Bullard, Garcia, Peters and Byrum

Scheduled Meetings

Detroit Metro Airport Review - Thursday, October 4, 1:00 p.m., Room 810, Farnum Building (373-1801)

Economic Development, International Trade and Regulatory Affairs - Tuesday, October 23, 1:00 p.m., Room 110, Farnum Building (373-7946)

Government Operations - Thursdays, October 4 and 11, 1:00 p.m. or later immediately following session, Senate Hearing Room, Ground Floor, Michigan National Tower (373-1707)

Great Lakes Conservation Task Force - Monday, October 8, 6:00 p.m., Roseville Public Library, Erin Auditorium, 29777 Gratiot, Roseville; Thursday, October 18, 6:00 p.m., Northern Michigan University, Don H. Bollum University Center, Ontario Room, 2nd Floor, 1401 Presque Isle Avenue, Marquette; Tuesday, October 30, 6:00 p.m., City of Port Huron Municipal Office Center, 100 McMorran Boulevard, Port Huron; Monday, November 5, 6:00 p.m., St. Joseph Public Library, 500 Market, St. Joseph; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center (373-0797)

Health Policy - Tuesday, October 9, 3:00 p.m., Room 100, Farnum Building (373-0793)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:18 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, October 4, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

