

No. 10
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 15, 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—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 Joanne G. Emmons of the 23rd District offered the following invocation:

Dear Lord, thank You for Your bounty, Your providence, and Your guidance. In this time of year there is so much sickness, and we want to pray for all those who have been afflicted in one way or another this morning. We wish them Godspeed and ask for Your healing power over them.

Give us today Your wisdom to do Your will and to serve Your people. We pray that You will bless our work here today, and we give You the honor and glory. We pray this in Jesus' name. Amen.

Motions and Communications

Senator Emmons moved that Senators Dunaskiss and Gast be excused from today's session.
The motion prevailed.

The following communication was received:
Office of the Auditor General

February 14, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance and Financial Audit of the Michigan State Fair and Exposition Center, Department of Agriculture,
October 1, 1998, through September 30, 1999.

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

The communication was referred to the Secretary for record.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Resolution No. 15.

A resolution to memorialize the Congress of the United States to enact President Bush's tax relief plan.

The question being on the adoption of the resolution,

Senator Emmons offered the following substitute:

A resolution to memorialize the Congress of the United States to enact President Bush's tax relief plan.

Whereas, Federal taxes are the highest they have ever been during peacetime; and

Whereas, All taxpayers should be allowed to keep more of their own money; and

Whereas, The best way to encourage economic growth is to cut marginal tax rates across all tax brackets; and

Whereas, Under current law, low-income workers often pay the highest marginal rates; and

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans; and

Whereas, President Bush's tax relief plan will increase access to the middle class for hardworking families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, Under President Bush's tax relief plan, the largest percentage reductions will go to lowest-income earners; and

Whereas, The state of Michigan is providing \$350 million in tax relief to Michigan's citizens and job providers this year; and

Whereas, Michigan has provided over \$20 billion in tax relief over the past decade to Michigan's working families and job providers; now, therefore, be it

Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to enact President Bush's tax relief plan; 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.

The substitute was adopted.

The resolution, as substituted, was adopted.

Senator Jaye was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senators Bullard, Schwarz and McCotter introduced

Senate Bill No. 217, entitled

A bill to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

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

Senators Hammerstrom, Schwarz, McManus and Shugars introduced

Senate Bill No. 218, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Senators Hammerstrom, Schwarz, Bullard, McManus, Shugars and Jaye introduced

Senate Bill No. 219, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.

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

Senators Van Regenmorter, Johnson and Bennett introduced

Senate Bill No. 220, entitled

A bill to create the model law enforcement vehicle pursuit and response policy advisory panel within the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development of law enforcement vehicle pursuit and response policies; and to repeal acts and parts of acts.

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

Statements

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

The motion prevailed.

Senator McManus' statement is as follows:

February is National Cherry Month based on the fact that George Washington had a birthday, and you've heard the famous story of him chopping down the cherry tree. Michigan is the number one cherry state in the United States, and Traverse City is the cherry capital of the world. It's an industry we're very proud of, and we feel that with mechanical harvesting and the right varieties this industry does have a future. The industry's in the process of developing a lot of new products, as time moves along. So again, my statement today regards the fact that this is National Cherry Month, and we hope you will all celebrate it with us.

Recess

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

The motion prevailed, the time being 10:16 a.m.

10:29 a.m.

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

Senator Emmons moved that Senator Hoffman be excused from the balance of today's session.

The motion prevailed.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 67, entitled

A bill to amend 1846 RS 83, entitled “Of marriage and the solemnization thereof,” by repealing section 6 (MCL 551.6).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 2

Yeas—32

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Schuette	Young

Nays—0

Excused—4

Dunaskiss	Gast	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 103, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15 of chapter XVII (MCL 777.15), as amended by 2000 PA 279.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 3

Yeas—32

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille

Dingell
Emerson

Johnson
Koivisto

Peters
Schuette

Van Regenmorter
Young

Nays—0

Excused—4

Dunaskiss

Gast

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 104, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2162 (MCL 600.2162), as amended by 2000 PA 182.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 4

Yeas—32

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hart
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—4

Dunaskiss

Gast

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 72, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 81c.
The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 5

Yeas—32

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Schuette	Young

Nays—0

Excused—4

Dunaskiss	Gast	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 73, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 217e.
The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 6

Yeas—32

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Schuette	Young

Nays—0

Excused—4

Dunaskiss

Gast

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 74, entitled

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 7**Yeas—32**

Bennett

Emmons

Leland

Schwarz

Bullard

Goschka

McCotter

Shugars

Byrum

Gougeon

McManus

Sikkema

Cherry

Hammerstrom

Miller

Smith

DeBeaussaert

Hart

Murphy

Steil

DeGrow

Jaye

North

Stille

Dingell

Johnson

Peters

Van Regenmorter

Emerson

Koivisto

Schuette

Young

Nays—0**Excused—4**

Dunaskiss

Gast

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 75, 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 question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 8**Yeas—32**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hart
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—4**

Dunaskiss

Gast

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 71, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 90a, 90b, 90c, 90d, and 90e (MCL 750.90a, 750.90b, 750.90c, 750.90d, and 750.90e), as added by 1998 PA 238.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 9**Yeas—32**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson

Emmons
Goschka
Gougeon
Hammerstrom
Hart
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0**Excused—4**

Dunaskiss

Gast

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars, Gougeon, North, Johnson, Hammerstrom, Miller, McCotter, Stille, Goschka and Steil moved that they be named co-sponsors of the following bill:

Senate Bill No. 71

The motion prevailed.

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

The motion prevailed.

Senator Van Regenmorter's statement is as follows:

I explained this bill yesterday under General Orders, but today I wanted to talk very briefly about why this bill is necessary.

LeAnn Fletcher, a pregnant young woman in the southeast part of our state, was brutally murdered, and because she was pregnant, that murder included the death of her unborn child.

The prenatal protection act, which this bill amends, provided that if a mother was assaulted—a pregnant woman was assaulted—and that assault resulted in the miscarriage or stillbirth of the fetus, a separate crime could be charged. In her case, while the unborn child or fetus was dead, it was not stillborn. It was not miscarried, and so therefore, the charge couldn't be made.

Her sister and niece and mother testified before the Senate Judiciary Committee a couple of days ago in support of the change we are making in this bill. The testimony was riveting. It was powerful. So we want to say that because of the horrible experience with the death of LeAnn Fletcher and her unborn child, this bill is moving forward. I urge my colleagues to join me in supporting it.

The following bill was read a third time:

Senate Bill No. 70, entitled

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 10**Yeas—32**

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussiaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Schuette	Young

Nays—0**Excused—4**

Dunaskiss

Gast

Hoffman

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars, Hammerstrom, Gougeon, Bennett, Jaye, North, McCotter and Johnson moved that they be named co-sponsors of the following bill:

Senate Bill No. 70

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 38, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80176, 80177, 80178, 81134, and 82127 (MCL 324.80176, 324.80177, 324.80178, 324.81134, and 324.82127), section 80176 as amended by 1996 PA 174, sections 80177 and 80178 as added by 1995 PA 58, section 81134 as amended by 1999 PA 22, and section 82127 as amended by 1996 PA 183.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 11**Yeas—32**

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Schuetz	Young

Nays—0**Excused—4**

Dunaskiss	Gast	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 150, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13 of chapter XVII (MCL 777.13), as amended by 2000 PA 412.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 12**Yeas—32**

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Schuette	Young

Nays—0**Excused—4**

Dunaskiss	Gast	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 13**Yeas—32**

Bennett	Emmons	Leland	Schwarz
Bullard	Goschka	McCotter	Shugars
Byrum	Gougeon	McManus	Sikkema
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Steil
DeGrow	Jaye	North	Stille
Dingell	Johnson	Peters	Van Regenmorter
Emerson	Koivisto	Schuette	Young

Nays—0**Excused—4**

Dunaskiss	Gast	Hoffman	Vaughn
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator North moved that he be named co-sponsor of the following bill:

Senate Bill No. 1

The motion prevailed.

Committee Reports

The Committee on Financial Services reported

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.

With the recommendation that the bill pass.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Stille and Miller

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, February 14, 2001, at 9:30 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Shugars, Stille, Miller and Leland

Excused: Senator Dunaskiss

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Thursday, February 15, 2001, at 9:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Hammerstrom (C), Steil and Hart

Excused: Senators Van Regenmorter and Murphy

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)

Career Development Strategic Fund Agency - Tuesdays, February 20, 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 20, February 27, and March 6, 1:30 p.m., Room 210, Farnum Building (373-1760)

General Government - Tuesdays, February 20, 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)

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)

Natural Resources and Environmental Affairs - Tuesday, February 20, 1:00 p.m., 8th Floor Conference Room, Farnum Building (373-0797)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:51 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, February 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

