

No. 25
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 22, 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 Assistant Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Bullard—excused
Byrum—present
Cherry—present
DeBeaussiaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—present
Gast—present
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

Reverend Janet Sweet Richardson of Felt Plains and Leslie United Methodist Churches of Leslie offered the following invocation:

Today we again remember the promises we have made to You, O God, and to the people of Michigan. First, we seek integrity and faith in all our efforts and plans for the future. Let us not seek the illusion of easy answers, but the will to do the hard work of seeking Your will with each decision. Let us not fall to the false gospel of individualism, but pursue the hope of justice for all God's people. Let us not be seduced to the appeal of selfishness, but hold fast to our promise to put our constituency first and ourselves second. Let us also seek reconciliation in order to remove obstacles of anger, bitterness, and distrust from our way. Above all, let us be charitable in conduct toward all whom we meet. Let us be builders along the way to integrity, truthfulness, and hope. Last, but not least, let us be faithful in the promises we have made to our family, co-workers, and constituency. In the name of Jesus Christ. Amen.

Senator Murphy entered the Senate Chamber.

Motions and Communications

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

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

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

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

Senator Jaye entered the Senate Chamber.

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:

Senate Bill No. 351

The bill was referred to the Committee on Human Resources and Labor.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

March 5, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:37 a.m., this date, administrative rule (01-03-01) for the Department of Consumer and Industry Services, State Fire Safety Board, entitled "*New Penal Institutions*," effective 7 days hereafter.

March 5, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:40 a.m., this date, administrative rule (01-03-02) for the Department of Consumer and Industry Services, State Fire Safety Board, entitled "*State Owned and Leased Buildings Fire Safety*," effective 7 days hereafter.

March 5, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:45 a.m., this date, administrative rule (01-03-03) for the Department of Consumer and Industry Services, State Fire Safety Board, entitled "*Health Care Facilities*," effective 7 days hereafter.

March 8, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:10 p.m., this date, administrative rule (01-03-04) for the Department of Consumer and Industry Services, Director's Office, entitled "*Occupational Health Rule 3201-Scope and Applicability*," effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 21:

House Bill Nos. 4253 4255

The Secretary announced the printing and placement in the members' files on Wednesday, March 21, of:

Senate Bill Nos.	338	339	340	341	342	343	344	345	346	347	348	349		
House Bill Nos.	4486	4487	4488	4489	4490	4491	4492	4493	4494	4495	4496	4497	4498	4499
	4500	4501	4502	4503	4504									

Messages from the Governor

The following messages from the Governor were received and read:

March 21, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Michigan Board of Physical Therapy

Ms. Helene Rosen, 29136 Forest Hill Court, Farmington Hills, Michigan 48331, county of Oakland, as a member representing physical therapists, succeeding Mr. Ronald L. Vance of Gaylord, whose term has expired, for a term expiring on December 31, 2004.

Ms. Sandra L. Maes, 7310 Flamingo Street, Algonac, Michigan 48001, county of St. Clair, as a member representing the general public, succeeding Ms. Jean E. Kordenbrock of Williamston, who has resigned, for a term expiring on December 31, 2001.

March 21, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Upper Peninsula State Fair Board of Managers

Mr. John H. Kronemeyer, Box 42, Taylor Road, Pickford, Michigan 49774, county of Mackinac, as a member representing the general public, succeeding himself, for a term expiring on September 30, 2005.

Mrs. Joanne M. Stefl, 2004 6th Avenue, Escanaba, Michigan 49829-2218, county of Delta, as a member representing the general public, succeeding herself, for a term expiring on September 30, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Third Reading of Bills

By unanimous consent the Senate proceeded to consideration of the following bill:

Senate Bill No. 315, entitled

A bill to establish Holocaust remembrance week in the state of Michigan.

The above bill was read a third time.

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. 29**Yeas—31**

Bennett
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson

Koivisto
Leland
McCotter
Miller
Murphy
North
Peters
Schuette

Schwarz
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter

Nays—0**Excused—5**

Bullard
Dunaskiss

McManus

Vaughn

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Schuette, North, Van Regenmorter, Gougeon, Bennett, Johnson, Hammerstrom, Shugars, Steil, Hoffman, Stille, Dingell, Byrum, Smith, Miller, DeBeaussaert, Sikkema, Schwarz and Peters moved that they be named co-sponsors of the following bill:

Senate Bill No. 315

The motion prevailed.

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

The motion prevailed.

Senator Leland's statement is as follows:

I rise in support of Senate Bill No. 315. The bill establishes April 19 as Holocaust Remembrance Day and the week surrounding that day as days of remembrance. The bill also encourages various organizations and associations throughout Michigan to use this time to reflect on the Holocaust in the guard against its root causes in our modern society. The date, April 19, was chosen as a key date in the history of the Holocaust.

April 19, 1943, was marked as the beginning of the Warsaw Ghetto uprising when Jews used homemade bombs, stolen weapons, and resisted death camp deportation for 27 days. While this may seem a long time ago, it is important to note that many of those who bore witness to those atrocities of World War II are rapidly aging. It is up to us, the next generation, to make sure that these lessons are not lost on humanity. All of us Jews, Gentiles, young, and old must stand ever vigilant against hatred, persecution, and tyranny. This holiday may give us an opportunity to rededicate ourselves to principles of individual freedom and a just society. It is up to all of us to say, "never again." Thank you for your consideration and your support.

Senators McManus and Young entered the Senate Chamber.

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 Byrum 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 without amendment, the following bill:

Senate Bill No. 116, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending the title and sections 1, 2, 3, 5, 6, 8, and 19 (MCL 446.201, 446.202, 446.203, 446.205, 446.206, 446.208, and 446.219), section 5 as amended by 1998 PA 233.

The bill 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. 195, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 6 (MCL 29.6).

Substitute (S-2).

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. 28

The resolution consent calendar was adopted.

Senator Jaye offered the following resolution:

Senate Resolution No. 28.

A resolution to memorialize and honor the life and memory of Leonard Woodcock.

Whereas, It is with a profound sense of sadness, respect, and admiration that this legislative body honors the memory of former UAW President Leonard Woodcock. In his long and remarkable career as a trade union leader, Leonard Woodcock touched the lives of countless working people throughout the world; and

Whereas, Leonard Woodcock became president of the UAW in June 1970, following the tragic death of Walter Reuther. He led the UAW through one of the most difficult times in the union's history and displayed leadership in national negotiations with the Big Three automakers; and

Whereas, In March 1977, President Jimmy Carter selected Leonard Woodcock for the sensitive and challenging job of United States representative to the People's Republic of China, charged with the responsibility of negotiating the normalization of diplomatic relations between the two nations; and

Whereas, In 1979, President Carter appointed Leonard Woodcock as the first United States Ambassador to the People's Republic of China, a position in which he served with honor and distinction; now, therefore, be it

Resolved by the Senate, That we memorialize and honor the life and memory of Leonard Woodcock. On behalf of the citizens of Michigan, we extend our condolences and respect to Leonard Woodcock's wife Sharon, his children, Leslie, Janet, and John, and his friends and colleagues. His passing has left an unfillable void. May they find comfort in the knowledge that many people share in their bereavement and in the knowledge that Leonard's legacy will live in our hearts and minds and inspire our entire state and nation; and be it further

Resolved, That a copy of this resolution be transmitted to Leonard Woodcock's wife Sharon and his children, Leslie, Janet, and John, with our deepest sympathy, respect, and gratitude for his remarkable legacy of leadership and public service, which will inspire generations to come.

Senators DeBeaussaert, Hoffman and Peters were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Steil introduced

Senate Joint Resolution P, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article IV and section 30 of article V, to modify term limits for certain state offices.

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

Senators McCotter and Bullard introduced

Senate Bill No. 354, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 11f.

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

Senators Van Regenmorter and Johnson introduced

Senate Bill No. 355, 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 bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 4253, 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 House of Representatives has passed the bill.

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

House Bill No. 4255, 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 House of Representatives has passed the bill.

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

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 105, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 353f.

With the recommendation that the substitute (S-1) previously recommended by the Committee on Natural Resources and Environmental Affairs be rejected.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The bill and the substitutes recommended by the committees were referred the Committee of the Whole.

The Committee on Appropriations reported

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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 283, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2001; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Concurrent Resolution No. 7.

A concurrent resolution to change the scope of the School of Natural Resources S.T. Dana Building project at the University of Michigan.

(For text of resolution, see Senate Journal No. 14, p. 154.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, March 20, 2001, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

The Committee on Transportation and Tourism reported

Senate Bill No. 333, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, Leland and Hart

Nays: Senator North

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

The Committee on Transportation and Tourism reported

Senate Bill No. 334, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, Leland and Hart

Nays: Senator North

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

The Committee on Transportation and Tourism reported

House Bill No. 4234, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 315 (MCL 462.315).

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, March 20, 2001, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Bullard (C), Steil, North, Leland and Hart

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, March 20, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Byrum and Emerson

Excused: Senator Schwarz

Scheduled Meetings

Appropriations -

Subcommittees -

Higher Education - Friday, April 20, 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, corner of Kearsley Street and southbound Chavez, Flint; Monday, April 23, 10:00 a.m., Grand Valley State University, Grand Rapids Campus-DeVos Center, 401 W. Fulton Street, Grand Rapids; 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)

Retirement - Tuesday, March 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1777)

Education - Wednesday, March 28, 3:00 p.m., Room 810, Farnum Building (373-7350)

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

Finance - Tuesday, March 27, 1:00 p.m. or later immediately following session, Elijah Myers Room, 2nd Floor, Capitol Building (373-3760)

Human Resources and Labor - Wednesday, March 28, 1:00 p.m. or later immediately following session, Room 110, Farnum Building (373-1801)

Local, Urban and State Affairs - Wednesday, March 28, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-1707)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:23 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, March 27, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.