

No. 33
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, April 25, 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—present
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—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

Senator Gary Peters of the 14th District offered the following invocation:

In recognition of Arts Advocacy Day, I would like to reflect on art and inspiration.

We know that creativity and spirituality are inescapably linked. Often it is through spiritual reflection that we find the spark of creativity. We see so much of God's creation in our great state, but we often take it for granted. There are moments, however, that make it crystal clear. We may hear it in the sound of a child's voice singing a melody which has never been heard in such a unique way, or we may see it in the color of the sky at dusk across the waters of one of our Great Lakes, or we may find it on a fine spring day when we hold the first flower and take in its bouquet.

Perhaps Elmer Yazzie, a man from the Navaho Nation, said it best when he wrote: "Creativity comes from inspiration; inspiration comes from spirituality; spirituality comes from holiness; and holiness comes from God."

Senators Leland, Dunaskiss and Cherry entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Hoffman, Schuette, Van Regenmorter and Garcia be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senators Young and Byrum be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senators Vaughn and Hart be excused from today's session.

The motion prevailed.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senators Stille and Steil 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.

Senator Young entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:05 a.m.

10:22 a.m.

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

During the recess, Senator Stille introduced to the Senate the North American Choral Company, Director Paul Caldwell, Associate Director Jane Schuitema, Ed Clifford on piccolo, Sharon Ivory on keyboard, and Veruynca Williams, soloist, in recognition of Arts Advocacy Day.

The North American Choral Company performed musical selections.

Senator Stille also introduced to the Senate Tammy Ramaker of the Grand Rapids Arts Council.

Ms. Ramaker responded briefly.

During the recess, Senators Byrum, Schuette, Hoffman and Van Regenmorter entered the Senate Chamber.

Messages from the House

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

Senate Joint Resolution D

The motion prevailed.

Senator Garcia entered the Senate Chamber.

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.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 71**Yeas—35**

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

Nays—0**Excused—2**

Hart

Vaughn

Not Voting—1

Bullard

In The Chair: President

Senator Emmons moved that Senator Bullard be temporarily excused from the balance of today’s session.
The motion prevailed.

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senate Bill No. 1

The motion prevailed.

Third Reading of Bills

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

Senate Bill No. 29

The motion prevailed.

Senator Bullard entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 256, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 1027 (MCL 436.2027).

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. 72**Yeas—36**

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

Nays—0**Excused—2**

Hart

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. 362, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

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. 73**Yeas—36**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
Johnson

McManus
Miller
Murphy
North
Peters
Schuette

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Hart

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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 Hammerstrom as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 395, entitled

A bill to establish the Michigan days of remembrance of the Armenian genocide.

Substitute (S-1).

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

Resolutions

Senator Young offered the following resolution:

Senate Resolution No. 43.

A resolution to celebrate the life of Secretary of State Richard Austin.

Whereas, It is with deep respect that we offer this resolution to celebrate the life of Secretary of State Richard H. Austin. With his passing, the state of Michigan has lost a compassionate man of the highest integrity, who showed great concern for the citizens he was elected to serve; and

Whereas, As a youngster, Richard Austin moved from Alabama to Michigan with his family, and then worked his way through school while helping his widowed mother support their family; and

Whereas, Richard Austin broke down barriers by becoming Michigan's first African-American certified public accountant in 1941; and

Whereas, Mr. Austin served Michigan citizens as an elected delegate to the 1961 Michigan Constitutional Convention; and

Whereas, Richard Austin was our nation's first African-American elected Secretary of State and Michigan's longest-serving Secretary of State, having been elected six times and serving from 1970 through 1994; and

Whereas, He was a champion of voter rights and helped pass Michigan's motor voter law, the first such law in the country that allows voters to register to vote while they renew their driver licenses; and

Whereas, Mr. Austin championed tirelessly for safety on our roads by working on legislation to require the use of safety belts, child restraints, and motorcycle helmets; and

Whereas, As Secretary of State, Richard Austin created many money-saving innovations such as license plate registration tabs, replacing the need for new plates every year; and

Whereas, His passing is a tremendous loss to his family, friends, and the state of Michigan; now, therefore, be it

Resolved by the Senate, That we offer words of praise and friendship as a memorial for Secretary of State Richard H. Austin; and be it further

Resolved, That a copy of this resolution be transmitted to the Austin family, his wife of 61 years, Ida, and their daughter Hazel as a reflection of our 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.

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

The motion prevailed.

Senator Emmons' statement is as follows:

Just a remark about Secretary of State Austin. I think as a very, very new person who came here when he was in the last years of his reign that he was unerringly kind and considerate to everyone he met. Certainly, as a very minority freshman, I appreciated his attention to knowing who I was and talking to me about things that I was concerned about in his office. So he certainly was a model for a kind of civility that perhaps we don't always have and that he carried constantly.

By unanimous consent the Senate proceeded to the order of
Statements

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:

Just to inform my colleagues, staff members, and all those listening in their offices, this week is National Crime Victim's Rights Week. We also recognize it formally here in Michigan as Crime Victim's Rights Week.

Tonight at six o'clock in the rotunda, main floor of the Capitol Building there is going to be the 10th Annual Crime Victim's Vigil. This is much more than a vigil, and it has some important components: one, is to remember victims of crime in Michigan, particularly those who have been seriously injured or killed. A second is to remind victims and future victims that in Michigan we have significant legal rights both in law and in the Constitution. Finally, it is to recognize the empowerment that victims hold.

There will be a recognition of an Advocate of the Year. It will be attended, I can assure you, by constituents from every single Senate district in the state of Michigan, particularly the people and their victim witness units. Tonight we have a special honor and that is that the President of the Senate, the Lieutenant Governor of this state, is going to be the keynote speaker. It is six o'clock, main floor rotunda, and everybody is invited.

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

Senators Schwarz and Young introduced
Senate Bill No. 418, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406q. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Schwarz and Young introduced

Senate Bill No. 419, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401i.

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

Senators Peters, Hoffman, Emerson, Leland and DeBeaussiaert introduced

Senate Bill No. 420, entitled

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending the title and section 17 (MCL 338.1067), as amended by 2000 PA 411, and by adding section 31a.

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

Senators Peters, Hoffman, Emerson, Leland and DeBeaussiaert introduced

Senate Bill No. 421, entitled

A bill to amend 1965 PA 285, entitled "Private detective license act of 1965," (MCL 338.821 to 338.851) by adding section 4a.

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

Senator Bullard introduced

Senate Bill No. 422, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing sections 2021, 3520, and 3615 (MCL 600.2021, 600.3520, and 600.3615).

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. 423, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

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

Senators Scott, Young, Cherry, Leland, Miller, Smith, Dingell and Byrum introduced

Senate Bill No. 424, 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.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submits the following:

Meeting held on Tuesday, April 24, 2001, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Goschka and DeBeaussiaert

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Education submits the following:

Meeting held on Tuesday, April 24, 2001, at 2:00 p.m., Room 100, Farnum Building

Present: Senator Stille (C)

Excused: Senators Bennett and Murphy

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

Capital Outlay, Joint - Thursday, April 26, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

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 and House Tax Policy - Thursday, April 26, 8:30 a.m., Room 519, Anderson Building (House Office Building) (373-3760)

Senior Citizens and Veterans Affairs - Thursday, April 26, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 10:46 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, April 26, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.