

**No. 6**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, February 7, 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—excused  
Byrum—present  
Cherry—present  
DeBeaussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present  
Emerson—excused  
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 Carol Lyman of University United Methodist Church of East Lansing offered the following invocation.

Dear Lord our God, we come to You this morning in thanks for a fresh new day in which to serve You. Each one of us is patently aware of areas in our own lives and in our jobs that need to be made anew, and we thank You for the opportunity of a new day in which to do this. We confess that there are areas in our lives where we need to be less selfish and more focused upon what You would have us do. Guide us, we pray, in this endeavor.

We thank You, O God, for the many opportunities we all have for doing good and for making a difference in our world. We thank You that we are the people gathered here who are entrusted with that, and it is a privilege to be the ones who are the givers. Please, we pray, help us to see the needs of those who are represented by those gathered here, and indeed, all Your children everywhere in the world. Enable us, we pray, to better see what we share in common as human beings rather than what divides us, and help us to work constantly to this end. Give us keen eyes of wisdom and a heart filled with grace.

Lastly, dear God, help us to remember that we should always treat each other with the same benefit of the doubt as we pray that You will give to us. Always keep our vision focused upon reconciliation, and let us be good examples by not only what we say, but what we always do.

We pray all of this in God's great name. Amen.

### Motions and Communications

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

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

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

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

The following communication was received:

Office of the Auditor General

February 6, 2001

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Macomb County Community Mental Health Services Board an Agency Under Contract with the Department of Community Health, February 2001.

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

The communication was referred to the Secretary for record.

Senators Young, Dunaskiss and DeGrow entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### Introduction and Referral of Bills

Senator North introduced  
**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 bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Van Regenmorter, Bullard, Schuette, McCotter, Dingell, Peters and Emerson introduced  
**Senate Bill No. 151, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 911. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Sikkema, Johnson, Stille, Bennett, Emmons, Gast, Hammerstrom, Gougeon, Schuette, North, Steil, Van Regenmorter, Shugars, McManus and Bullard introduced

**Senate Bill No. 152, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 1997 PA 29, and by adding section 3103a.

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

Senators Steil, Johnson, Hammerstrom, Shugars, Sikkema, Bennett, Gougeon, Bullard, Goschka, Schwarz, Cherry, Murphy, McManus, Koivisto, Byrum, Peters, DeBeaussaert, Dingell, North, McCotter and Gast introduced

**Senate Bill No. 153, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 8.

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

Senators Steil, Johnson, Hammerstrom, Shugars, Sikkema, Bennett, Gougeon, Bullard, Goschka, Schwarz, Cherry, Murphy, McManus, Koivisto, Byrum, Peters, DeBeaussaert, Dingell, North, McCotter and Gast introduced

**Senate Bill No. 154, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 18.

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

Senator Gougeon introduced

**Senate Bill No. 155, entitled**

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

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

Senator Gougeon introduced

**Senate Bill No. 156, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1999 PA 68.

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

Senator Gougeon introduced

**Senate Bill No. 157, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 1999 PA 68.

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

Senator Gougeon introduced

**Senate Bill No. 158, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

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

Senator Jaye introduced

**Senate Bill No. 159, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 35105 (MCL 324.35105), as amended by 1996 PA 290.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 160, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48735 (MCL 324.48735), as added by 1995 PA 57.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 161, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40113b.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 162, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the part heading of part 465 and sections 46501 and 46509 (MCL 324.46501 and 324.46509), as added by 1995 PA 57, and by adding section 46510; 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 Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 163, entitled**

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 164, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43517 and 43520 (MCL 324.43517 and 324.43520), as added by 1995 PA 57.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 165, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40113b.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 166, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36505 and 40114 (MCL 324.36505 and 324.40114), section 36505 as amended by 1998 PA 470 and section 40114 as added by 1995 PA 57.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 167, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43541 (MCL 324.43541), as amended by 1996 PA 585.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 168, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40113b.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 169, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1611.

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

Senator Jaye introduced

**Senate Bill No. 170, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1606 (MCL 324.1606), as amended by 2000 PA 414.

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

Senator Jaye introduced

**Senate Bill No. 171, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Senators Bullard, Dunaskiss, Jaye and Shugars introduced

**Senate Bill No. 172, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4o (MCL 205.54o), as added by 1994 PA 156.

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

Senators Bullard, Dunaskiss and Schuette introduced

**Senate Bill No. 173, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 570, 576, 587, 706, 737, 782b, 795c, 803, and 804 (MCL 168.570, 168.576, 168.587, 168.706, 168.737, 168.782b, 168.795c, 168.803, and 168.804), sections 570, 706, and 737 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, section 795c as amended by 1990 PA 109, and section 803 as amended by 1997 PA 137.

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

By unanimous consent the Senate returned 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 North 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 joint resolution:

**Senate Joint Resolution D, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to provide that the state officers compensation commission's determination of certain salaries and expense allowances become effective only upon approval by the legislature for the following legislative session.

Substitute (S-3).

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

1. Amend page 2, line 17, after "DETERMINATIONS." by striking out "The".

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

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:  
**Senate Bill No. 103**

The bill was referred to the Committee on Judiciary.

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:  
**Senate Bill No. 129**

The bill was referred to the Committee on Finance.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 11**

**Senate Resolution No. 12**

The resolution consent calendar was adopted.

Senator DeBeaussaert offered the following resolution:

**Senate Resolution No. 11.**

A resolution honoring the dedication of the John R. Armstrong Performing Arts Center of the L'Anse Creuse Public Schools.

“The creativity of the arts and the joy of music should be  
 central to the education of every American child.”

—Richard W. Riley,  
 Secretary of Education  
 United States of America  
 1993-2001

Whereas, The L'Anse Creuse Public Schools will dedicate their new auditorium on February 11, 2001, as the John R. Armstrong Performing Arts Center; and

Whereas, The Board of Education of the L'Anse Creuse Public Schools sought to name the 999-seat facility in honor of a person who has been a long-time supporter of the arts in the school district curriculum. Dr. John R. Armstrong is such a person, steadfast in his guidance and support of the arts in the school district; and

Whereas, We congratulate the L'Anse Creuse Public Schools for acknowledging the importance of arts and cultural awareness in our schools and community. The new John R. Armstrong Performing Arts Center will help promote and advance the arts in not only the L'Anse Creuse school district, but throughout the surrounding areas; and

Whereas, Dr. Armstrong is in his seventh year as superintendent of L'Anse Creuse Public Schools, a district of 10,500 students with 15 schools, a vocational/technical center, an adult education center, and two child care centers; and

Whereas, Dr. Armstrong recognizes art, dancing, drama, vocal, and instrumental music as integral components of a well-balanced curriculum. He believes that expressions of the arts are key to enhancing positive characteristics in every student. Teaching the arts in schools also helps the community to develop a cultural appreciation for all phases of fine arts; now, therefore, be it

Resolved by the Senate, That this document is offered to commemorate the dedication of the John R. Armstrong Performing Arts Center in the L'Anse Creuse Public Schools district of Macomb County; and be it further

Resolved, That a copy of this resolution be transmitted to the L'Anse Creuse Public Schools Board of Education and Dr. John R. Armstrong as evidence of our admiration and respect.

Senator Young was named co-sponsor of the resolution.

Senators Schuette, Sikkema, Johnson, Van Regenmorter, Jaye, Steil, Shugars, Hammerstrom, Stille, Bennett, Goschka, Gougeon, Schwarz, Gast, Hoffman, McCotter, North, McManus, Emmons, DeGrow and Dunaskiss offered the following resolution:

**Senate Resolution No. 12.**

A resolution to honor President Ronald Wilson Reagan on the occasion of his 90th Birthday.

Whereas, From humble beginnings in Dixon, Illinois, President Ronald Wilson Reagan rose to serve as the 40th President of the United States from 1981 to 1989, ushering in an “era of national renewal”; and

Whereas, On the occasion of his 90th birthday, members of the Michigan Senate wish to pay honor and tribute to this giant of a man—Ronald Wilson Reagan—who took the reins of the federal government at a time of grave national peril and worldwide uncertainty. Through honor, dedication, and commitment to cause, he made the United States and the world a safer place; and

Whereas, President Reagan's accomplishments include a reconnection and new commitment to the values which built the United States of America out of the wilderness: freedom, hard work, patriotism, and strong national defense; and

Whereas, President Ronald Reagan was unwavering in his quest to encourage freedom and resolute in his support of people willing to lift themselves from the yoke of communist and totalitarian oppression. His stern advice to the leaders of the former Soviet Union—to "tear down this wall ..." is a quote that will be forever preserved, introducing an era which helped place one of the world's darkest regimes on the scrap heap of history; and

Whereas, President Reagan's well-placed tax reforms jump-started a dismal national economy, slicing inflation from record highs of 13.5 percent to 5.1 percent in two short years and ushering in a time of tremendous growth; and

Whereas, President Ronald Reagan's commitment to a better America and a freer world was accomplished through a consistently professional and honest demeanor and a charming and warm wit and sense of humor which endeared him to millions of Americans; and

Whereas, The many changes effected by the Reagan Administration continue to play a positive role in shaping America's future in a new millennium; now, therefore, be it

Resolved by the Senate, That our highest tribute and honor be accorded to President Ronald Wilson Reagan on the occasion of his 90th birthday. We salute him for improving the lives of people worldwide, and may his name continue to stand as a torch of freedom, enriching the lives of all Americans; and be it further

Resolved, That copies of this resolution be transmitted to the Ronald W. Reagan Library and Museum and his wife Nancy to celebrate his 90th birthday.

### **Scheduled Meetings**

**Appropriations** - Wednesday, February 14, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Appropriations, Joint Senate/House** - Thursday, February 8, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

#### **Subcommittee -**

**Capital Outlay, Joint** - Thursday, February 22, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Natural Resources and Environmental Affairs** - Tuesday, February 13, 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 10:29 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, February 8, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

