

No. 15
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 28, 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
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 Burton Leland of the 5th District offered the following invocation:

Dearest God, we bow before You and ask Your guidance. As Your servants, give us the strength to do Your will to feed the hungry, house the homeless, clothe the naked, heal the afflicted, and comfort the troubled souls among us.

Keep us ever mindful of the wonderful diversity that makes up our state and humbled by the knowledge that we are all children of God. Shalom.

Senators Jaye, Cherry, Miller and Murphy entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators McCotter, Schwarz and Bullard be temporarily excused from today's session. The motion prevailed.

Senator Emmons moved that she and Senator Schwarz be excused from tomorrow's session. The motion prevailed.

They will be attending a National Conference of State Legislatures Leader-to-Leader Meeting in Washington, D.C.

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.

Senators Bullard and Young entered the Senate Chamber.

The following communication was received:

Department of Civil Service

February 23, 2001

Enclosed is the Appropriation/Fiscal Analysis Report for the Department of Civil Service for fiscal year 1999-00.

This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,

John F. Lopez

State Personnel Director

The communication was referred to the Secretary for record.

Messages from the Governor

The following messages from the Governor were received and read:

February 27, 2001

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

Michigan Potato Industry Commission

Mr. Terry Groulx, 696 S. Nolet Road, Munger, Michigan 48747, county of Bay, as a member representing growers in district 5, succeeding Mr. Thomas Paul Bishop of Pinconning, who has resigned, for a term expiring on July 1, 2004.

Mr. Donn L. Kranz, 1875 Timberview, Grand Rapids, Michigan 49505, county of Kent, as a member representing potato retailers, succeeding himself, for a term expiring on July 1, 2004.

Mr. Harvey A. Leep, 1631 3rd Street, Martin, Michigan 49070, county of Allegan, as a member representing growers from district 6, succeeding himself, for a term expiring on July 1, 2004.

Mr. Greg E. Iott, 4637 Cool Road, Kalkaska, Michigan 49646, county of Kalkaska, as a member representing growers from district 2, succeeding himself, for a term expiring on July 1, 2004.

Mr. Howard E. Viegelahn, 4444 441 Road, Rogers City, Michigan 49779, county of Presque Isle, as a member representing growers from district 3, succeeding himself, for a term expiring on July 1, 2004.

Mr. Larry D. Jensen, 6722 10th Avenue, Blanchard, Michigan 49310, county of Isabella, as a member representing potato shippers, succeeding himself, for a term expiring on July 1, 2004.

Ms. Phyllis L. Larson, 14825 Almy Road, Howard City, Michigan 49329, county of Montcalm, as a member representing growers from district 4, succeeding herself, for a term expiring on July 1, 2004.

February 27, 2001

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

Michigan Public School Employees' Retirement Board

Mr. Leon E. Hank, 4649 Crampton Way, Holt, Michigan 48842, county of Ingham, as a member representing elected school officials, succeeding Dr. Rudy W. Stefancik of Hancock, who has resigned, for a term expiring on March 30, 2005.

Mrs. Gail M. Nugent, 1225 Forrester Road, Frankfort, Michigan 49635, county of Benzie, as a member representing retired teachers, succeeding Ms. Linda S. Adams of Farmington Hills, whose term has expired, for a term expiring on March 30, 2002.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senator McCotter 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, Lieutenant Governor Posthumus, designated Senator Sikkema 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. 196, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 1998 PA 351.

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. 22

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 22.

A resolution to congratulate Thomas W. Kressbach on his retirement as City Manager for the city of Grosse Pointe.

Whereas, It is a great pleasure to join with his colleagues, family, and the citizens of the city of Grosse Pointe in saluting Thomas W. Kressbach in recognition of his exemplary career. With over 35 years of service as City Manager for the city of Grosse Pointe, he has earned the respect and admiration of many as a professional who has contributed greatly to his community over the years. We thank him for his career on behalf of the people he has served so well; and

Whereas, Mr. Kressbach attended the Monroe Public Schools, graduating from Monroe High School in 1954. He earned his bachelor of arts degree from the University of Michigan in 1958 and a master's degree in public administration from the University of Michigan in 1961. Prior to his coming to the city of Grosse Pointe, Mr. Kressbach served as Assistant City Manager in Saginaw. His earlier career included work as a research assistant for the Michigan Municipal League in Ann Arbor, and he served as an intern for the Michigan Chapter of the International City Management Association in Ann Arbor. Mr. Kressbach served aboard an LST while serving his country in the U.S. Naval Reserve from 1958 to 1960; and

Whereas, There are many factors that determine the quality of a community and its government. One of the most important is an exemplary corps of public officials. Mr. Kressbach has demonstrated that he knows the people of the area, has the courage necessary to make tough decisions, and understands the important role he plays in making the city of Grosse Pointe a wonderful place to live, work, and raise a family; and

Whereas, Sound judgment, loyalty, and a penchant for hard work are just some of the qualities that Mr. Kressbach has exhibited during his 35-year career as City Manager. He takes with him into retirement the gratitude of the people of the city of Grosse Pointe and those in the surrounding community. We hope that he will now have time to do the things he truly enjoys, including gardening, sailing, reading, and golf. We are proud to join with his many admirers, friends, and family in saluting his successful career; now, therefore, be it

Resolved by the Senate, That we commend and congratulate Thomas W. Kressbach for his outstanding career. We extend our best wishes to him and his family and wish him the happiest of retirements; and be it further

Resolved, That a copy of this resolution be transmitted to Thomas W. Kressbach in appreciation of his exemplary service and the high esteem we have for him.

Senator Shugars was named co-sponsor of the resolution.

Senator Schwarz entered the Senate Chamber.

Senators Goschka, Jaye, Bullard, Steil and North offered the following concurrent resolution:

Senate Concurrent Resolution No. 8.

A concurrent resolution to memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to prohibit the desecration of the American flag.

Whereas, The American flag holds a unique place of respect and affection for almost all Americans. This symbol of our shared ideals and aspirations has taken on greater meaning over the years through the suffering of the men and women who have sacrificed their lives for their country; and

Whereas, In recent years, there has been considerable debate over the idea of extending constitutional protection to the flag. The debate centers on what constitutes freedom of expression and free speech. In this discussion, it is important to realize that a prohibition on flag desecration would not eliminate other avenues of expression or protest. According special status to our most cherished symbol would only accord due recognition to a unique component of our national identity; and

Whereas, The American people have strong feelings for our flag. Thoughtful citizens do not equate taking the positive step of providing protection for the flag with removal of freedom of speech any more than laws generally provide acceptable limits of behavior for the common good; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to prohibit the desecration of the American flag; 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.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Emmons moved that the concurrent resolution be referred to the Committee on Judiciary.

The motion prevailed.

Senators Shugars and Young were named co-sponsors of the concurrent resolution.

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. 115, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 60 (MCL 49.160).

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. 17

Yeas—34

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

Nays—0

Excused—2

Gast

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senators Goschka, Jaye, Bullard, Steil and North introduced
Senate Joint Resolution O, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 3a to article III to prohibit the desecration of the flag of the United States or this state.

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

Senators Peters and Emmons introduced
Senate Bill No. 262, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 35 (MCL 205.735), as amended by 2000 PA 165.

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

Senator Jaye introduced
Senate Bill No. 263, 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. 264, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 504a.

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. 265, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7c.

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

Senator Jaye introduced

Senate Bill No. 266, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide for penalties and remedies for violations of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 2 (MCL 28.422), as amended by 1994 PA 338.

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. 267, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 222 (MCL 750.222), as amended by 1992 PA 217.

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

Senator Jaye introduced

Senate Bill No. 268, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide for penalties and remedies for violations of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 12a (MCL 28.432a), as amended by 2000 PA 381.

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

Senator Jaye introduced

Senate Bill No. 269, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide for penalties and remedies for violations of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 2 (MCL 28.422), as amended by 1994 PA 338.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Tuesday, February 27, 2001, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Schwarz (C), Johnson and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Career Development Strategic Fund Agency submits the following:

Meeting held on Tuesday, February 27, 2001, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Johnson (C), Stille and Dingell

Scheduled Meetings

Appropriations - Wednesday, March 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

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

Career Development Strategic Fund Agency - Tuesday, March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Consumer and Industry Services - Thursday, March 8, 1:00 p.m., Room 110, Farnum Building (373-7350)

Family Independence Agency - Tuesday, March 6, 1:30 p.m., Room 210, Farnum Building (373-1760)

General Government - Tuesdays, March 6 and March 13, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, March 7 and March 14, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

State Police and Military Affairs - Thursdays, March 1 and March 8, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2426)

Transportation - Wednesdays, March 7, and March 14, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Legislative Council - Tuesday, March 6, 12:00 noon, Rooms 402 and 403, Capitol Building (373-7708)

Natural Resources and Environmental Affairs - Tuesday, March 6, 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 10:20 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, March 1, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

