

No. 7
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 8, 2001.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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—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—excused

Senator Christopher D. Dingell of the 7th District offered the following invocation:

Lord, many of us give thanks for particular seasons. A million hunters spend weeks in the field with firearms more lethal than those of Arnold Schwarzenegger, and yet we were safer than at home. Participants in billiards, golf, football, and even Ping-Pong suffer more injuries than hunters.

Deer hunters give thanks not just for the safety of the sport, but for the unanimous success of participating hunters. If a ballplayer played for a week without getting a hit, a catch, or a tackle, they would feel a failure, but a hunter who returns home without firing a shot can feel and is successful.

Deer hunters give thanks because of the environs we find deer in. They are invariably beautiful. Spiritous libations out of an old tin cup taste better there in the deer camp. After going deer hunting, we are sufficiently refreshed again to face the assorted irritations inherent in modern society and in the State Senate, and being a participant in nature, instead of just an onlooker, does bring us closer to the Maker of all things.

Finally, we pray that persons who have not had a chance to engage in hunting will come to an appreciation of these matters. Amen.

Motions and Communications

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

Senator Emerson moved that Senators Murphy, Smith and Cherry be temporarily excused from today's session. The motion prevailed.

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

Senators Schwarz, Murphy, Smith, Bullard and Cherry entered the Senate Chamber.

The President, Lieutenant Governor Posthumus, assumed the Chair.

The Secretary announced the printing and placement in the members' files on Wednesday, February 7, of:
Senate Bill Nos. 103 104 150

Third Reading of Bills

The following joint resolution was read a third time:

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 and for the amendment of those determinations.

The question being on the adoption of the joint resolution,

The joint resolution was adopted, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 1

Yeas—34

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

Nays—0

Excused—2

Vaughn

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the joint resolution.

Senators Gougeon, Dunaskiss, Johnson and Stille moved that they be named co-sponsors of the following joint resolution:

Senate Joint Resolution D

The motion prevailed.

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

The motion prevailed.

Senator McCotter's statement is as follows:

I'd just like to thank all the people who helped to make this resolution better—on both sides of the aisle. I would ask that we adopt it and send it to the House. I'm confident they will give it due deliberation.

And in terms of the events that led to this resolution, I would just like to paraphrase the words of Sir George Cornwall, "Those who engage in politics today must be prepared to accept very unsatisfactory results. We do not live in a perfect world. We are not perfect beings, but we can make it a little better than what we found it." I think with the passage of this constitutional amendment over to the House we've made the process a little better than it was when we found it.

Resolutions

Senator Emmons offered the following resolution:

Senate Resolution No. 13.

A resolution of tribute to Kurt Berryman.

Whereas, It is with great appreciation that we offer tribute to Kurt Berryman for 11 years of dedicated service to the Michigan Senate; and

Whereas, When Kurt Berryman applied to be an intern with the election committee of Senator Joanne Emmons in 1987, no one could envision a 13-year relationship; and

Whereas, In 1991, he joined Senator Emmons' newly-formed Michigan Senate staff and began an 11-year trail of tax cuts, constituent work, and administrative assistant duties; and

Whereas, Kurt's passion for the law has taken on many forms, including pursuance of a law degree at Thomas M. Cooley Law School, from where he graduated. He has also worked tirelessly on campaigns for the Michigan State University Board of Trustees. His insight and knowledge greatly assisted the residents of the 23rd Senate District, and his work with the Senate Finance Committee contributed to the passage of many tax cuts for Michigan residents; and

Whereas, His professionalism and commitment to the law have contributed greatly to the competent and responsible legislation passed by this body. Kurt has been a friend and colleague to many at the Michigan Senate, and his presence will certainly be missed; now, therefore, be it

Resolved by the Senate, That we congratulate and thank Kurt Berryman on the occasion of his departure from service with the Michigan Senate. May his future be filled with health, friendship, and personal success; and be it further

Resolved, That a copy of this resolution be transmitted to Kurt Berryman as a token of our esteem for his many contributions on behalf of the people of the state of Michigan.

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.

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.

Senators Emmons, Smith, McCotter and Miller asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Emmons' statement is as follows:

It's 1988, and I'm sitting in my kitchen waiting for a young man to come from CMU. All I know is he's from Texas, and he wants to be an intern on a state representative campaign for me. What I didn't know is that he'd been to J. C. Penney, bought a new suit, cut his hair, and was ready to come and charm me into hiring him as an intern.

I had two choices on that day, and I was puzzling over which one to take—the gentleman from Michigan who knew Michigan politics or this kid from Texas who I think had an old blue truck. So I took it to my counselor, my husband, and I said, "I don't know which one of these guys to hire."

My husband said, "Well, what's this going to cost you?" I said, "Well, \$200 bucks." He said "Hire them both!"

So, that's how I came to know Kurt, and that's a long time ago now. We've been through a great many things together. There's probably nobody outside of my own family who knows me better, and I would be sure to say that probably nobody knows Kurt quite like I do either. But it has been a wonderful association, and it is going to continue to be a wonderful association because now when we go to a restaurant, he pays and I don't.

He will do his new employers proud because he has learned so much about this process, so much about the policies, and he has developed such a good sixth sense that's just down in your guts. Peter Jaskoski used to say, "How do your guts feel today, Senator?" And if my guts didn't feel good and Peter's guts didn't feel good, we didn't do it. And Kurt Berryman has that great instinct that should keep him and his clients out of trouble.

I'm immensely proud of him and wish him much, much, much good success. I know he'll have it. I'd like to present him with a seal so that when he can't remember who we are—we've all signed the seal—he can look at the wall.

Senator Smith's statement is as follows:

Senator Emmons, I know Berryman, and Kurt Berryman is only 25 percent of the Democrat that Jim Berryman was. But he is an absolutely tremendous employee, and you will be losing a great staff member.

Kurt, it has been a delight working with you. You are a man of honesty and have a very genuine sense of humor, a great deal of integrity, and we will miss you. I know that your employer is going to be very grateful to have your services, and the best of luck to you.

Senator McCotter's statement is as follows:

When I got here I heard a lot about Mr. Berryman, and he did not let me down. I am going to be sorry that he is leaving here. I think he has been a tremendous asset to the Senate. He has been a tremendous help to people like me trying to figure out the ropes of this place, but I will be very happy because a lot of you may not know when things would be going on here—a lot of anarchy, a lot of dissension—I would always try to get with Kurt to get a read on it. Joanne wouldn't let us play together. She can't stop that now, and I am very happy about that.

Senator Miller's statement is as follows:

I want to say that I am glad that the man from Texas has cleaned up a little bit. It takes Michigan people to clean up those Texas people. Seriously, he has done a great job, even though he has worked on the other side of the aisle. He is a young man who I think has a great future, and I really feel proud that when we say we work here, we see so many great employees who learn the system, serve the people in Michigan, and go on to make great careers.

This young lawyer from Texas I'm sure will make a great name for himself here in Michigan. I, too, like the good floor leader, look forward to now seeing him be able to buy a cup of coffee at Beaner's. Best of luck to you, and I hope you have a great career.

The President pro tempore, Senator Schwarz, assumed the Chair.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Schuette and DeGrow asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schuette's statement is as follows:

I just wanted to make a statement concerning an action that this body passed yesterday during the week of President Ronald Wilson Reagan's 90th birthday. After the resolution that we passed yesterday, we didn't have a chance to discuss or pause for a moment to talk about the achievements of our nation's 40th president. I think a few words are deserving now because if you think about it, what this man did from Dixon, Illinois, and his history of service to the nation, whether as governor of California or as president of the United States for a period of eight years, truly was remarkable.

I think students in the future who may not have had the privileges some of us had—either to service with him or be in grade school when he helped bring down the Berlin Wall—need to be reminded not just in history books, but around the kitchen table and by discussions in newspapers as well about the accomplishments of this man. His achievements in foreign policy—and what a world of difference we have now between the former Soviet empire and now over in Eastern Europe where freedom shines free because the Wall is no longer there—are truly tremendous achievements. Also it's important what he did in terms of reduction in our taxes to bring a measure of sanity and fairness to our tax code and what he did in terms of making sure that America stood proud at the dawn of the 1980s, as it went into this new decade and new century. We owe a lot to a man named Ronald Reagan.

I had the privilege of serving in Congress with President Reagan, and what a man he was and what he did for our nation. I just wanted to take this opportunity to say these words because what we will be doing with the resolution that we passed yesterday is sending it on to the Ronald Reagan Library, the museum in California, and also to his wife Nancy.

Senator DeGrow's statement is as follows:

We also have another employee who is leaving us today from our central staff of our caucus. On behalf of the Senate and the rest of the staff, I want to take a moment to recognize her for her work. For the past two years, Leah Ballenger has worked in our communications office and done a great job for us in a variety of tasks. She's leaving us to go work for MEDC, and they've gained a valuable asset. Her talents are going to be greatly missed.

We have a tribute here. We also have a seal signed by our caucus. So I just want to wish her good luck in the coming years over at MEDC.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Bennett, Jaye, Dunaskiss, Steil and Goschka introduced

Senate Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 31 to article V, to provide the governor authority to temporarily suspend the imposition of any tax imposed by this state.

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

Senator Jaye introduced

Senate Joint Resolution J, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to recognize a right to harvest timber.

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

Senator Jaye introduced

Senate Joint Resolution K, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to recognize a right to hunt and take game.

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

Senator Jaye introduced

Senate Joint Resolution L, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to recognize a right to catch and take fish.

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

Senator Jaye introduced

Senate Joint Resolution M, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to recognize a right to access natural resources.

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

Senators Bennett, Dingell, Jaye, Hammerstrom, Dunaskiss, Steil, Johnson, Emerson and Goschka introduced

Senate Bill No. 174, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400; 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 Finance.

Senators Bennett, Jaye, Hammerstrom, Bullard, Dunaskiss, Steil, Johnson, Schuette and Goschka introduced

Senate Bill No. 175, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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

Senator Bennett introduced

Senate Bill No. 176, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 224, and 226 (MCL 257.217, 257.224, and 257.226), section 217 as amended by 2000 PA 397, section 224 as amended by 1995 PA 129, and section 226 as amended by 2000 PA 36.

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

Senator Bennett introduced

Senate Bill No. 177, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20920 (MCL 333.20920), as amended by 2000 PA 375.

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

Senator Schuette introduced

Senate Bill No. 178, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16186 (MCL 333.16186), as amended by 1993 PA 80.

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

Senator Schuette introduced

Senate Bill No. 179, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senator Schuette introduced

Senate Bill No. 180, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451). The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Hoffman, North, Emmons, Goschka and McCotter introduced

Senate Bill No. 181, entitled

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use," by amending section 3 (MCL 2.23).

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

Senators Cherry, Hart, Smith, Dingell, Miller, DeBeaussaert, Murphy and Koivisto introduced

Senate Bill No. 182, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 1995 PA 222.

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

Senators Cherry, Hart, Smith, Dingell, Miller, DeBeaussaert, Murphy and Koivisto introduced

Senate Bill No. 183, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2107a.

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

Senators Schwarz, McManus, McCotter, Hammerstrom, North, Van Regenmorter, Gast, Young, Gougeon and Shugars introduced

Senate Bill No. 184, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending sections 1 and 2 (MCL 691.1501 and 691.1502), section 1 as amended by 1987 PA 30.

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

Senator Jaye introduced

Senate Bill No. 185, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 31b.

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

Senator Jaye introduced

Senate Bill No. 186, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.226) by adding section 11a.

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

Senator Jaye introduced

Senate Bill No. 187, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 43b.

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

Senator Jaye introduced

Senate Bill No. 188, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509u and 509ee (MCL 168.509u and 168.509ee), as added by 1994 PA 441.

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

Senator Jaye introduced

Senate Bill No. 189, entitled

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 8 (MCL 432.108), as amended by 1981 PA 229.

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

Senator Jaye introduced

Senate Bill No. 190, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by repealing article 23 (MCL 339.2301 to 339.2310).

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senator Jaye introduced

Senate Bill No. 191, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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

Senator Jaye introduced

Senate Bill No. 192, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520d (MCL 750.520d), as amended by 1996 PA 155.

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

Senator Jaye introduced

Senate Bill No. 193, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 42 (MCL 791.242) and by adding section 36b.

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

Senator Jaye introduced

Senate Bill No. 194, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2b to chapter XI.

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

Scheduled Meetings

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

Subcommittees -

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

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)

Finance - Tuesday, February 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-3760)

Government Operations - Thursday, February 15, 1:00 p.m., Room 405, Capitol Building (373-1707)

Judiciary - Wednesday, February 14, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Natural Resources and Environmental Affairs - Tuesdays, February 13 and 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 10:37 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, February 13, at 10:00 a.m.