

**No. 9**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, February 14, 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—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

Pastor Dan Davis of Hopevale Memorial Baptist Church of Saginaw offered the following invocation:

Almighty God, everlasting Father, this morning we confess with one heart and one voice that You are God. We acknowledge Your holiness, Your greatness, Your goodness, and Your love. We acknowledge You as the Maker and Creator of all things, and thank You for the numerous blessings we experience today. We thank You for the rising of the sun that we may live another day. We thank You for the health of body and sharpness of mind that we may serve You in the duties to which You have called us. We thank You for the gift of wisdom, reason, and discernment that we may make decisions beneficial to the people of Michigan. We thank You for giving us a sense of justice and hearts of compassion that all that we consider this morning will be done for the welfare and benefit of those we serve. I would ask today that You would give these great men and women a continuance of these daily mercies.

And now, on this day in particular, Valentine's Day, we pray for love. Lord, in Your Holy Word You have said, "Love is patient; love is kind. It does not envy; it does not boast; it is not proud. It is not rude; it is not self-seeking; it is not easily angered; it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails."

Lord, this is love, and I would ask that You would pour this kind of love out on these men and women this morning. May they possess this kind of love for the people—not just any people—for in Your infinite wisdom You have uniquely called them at this point and time in human history to be public servants for a specific constituency of people within this great state of Michigan. For the men and women here whose love today is strong for the people, we acknowledge that this love is a gift from You. May they continue in this love. For those whose love is failing, I would ask that You would bring them a renewal of love. Strengthen them, encourage them, and refresh them. For all, I would ask that You would give them a particular love for those facing adversity and needing hope. In love, we pray for those in poverty, for those who are homeless, for those who are severely ill, for those who are without jobs, for those who are alone, and for those who are defenseless—the widow, the orphan, the unborn.

Lord, I would also ask that You would grant these men and women a great ability to love one another. I would ask that You would give them a love that respects one another and a love that believes the best in one another even when they are on the opposite ends of issues.

And finally, grant these men and women a love for their labor in which they engage in. May they thoroughly enjoy their calling as State Senators today. Order their day, and fill them with a great passion and enjoyment for what they do.

Lord, You are good, and we ask all of this in the name of Jesus Christ. Amen.

### Motions and Communications

Senator Emmons moved that Senators DeGrow, Dunaskiss and Schwarz 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 Cherry and Schwarz entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Tuesday, February 13, of:  
**Senate Bill No. 199**

### Messages from the Governor

The following messages from the Governor were received and read:

February 13, 2001

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

**Michigan Board of Chiropractic**

Dr. Donna L. Craft, 1741 Wampplers Lake Road, Brooklyn, Michigan 49230, county of Jackson, as a member representing professionals, succeeding herself, for a term expiring on December 31, 2004.

February 13, 2001

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

**Worker's Compensation Board of Magistrates**

Mr. Michael J. Barney, 27030 Havelock, Dearborn Heights, Michigan 48127, county of Wayne, as a member representing the general public, succeeding Mr. Sam C. Ayyash of Dearborn Heights, who has resigned, for a term expiring on January 26, 2003.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

### 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 Peters as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 67, entitled**

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by repealing section 6 (MCL 551.6).

**Senate Bill No. 104, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2162 (MCL 600.2162), as amended by 2000 PA 182.

**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 bills were 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. 103, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter XVII (MCL 777.15), as amended by 2000 PA 279.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 72, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81c. Substitute (S-1).

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

1. Amend page 2, following line 17, by inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 91st Legislature are enacted into law:

(a) Senate Bill No. 73.

(b) House Bill No. 4099."

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted 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. 73, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217e. Substitute (S-1).

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

1. Amend page 2, following line 16, by inserting:

"Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 91st Legislature are enacted into law:

(a) Senate Bill No. 72.

(b) House Bill No. 4099."

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted 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. 74, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2000 PA 279.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 75, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2000 PA 279.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 71, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 90a and 90b (MCL 750.90a and 750.90b), as added by 1998 PA 238.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 70, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2000 PA 279.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 16, after "Assault" by inserting "against a pregnant individual".
2. Amend page 2, line 22, after "Assault" by inserting "against a pregnant individual".
3. Amend page 2, line 27, after "Assault" by inserting "against a pregnant individual".
4. Amend page 2, line 31, after "negligence" by inserting "against a pregnant individual".
5. Amend page 2, line 36, after "negligence" by inserting "against a pregnant individual".

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted 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. 38, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80177 and 80178 (MCL 324.80177 and 324.80178), as added by 1995 PA 58.

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**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 (S-4).

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

1. Amend page 2, line 13, after "IN" by striking out "SUBDIVISION (B)" and inserting "THIS SUBSECTION".

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

Senator Dunaskiss entered the Senate Chamber.

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

Senator Emerson moved that rule 3.902 be suspended to allow the guests of Senator Cherry admittance to the Senate floor.

The motion prevailed, a majority of the members serving voting therefor.

Senators Cherry, Hart, Miller, Van Regenmorter and Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's statement is as follows:

It is my pleasure this morning to have as my guest and guests—I guess I can say—a former Senate employee. But really what had occurred was over our break was we had a staff person of the Senate Democratic Caucus, a staff person in my office, who left our employ. This gentleman has spent 14 years working for the Senate Democratic Caucus, 14 very distinguished years.

Alan Canady left the Senate and went to work for the Democratic Leader of the Michigan House, Kwame Kilpatrick, and because it transpired during that break, we weren't really able to give Alan his full due of public recognition. We want to take a moment this morning to do that because Alan was not only a long-term employee of the Senate, but one who was very well-respected—respected because of the work he did on our behalf.

As you all have employees and work with employees, you know what a good legislative staff person is, and Alan embodied all of those professional virtues that we've come to cherish. Not only is he a very intelligent person, but he's a very articulate person. He understands the process both in terms of how we do this business and also on how we conduct our business and conduct ourselves.

Throughout his tenure here I found him as a member and as a leader to be an invaluable counsel not only on Senate procedure on legal matters as our minority counsel, but on policy questions. Alan was an all-around great employee.

So, Alan, we want to take a moment to thank you for your time and your dedication, and recognize the fine work you did and offer you our congratulations and best wishes in your new employment. I would also like to say that Alan is here with several friends. His wife Margee is with him this morning, his uncle Lee, his cousin Lee Canady, Jr., close personal friend, Jack Pitts, and also, his new boss the Minority Leader of the Michigan House, Kwame Kilpatrick.

And so on behalf of the Senate Democratic Caucus and on behalf of the Senate, I would like to present Alan with a tribute to extend to him our appreciation and thanks for his fine work and dedication on behalf of the Michigan Senate.

Senator Hart's statement is as follows:

I've been sitting here for 15 minutes trying to think of something nice to say about Alan Canady, and I'm still thinking. But in all seriousness on this Valentine's Day, it's quite appropriate, Alan, to allude to you as a sweetheart of a person to work with. God bless you always.

Senator Miller's statement is as follows:

I'm one of the few members who's still around who remembers the day Alan Canady came to this chamber. We had a colleague by the name of Senator Basil Brown back in 1987 who came up to me and said, "Senator, our legal counsel just got elected district judge in Detroit, and I have an outstanding young man who I'd like to recommend for this job." And, at that time, the caucus interviewed a number of candidates for the job, and we chose the best candidate, Alan Canady.

I want to say that 14 years ago when Senator Brown came to my office and brought this young man—he was a young man at that time—it was not only a great working relationship, but a true, true friendship that developed over all those years. He was a very, very dedicated, hardworking employee, and he had a great family supporting him. I'll say this, in all the years that I've been here—I'm on my 24th year, Mr. President—I've seen a lot of great employees, and I want to say that Alan Canady was one of the best employees who ever worked here. He was one of the best people that I'll leave here saying that Alan Canady is not only a great lawyer, but he's a super friend. I wish the best to him and his family. You deserve it.

Senator Van Regenmorter's statement is as follows:

Well, Alan Canady, of course, was advisor to the Senate Judiciary Committee for some years, and during that period of time, he became a friend but also someone for whom I have great respect. He has a wonderful sense of humor which disguises a great legal mind. Also he seems to abhor partisanship and is much more interested in good policy.

He was an absolutely wonderful asset to the Senate Judiciary Committee and to me personally. I want to congratulate him as he begins his new tasks.

Senator Smith's statement is as follows:

I'd like to add my accolades to Alan Canady. Alan and I have been working together for at least 11 years, and Alan has probably been most instrumental in keeping me on the straight and narrow. Every time I had a question about process on the floor or process in the operation of the body, I could turn to Alan, and he would say, "Well, you can try that, but I would really strongly advise against it. There is another and a better way to do it." And he was always very careful to preserve a relationship, whether I was on staff or in the Senate, that was one that made me believe that I actually had a brain, and I could operate it in the system.

So, Alan, for all of that, I thank you. I know you're doing well over on the other side because I've been over there to work with you and to see you at work, and it's terrific. The best of luck to you.

Senator DeGrow entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senator Emmons introduced

#### **Senate Bill No. 207, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6013 (MCL 600.6013), as amended by 1993 PA 78.

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

Senator Jaye introduced

#### **Senate Bill No. 208, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 4b to chapter IX.

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

Senator Jaye introduced

#### **Senate Bill No. 209, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500; 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.

Senator Jaye introduced

#### **Senate Bill No. 210, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 32 of chapter 2 (MCL 141.632).

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

Senator Jaye introduced

#### **Senate Bill No. 211, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 32 of chapter 2 (MCL 141.632).

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

Senators Bullard and Hammerstrom introduced

#### **Senate Bill No. 212, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346.

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

Senators Johnson, Gougeon, Schuette, Shugars, Sikkema, North, Emmons, McManus, Stille, Steil, Bullard and Jaye introduced

#### **Senate Bill No. 213, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1231 and 1236 (MCL 380.1231 and 380.1236), section 1236 as amended by 1995 PA 289, and by adding section 1236a.

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

Senators Schuette, North, McManus, Steil, Bennett, Leland, Bullard, Van Regenmorter, Stille and Gougeon introduced **Senate Bill No. 214, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 502, 32503, and 33938 (MCL 324.502, 324.32503, and 324.33938), section 502 as amended by 1998 PA 114 and sections 32503 and 33938 as added by 1995 PA 59, and by adding sections 32316 and 61505a.

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

Senators Schwarz, Johnson, North and McCotter introduced

**Senate Bill No. 215, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 94.

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

Senator Bullard introduced

**Senate Bill No. 216, entitled**

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 13 (MCL 450.233), as amended by 1990 PA 166.

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

### Committee Reports

The Committee on Finance reported

**Senate Bill No. 29, entitled**

A bill relative to the borrowing of money by municipalities and the issuance of certain obligations; to provide for tax levies and sinking funds; to prescribe powers and duties of certain departments, state agencies, officials, and employees; to impose certain duties, requirements, and filing fees upon political subdivisions of this state; to authorize the issuance of obligations to pay premiums or to establish funds to self-insure for losses; to prescribe penalties; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Emerson

Nays: None

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

The Committee on Finance reported

**Senate Resolution No. 15.**

A resolution to memorialize the Congress of the United States to enact President Bush's tax relief plan.

(For text of resolution, see Senate Journal No. 8, p. 95.)

With the recommendation that the resolution be adopted.

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Hammerstrom

Nays: Senator Emerson

The resolution was placed on the order of Resolutions.

### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, February 13, 2001, at 1:05 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Emerson

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:  
Public hearing held on Tuesday, February 13, 2001, at 1:00 p.m., Room 810, Farnum Building  
Present: Senators Sikkema (C), Gast and Peters  
Excused: Senators Dunaskiss and Young

**Scheduled Meetings**

**Administrative Rules, Joint** - Thursday, February 15, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-3543)

**Appropriations -****Subcommittees -**

**Agriculture** - Wednesdays, February 21 and February 28, 3:00 p.m., and Thursday, March 15, 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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

**Career Development Strategic Fund Agency** - Tuesdays, February 20, February 27, and March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Consumer and Industry Services** - Wednesday, February 21, 1:00 p.m., 8th Floor Conference Room, and Thursday, March 8, 1:00 p.m., Room 110, Farnum Building (373-7350)

**Family Independence Agency** - Tuesdays, February 20, February 27, and March 6, 1:30 p.m., Room 210, Farnum Building (373-1760)

**General Government** - Tuesdays, February 20, February 27, March 6, and March 13, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Judiciary** - Wednesdays, February 21 and February 28, 3:00 p.m., Room 210, Farnum Building; March 7 and March 14, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

**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)

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

**Human Resources and Labor** - Wednesday, February 21, 1:00 p.m., Room 110, Farnum Building (373-1801)

**Natural Resources and Environmental Affairs** - Tuesday, February 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 10:41 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, February 15, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.