

No. 46
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 24, 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
Garcia—present
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—excused
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 Philip E. Hoffman of the 19th District offered the following invocation:

Lord, on this day we begin by celebrating Memorial Day in our chamber. We ask You to remember all of those who have given of themselves in order that we can enjoy freedom. I also ask You, Lord, this day to be with the members as we make some very difficult decisions. Lord, I also ask You to be with Senator Jaye today and guide him. In Your name we pray. Amen.

Motions and Communications

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

Senator Emerson moved that Senator Leland be excused from today's session. The motion prevailed.

Senator Emmons moved that when the Senate adjourns today, it stand adjourned until Tuesday, May 29, at 12:00 noon. The motion prevailed.

Senators Gast, Scott and Young entered the Senate Chamber.

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 23:
House Bill Nos. 4200 4333 4513 4603

The Secretary announced the printing and placement in the members' files on Wednesday, May 23, of:

Senate Bill Nos. 499 500 501 502 503 504 505

House Bill Nos. 4797 4798 4799 4800 4801 4802 4803 4804 4805 4806 4807 4808

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.

11:07 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senator Shugars conducted the 7th Annual Memorial Day Ceremony in honor of the military who have served during wartime. The ceremony was accompanied by the Kalamazoo Pipe Band and vocalists Kristin Peters, Jessica Pipes, and Nicole Stornant, who sang the "National Anthem."

Senator Shugars presented an audio performance of Red Skelton on the Pledge of Allegiance.

Senator Shugars introduced Lieutenant Colonel Donald Pipes, who addressed the Senate with a narrative entitled "It is a Soldier."

Dramatic readings of Vietnam letters left at the Vietnam Memorial Wall in Washington, D.C., were rendered by Senators Hart, Gougeon and Garcia.

During the recess, Senator Stille introduced to the Senate the Grand Haven High School 2001 Science Olympiad Team and presented them with certificates.

Coach Mike Reed responded briefly.

Rick Kent, superintendent of Grand Haven Public Schools, responded briefly.

During the recess, Senators Bullard and Schuette entered the Senate Chamber.

Messages from the House

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

Senate Joint Resolution D

Senate Bill No. 283

The motion prevailed.

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. (For text of amendment, see Senate Journal No. 45, p. 514.)

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

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

Roll Call No. 108

Yeas—35

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

Nays—0

Excused—2

Leland	Vaughn
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Not Voting—1

Jaye

In The Chair: Schwarz

The Senate agreed to the full title.

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

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. (For text of amendment, see Senate Journal No. 45, p. 514.)

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

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

Roll Call No. 109**Yeas—34**

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

Nays—0**Excused—2**

Leland	Vaughn
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Not Voting—2

Jaye	Miller
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In The Chair: Schwarz

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Miller's statement is as follows:

Inadvertently I missed voting on Senate Bill No. 73. I was trying to get a picture with my visitors from Roseville. I would like the record to show that had I been present in the Senate Chamber, I would have voted a definite "yes" for Senator Gougeon's Senate Bill No. 73.

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 (H-2).

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. 110**Yeas—35**

Bennett	Emmons	Koivisto	Scott
Bullard	Garcia	McCotter	Shugars
Byrum	Gast	McManus	Sikkema

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Miller
Murphy
North
Peters
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Leland

Vaughn

Not Voting—1

Jaye

In The Chair: Schwarz

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

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.

(For text of amendment, see Senate Journal No. 45, p. 515.)

The question being on concurring in the amendment made to the bill by the House,
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 111

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—2

Leland

Vaughn

Not Voting—1

Jaye

In The Chair: Schwarz

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.

The President, Lieutenant Governor Posthumus, resumed the Chair.

Third Reading of Bills

Senator Emmons moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 333

Senate Bill No. 464

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 333, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

(This bill was defeated on May 17 and the motion to reconsider the vote postponed. See Senate Journal No. 43, p. 503.)

The question being on the motion to reconsider the vote by which the bill was defeated,

The motion prevailed.

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. 112**Yeas—24**

Bullard	Emerson	Hoffman	Peters
Byrum	Emmons	Jaye	Schwarz
Cherry	Garcia	Johnson	Scott
DeBeaussaert	Gast	McCotter	Smith
DeGrow	Hammerstrom	Miller	Steil
Dingell	Hart	Murphy	Young

Nays—12

Bennett	Gougeon	North	Sikkema
Dunaskiss	Koivisto	Schuette	Stille
Goschka	McManus	Shugars	Van Regenmorter

Excused—2

Leland

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators McManus, Gougeon, Stille, North, Shugars, Goschka, Dunaskiss and Bennett, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 333.

Senator McManus' statement, in which Senators Gougeon, Stille, North, Shugars, Goschka, Dunaskiss and Bennett concurred, is as follows:

I would like the Journal to show that I voted "no" on that particular bill for a couple of reasons. I happen to be the father of nine, grandfather of twenty-three, great-grandfather of one. None of my wives or daughters ever belonged to the La Leche League, who I do not think represent all the women of the state of Michigan by any means. I object strongly to the idea that a woman can't nurse her baby when she's riding in a car. I think it's a bunch of nonsense. So that's number one.

Second thing is, in terms of trying to find a car that meets the requirements of this bill, I think you're going to find you've got yourself some difficulty. In fact, I'm not sure if you could even buy one. I guess sooner or later around here, if we keep going with regulations, we're going to be telling people how many squares of toilet paper they can use.

The following bill was read a third time:

Senate Bill No. 464, entitled

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," by amending the title and sections 1a, 6, 6c, 25, and 26 (MCL 490.1a, 490.6, 490.6c, 490.25, and 490.26), the title as amended and section 6c as added by 1986 PA 278, section 1a as amended by 1995 PA 163, section 6 as amended by 1993 PA 246, and sections 25 and 26 as amended by 1992 PA 246, and by adding sections 25a, 25b, and 25c.

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. 113**Yeas—36**

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

Nays—0**Excused—2**

Leland

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
Resolutions

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

Senate Resolution No. 69

The resolution consent calendar was adopted.

Senators Stille, Schwarz and Steil offered the following resolution:

Senate Resolution No. 69.

A resolution honoring Arend D. (Don) Lubbers, President of Grand Valley State University.

Whereas, It is with great respect and appreciation for the hard work and unyielding commitment Arend D. Lubbers has displayed in his service as President of Grand Valley State University that we offer tribute to him, the nation's longest-serving university president. We offer thanks for his many contributions and praise his efforts and dedication in guiding Grand Valley State University's growth from a small college on a single campus into one of the fastest-growing and most selective universities in Michigan, with facilities now in five communities. His commitment to academic standards of excellence will long be remembered throughout Michigan; and

Whereas, Loyal to his mission to serve the people of Michigan, and with a sincere concern to meet the needs of the students, faculty, staff, state legislators, and alumni, Arend Lubbers has gone above and beyond the call of duty as president of this exemplary institution. He is a professional of the highest caliber, earning both the respect and confidence of students, staff, and supporters; and

Whereas, Impressive leadership ability and decision-making based on what is good and what is right for the university have been reflected in all of President Lubbers' endeavors throughout his tenure at Grand Valley State University. He has worked cooperatively with government officials and has played a significant role at the local, regional, state, and international levels. President Lubbers' June 30, 2001, retirement marks the end of a 32-year presidency that has overseen the opening of the DeVos Center and Pew Campus in downtown Grand Rapids, as well as the addition of satellite campuses in Holland, Traverse City, and Muskegon. Clearly, his experience and expert authority will be missed; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of praise and tribute be hereby accorded President Arend D. Lubbers in recognition of his 32 years of service to Grand Valley State University and all of western Michigan. May he enjoy his newfound opportunities to explore the world in whatever ways delight him most, and may he, his wife Nancy, their five children, and three grandchildren know in what high regard we hold him. We extend our best wishes that his future be filled with the happiness and good fortune that his many years of accomplishment so rightfully merit; and be it further

Resolved, That a copy of this resolution be transmitted to President Arend D. (Don) Lubbers as evidence of our admiration and esteem.

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.

Recess

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

The motion prevailed, the time being 11:29 a.m.

1:26 p.m.

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

Senator Emmons moved that rule 3.902 be suspended to allow the counsel of Senator Jaye admittance to the Senate floor to sit at the desk of Senator Jaye.

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

Senator Emmons moved that the rules be suspended to allow the statements of Senator Jaye and the members of the select committee to exceed the five-minute limitation.

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

Senator Emmons moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

Senate Resolution No. 70

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

Senators Cherry, McCotter, Smith, North, Koivisto and Hoffman offered the following resolution:

Senate Resolution No. 70.

A resolution to determine the disposition of certain electronic information under consideration in Senate Resolution No. 47.

Whereas, Senate Resolution No. 42 created a select committee to examine the qualifications of Senator David Jaye and to determine his fitness to hold office. The select committee has held hearings to consider the expulsion of Senator Jaye; and

Whereas, In consideration of Senate Resolution No. 47, certain electronic files from the laptop computer of Senator David Jaye have come to public attention. The electronic information has been taken from the computer's hard drive and is stored as a ghost copy on backup tapes; and

Whereas, The membership of the committee and the full Senate wish to protect the personal privacy of all witnesses and other individuals involved in the hearings. The committee and the full Senate are adamant in only wishing to address the serious matter at hand; now, therefore, be it

Resolved by the Senate, That it is the intent of this legislative body that no one shall have access to the ghost copy of the electronic information taken from Senator David Jaye's laptop computer prior to the date of the adoption of this resolution. The files of the photographs discussed at length in the hearings of the select committee created by Senate Resolution No. 42 and included in this electronic information shall be written to a CD to preserve the files discussed by the select committee and shall be released only in response to a subpoena. The reghosted laptop hard drive shall be erased completely.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Emmons moved that the committee substitute (S-1) of the Select Committee to Examine the Qualifications of Senator Jaye be printed in the Journal as the basis of the select committee's findings and basis for the expulsion of Senator Jaye.

The motion prevailed.

The following is the substitute recommended by the Select Committee to Examine the Qualifications of Senator Jaye:

Senate Resolution No. 47.

A resolution to expel Senator David Jaye of the Twelfth Senatorial District, State of Michigan.

Whereas, Article IV, Section 16 of the Constitution of the State of Michigan states, in relevant part:

"...Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member...."

; and

Whereas, Senate Rule 1.301 states:

"Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office."

; and

Whereas, Senate Rule 1.309 states:

"a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan. This includes but is not limited to, telephones, telecopy machines, computers, postage, and copy machines...."

; and

Whereas, Senate Rule 1.311 states, in relevant part:

“...A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled...”

; and

Whereas, Senator David Jaye of the Twelfth Senatorial District has been involved in a recurring pattern of personal misconduct, as described below, consisting of multiple criminal convictions, including jail time; a record of abusive, intimidating, and violent behavior, including two physical altercations, which resulted in police intervention; and misuse of his position as State Senator to intimidate legislative staff members and to misuse Senate staff members and resources; and

Whereas, On June 12, 2000, in the 41A District Court for the County of Macomb, State of Michigan, Senator David Jaye pled guilty to a charge of operating a motor vehicle with an unlawful blood alcohol content, his third alcohol-related driving conviction, the first being a conviction on May 7, 1985, for operating a motor vehicle while impaired and the second being on April 12, 1993, for operating a motor vehicle while under the influence of alcohol or with an unlawful blood alcohol content; and

Whereas, Shortly after being elected to the State Senate, Senator David Jaye demonstrated a pattern of verbally abusing members of partisan and nonpartisan legislative staff, particularly women, through the use of indefensible, vulgar, and humiliating profanity and demeaning language. Specific testimony given by the victims of these verbal assaults substantiated that incidents of this nature occurred on February 10, 1998, in the Fall of 1998, and again on February 16, 1999. Further documentary evidence indicated that such incidents had occurred on a number of other occasions; and

Whereas, As a result of such incidents, on February 24, 1999, and again on March 9, 1999, Senator David Jaye was advised by the Senate Majority Leader that his verbal abuse of staff was unacceptable and would not be tolerated; and

Whereas, On November 29, 2000, Senate staff members were requested by Senator David Jaye to service his state-owned computer, which unjustifiably subjected them to numerous sexually explicit photographs in the performance of their duties, and which deeply offended and embarrassed the staff members; and

Whereas, Senator David Jaye has been progressively disciplined by Senate leadership, including the following steps: removal from his committee assignments, relieving him of the ability to supervise his staff while he was incarcerated, suspension of his non-SOCC travel allowances, suspension of his stamp and mass mailing privileges, and prohibiting direct contact with central staff and nonpartisan staff except through the directors of those offices; and

Whereas, In spite of sincere efforts to help Senator David Jaye alter his egregious pattern of behavior, he has continued to attempt to use his position as a State Senator in an effort to engage in and subsequently excuse his mistreatment of those less powerful than he. This is evidenced by his conduct on November 19, 2000, when he was involved in a violent physical altercation with his fiancée in Bay County, Michigan, which was witnessed by numerous citizens. This resulted in a citizen's emergency 911 call, and his subsequent apprehension by Michigan State Police troopers, which revealed that he was operating a motor vehicle in violation of the terms of his restricted license due to his June 12, 2000, conviction for operating a motor vehicle with an unlawful blood alcohol content - second offense; and

Whereas, Senator David Jaye's pattern of egregious behavior continued on April 12, 2001, when, again, he was involved in a violent physical altercation with his fiancée that resulted in her emergency 911 telephone call, her sworn written statement, and his subsequent arrest by Lee County Sheriff's Deputies in Fort Myers, Florida; and

Whereas, Public trust and confidence in government, and equality under law, are prerequisites to the functioning of a democratic society; now, therefore, be it

Resolved by the Senate, That, by exploiting his position as a State Senator to intimidate others and willfully and repeatedly committing serious personal transgressions, Senator David Jaye has violated the Senate Rules, failed to maintain the integrity and responsibility of his office, and seriously undermined the confidence and trust of the citizenry in the institutions of their government; and be it further

Resolved, That Senator David Jaye has violated the public trust by using his position as a Michigan State Senator against those who are in a lesser position of power; and be it further

Resolved, That Senator David Jaye has abused the office of State Senator, as evidenced by specific behavior and actions cited in this resolution, and has damaged the institution to which he was elected; and be it further

Resolved, That in accordance with the above-cited provisions of the Constitution of the State of Michigan and Senate Rules, the Michigan State Senate hereby determines and proclaims Senator David Jaye unfit to continue as a member of this esteemed body and does therefore expel him from the office of Michigan State Senator, effective immediately.

By unanimous consent the Senate proceeded to consideration of the following resolution:

Senate Resolution No. 47.

A resolution to expel Senator David Jaye of the Twelfth Senatorial District, State of Michigan.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

Senator Emmons moved that the pending amendments be considered en bloc.

The motion prevailed.

Senator Jaye requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

Senator Jaye offered the following amendments to the substitute:

1. Amend the title, line 1, after “to” by striking out “expel” and inserting “censure”.
2. Amend the sixth Whereas clause, line 3, after “content” by striking out the comma and the balance of the clause.
3. Amend the ninth Whereas clause, line 3, after “numerous” by striking out “sexually explicit”.
4. Amend the eleventh Whereas clause, line 7, after “citizens.” by inserting “After a prosecutorial and police investigation, no charges were ever filed, no tickets issued, and no arrest was made.”.
5. Amend the eleventh Whereas clause, line 12, after “offense” by inserting a period and “The Bay County District Court judge dismissed the charges”.
6. Amend the resolution by striking out all of the eleventh and twelfth Whereas clauses.
7. Amend the twelfth Whereas clause, line 5, after “Florida” by inserting a period and “After an investigation by the Florida State Attorney, including granting Ms. Kloss immunity and interviewing her, the State Attorney concluded not to bring any charges.”.
8. Amend the fourth Resolving clause, line 3, after “hereby” by striking out the balance of the clause and inserting “censures Senator David Jaye.”.

The amendments to the substitute were not adopted.

Senators Jaye, Miller, McCotter, Stille, Sikkema, Schuette, Smith, Emmons, Koivisto, Hoffman, Cherry 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 Jaye’s statement is as follows:

I wish the veterans could have stayed here to watch the trampling of our constitutional rights, and I just received a phone call from my staff which shows what a biased proceeding this expulsion has been. My staff called and told me they’ve just been thrown out of my Senate office and escorted out before there’s even been a final vote.

You know, we took an oath of office to the Michigan and U.S. Constitutions, and people—my family members—have died and lost limbs and made tremendous sacrifices not just over seas, but at home. My grandmother was one of the Rosie the Riveters in order for us to have the ideals of innocent until proven guilty, of having a due process. You know, I’ve got some tremendous attorneys who’ve been fighting a battle with all the odds stacked against us. The committee membership was stacked against us. The rules were stacked against us. The timing was stacked against us. And we won! We won in that legislative hearing—that kangaroo court. They said that the linchpin, the reason for this expulsion, was a Florida charge. We beat the Florida charge. My fiancée said that the police pressured her, the Senate investigators that taxpayers paid money for intimidated her and the witness, and they’re flying attorneys down, flying individuals up. We won that case.

Then all of a sudden it didn’t matter. That’s what the committee members said. It didn’t matter that there’s no charge down in Florida. Now the Bay County case is the linchpin and the reason why Senator Jaye must get thrown out of the State Senate, to the effect that we even had some people say that I know that he’s hitting women, and he lies about it. There have been a lot lies here. The people have condemned me before the judicial process has taken its course. There have been lies about why it has been seven months since that tape at the Bay City gas station mysteriously shows up on the last day. The Majority Leader’s own private investigator admitted he had that tape four weeks ago, told the Bay County prosecutor and told the Majority Leader’s attorneys, but didn’t tell us. They didn’t tell the defense. Why? Oh, because this is a legislative proceeding, and we don’t have the duties of prosecutor to inform you if there’s a tape.

They wanted me to resign, to be pressured out, before the due process could have happened in Florida and before this tape was unveiled. They lied about that tape, and that tape clearly showed that the 18-year-old witness lied. That 18-year-old witness said that he saw me strike my fiancée in front of the cooler. What the tape showed was the guy was still in the men’s room after my fiancée and I had exited the gas station. The door shut behind us, and then he opens up. He wasn’t even looking at the exit.

My attorneys and I had been rushed. We even asked for an extra two days, and to their credit, the Democrats on that committee asked for a measly two extra days to review the evidence. The removal resolution was introduced on a Tuesday. It didn’t have names on it. The notice of the committee meeting was on Wednesday. Then I got portions of the secret file a half-hour before it occurred. There were even some people without their names in there. One woman said that I used a profanity at her, and she met me once for 10 seconds. She made the preposterous allegations that I was calling for labels three weeks before the election, and I used profanity. How many people would pick a fight with a surgeon before they go into the operating room? How many people would pick a fight with a building permit-issuing

bureaucrat if they had to move in by Sunday because they sold their home and had to move out on Monday? It was ludicrous, and that person's name wasn't even in there.

None of these charges individually or combined rise to the level of expulsion—rise to the level to overturn the vote of the residents of Macomb County. I was elected by a higher percentage, at a higher vote margin, than most of the Senators in this office. I love this job. I love being a servant of the taxpayers, of seniors, and of small businesses. I am proud that in the last 13 years as a legislator I've never sold out to the special interests. I've never sold out to the party bosses. This is payback because I've dared to challenge the Republican leadership on a billion dollars of fee increases in the last eight years under their administration, a billion dollars of pork and fat in Republican budgets, and a quadrupling of our state debt at a time when they are claiming that there are surpluses—state debt that's going on the shoulders of the children instead of our current responsibility. I opposed the Republicans just last week when they passed the bill to subject the Michigan sales tax to the Internet sales, even though there's a congressional prohibition of that.

This is a political payback. What are the charges that are left in this resolution? Yes, I've had drunk driving charges. The other charges that I've yelled at some staffers because they haven't worked hard or quickly on behalf of the taxpayers? Yes, that's happen sometimes. I've had some topless photographs of my fiancée that were deleted from my laptop, and some computer whiz was able to resurrect them? Yes, that happened too. But this is a political payback because yes, there is a cost for freedom. Yes, there is a price to pay for independence. Yes, there is a price to pay for independence from the special interest groups. The standard now has been lowered that you can get thrown out of office based on the accusations—not even the charges, not even the convictions—of all these individuals who said that I've treated them rudely. None have lent itself or gone to civil or any kind of criminal activity—none of it has.

In over 13 years, if I didn't have some state employees say that I was insistent on them, then I wouldn't have been doing my job. Back in my dad's day, my dad's era, working hard and long hours, coming in early, working through lunch when there was a deadline, and staying late was called a good work ethic. It was called an honest day's work for an honest dollar. Some of these people think it's abuse.

What's abuse is that the taxpayers of the state of Michigan have to work from January 1 to July 2 to pay off all their federal, state, and local taxes and regulations. That's economic violence. I'm proud that in the last 13 years I have introduced more tax cuts and more budget-cut legislation, than any other legislator. I'm proud that the taxpayer groups have called me the taxpayers' best friend. I'm proud that I've offered Right to Life amendments that have upset the budget chairman. I didn't do it to upset the budget chairman; I did it out of principle. When the Governor vetoes a Right to Life bill, I criticized him, and it's payback. I'm proud that legislation like hunting and gun rights got through, even without my name on it. I'm proud that I was able to be able to help launch a successful lawsuit against minority preferences at the University of Michigan. But this is the political payback.

Could you imagine if any of your brothers or sisters or your parents were forced in three weeks to have to face a job expulsion process when only the negative charges against them could be discussed, and when you had an employer who had unlimited state resources, 50 full-time state employees, attorneys, and private investigators who would fly people from out of state to throw you out of your job when a court case and a private investigation were still occurring, particularly when my fiancée said the assault didn't happen, that there was police pressure? She bailed me out, put up her home for collateral, and hired an attorney to get me out. I'd ask you to look into your heart and ask what kind of boss would you think that would be that they would only give you three weeks and are forcing you into financial ruin and bankruptcy? I've had to borrow money from my father, almost 71 years old, at a time when I should be helping him out. My youngest brother just gave me \$300. He can't even pay for brake jobs on his car. I'm helping my brother move to his home this weekend because he doesn't have money to pay for movers. I am going into bankruptcy over trumped-up charges that don't individually or together rise to the level of expulsion. Why? Because I've upset the political bosses and the special interests.

My attorneys and I won fair and square when every hand was turned against us. The clock was against us. The rules were against us. The taxpayer-funded staff was against us. We made a heroic effort, and we won on the Florida case and the Bay County case. We were able to win. My fiancée wanted to testify. She wasn't allowed to testify to try to keep away from these paparazzi who have been hounding her and chasing her down. She's followed this through the Internet. Any woman in the state of Michigan would be embarrassed or nervous about appearing in front of a bunch of Senators who have been pawing over her topless photographs. I know it was the counsel that recommended that those photographs be shown around, but it was these Senators, these five men and the chairman, who agreed to let it happen without having the decency of whiting out her face or covering her up.

Yes, she's nervous. She's an individual citizen. Pick your political battles with me, but leave my fiancée out of this. She has even tried to call you individually, and some of you Senators have been ladies and gentlemen and have taken her calls. Not the Majority Leader. The Majority Leader had received two phone calls from her right after the event, like what my probation officer did to explain the circumstances. My probation officer asked questions, asked for details, and my probation officer didn't violate me. But the Majority Leader didn't have the decency to return my fiancée's calls. But he went forward at taxpayers' expense to fly these cops up. His attorneys called the county prosecutor in Macomb. The taxpayer-paid attorneys called the Bay County prosecutor. We'll help you violate Jaye.

We'll fly these cops over to you. And who was the investigative officer? A sheriff's deputy who has been on the job for two months—two months! This was his first domestic case ever, and that sheriff's deputy admitted that he wrote items on the witness' entire account and put items into her account.

We have fought the good fight. We have asked for the constitutional rights of the Sixth Amendment, and they've been denied us. The Civil War in America was fought to say that the Bill of Rights, your individual liberties as an American citizen, has priority and has authority over a state constitution. I know the Constitution says that this body has the right to determine the suitability of a Senator to serve, but it most certainly didn't give you the right to trample on my Sixth Amendment rights, on my due process rights, because the Michigan Constitution even says that every legislative and administrative proceeding must have due process—must allow a suitable amount of time for witnesses and evidence. We were given evidence after evidence after evidence after evidence. They said that really this is last time we're going to show the secret files or these are the last other memos we have or but this is the last time we're going to have. How in the world could any person have a chance, a fair chance? But we won, and it still didn't matter.

I know that this Senate's going to continue long after I'm gone and long after most of you are gone with term limits. But we have a living document in this Legislature and democracy that is called a constitution. The Constitution gives us rights as citizens, as Americans, to due process. I am innocent until proven guilty, and I've been denied my chance to be able to have an opportunity to cross-examine these individuals. My Sixth Amendment rights to confront my accusers were denied here. My attorneys not only did not have the name, not only did not have the time to research or to investigate, but we were denied the right to cross-examine, like that one 18-year-old who claimed he saw me. He wasn't asked whether or not he knew who I was when he came in there. He said he didn't know who I was, but an hour and a half after seeing other witnesses pointing out Senator Jaye, the Florida people pointing out Senator Jaye, and the State Police pointing out Senator Jaye, he says after an hour and a half of testimony, "Yes, I guess that's Senator Dave Jaye." That wasn't allowed to be brought up.

We weren't allowed under cross-examination to say that one of these individuals who filed a complaint against me said the first time she met me was when she worked for the Lieutenant Governor. When, in fact, the first time she met me was four years earlier when she was working for a state Representative, where he and I had a difference of opinion on firearm issues, and he ended up losing a re-election by a fraction of 1 percent, and that she had been hounding me. She had been belligerent. She had been in my face. She had been after me, calling me names at all kinds of legislative events and receptions. We couldn't bring that out.

Could you imagine being in a court of law and your attorneys try as hard they could, try to do due diligence, and try to read this information? You try to read a couple of phone books in an evening. I know my Senate colleagues have got a lot of responsibilities, but how can you honestly say to your constituents or even to your family members or admit to yourself that you've had an opportunity to read the reports from this committee, to go through the evidence, and to go through our response that was submitted just on Tuesday of this week, particularly those of you who haven't even had the courtesy to return Sonia Kloss' phone call or even my phone call request for conversations. I know that the Majority Leader has been calling you individually on this? I know that there have been all kinds of presentations of threats and rewards and all kinds of inducements.

If I'm thrown out here today, no Michigan resident is safe from this Majority Leader. This is a personal vendetta between him and me. This is a witch hunt. It didn't matter, it did not matter, that I'm innocent of these charges. This went so far that these secret files and these objects back in November, they didn't tell me that they had these photographs of my fiancée that they were able to reconstruct, back in November of last year. They didn't tell me they were recording conversations. Why didn't they tell me? We could have made some changes. We could've made some differences. I would have gone to outside help for computer work.

In fact, two of these resolutions, which they are not telling you in this report from the committee, have been dropped. Two of the resolutions have been dropped. You want to know why? One of resolutions said that Senator Jaye forces his employees to volunteer as a condition of getting a job. You ask my employees who were just got kicked out of my office before I was voted out of the Senate, ask them who had to volunteer first. What the Majority Leader didn't want to answer is that he requires all the state Republican employees to give up 10 of their weekends and holidays to work on Republican campaigns, both in the House and Senate without pay. What the Majority Leader does not want to admit is that he sends out letters saying that the Senate Republican staffers have to give up their paychecks to the Senate Republican Campaign Committee, and there's even a memo saying this is how much money you have to give up of your paycheck, depending on the sliding scale of your salary. I've never required my employees to donate to my campaign or to the Senate Republican campaign. It's wrong. If they want to voluntarily, that's up to them, but it's wrong.

Another one of the resolutions that was originally introduced that's not in here, that's not part of the committee report, is that I require too much computer time with the Senate peripheral equipment. But guess what? In an investigation by the Senate staff, you find out that other Senators have these peripherals. What did I have in my report? I'll ask my attorney—do you have that phonebook that I was showing you? I have a computerized—here it is—phonebook. It's a little dog-eared right now. The reason why I've got it in a computer is that we can make some adjustments and changes after I've made several copies for my staff. We have a voice word processing program. We've got scanners. Well, so do other Senators. This report did not mention how those items were taken out.

I've stood in front of my Macomb County voters for 18 different elections in the primary and general, and I've lost one by 33 votes out of 28,000. And my colleague, the senior Senator, will tell you in Macomb County, it's a bare knuckled arena, that our opponents both in our own parties and in the others make no hesitation in putting out information that if we weren't politicians, for a private citizen it would be slander and libel, but because we are elected officials or candidates for it, they can put out these lies and innuendos. It's rough. Car tires have been slashed. Why, I even think the senior Senator had a toilet thrown through the front window of his campaign headquarters. It gets so rough in Macomb County.

But I want to tell you something, slashed tires, midnight phone calls, and threats don't even approach the violence that's been done to me by the kangaroo court and by this railroad job. Most statutes require three days before they come to a final vote in front of the Legislature. In fact, that's a constitutional requirement—three days. I know sometimes tricks are played, they'll recess, say a prayer, and reconvene at 12:01 in the morning. One day for a resolution and not even that was allowed. Not even one day in order to overturn the vote of over 58,000 citizens in Macomb County. Not one day was allowed.

If I'm thrown out of the Senate, and it seems like the votes are there, I would ask the media who have been priding itself in the past—at least in the old schoolbooks—of being the advocate, being the defender, and being the proponent of individual and civil liberties, to try to print how this could happen in America. How could this happen in Michigan? How could this happen around Memorial Day? Memorial Day is more than just picnics and barbeques and fun. Memorial Day is to honor the men and women who have given up their lives and limbs and given up their family life to preserve the constitutional liberties that we all cherish, even for people you might not like, even for people who might have irritated you, even for people who weren't a part of the go along to get along, and even for people like me who force some amendments that you don't like. They didn't even give me the courtesy or up-and-down votes on amendments on this resolution. Let's take them all together. Let's take them all together.

Memorial Day is to mark on our calendar a time to understand that there is a sacred contract, a sacred oath, a sacred commitment between the generations that blood was shed, that limbs were lost, in order to guarantee some liberties for everyone—Republican or Democrat, liberal, conservative, or libertarian, whether you like them or not—that they have some due process, and that has not been afforded to me. This railroad has been faster than any bullet train that's ever gone across the continental United States. They didn't even have the courage of putting up a record roll call vote today, of voting "yes" or "no" in a record roll call vote, on whether or not these amendments should be held separately or whether or not there should be an extra day on this resolution.

I truly do wish this resolution could have been discussed and debated before the veterans, before people like my dad, a Marine; before my uncles, Air Force, Navy, and Army; and before my cousin who's overseas right now. Unfortunately, it's happening right now, and it can happen to a State Senator in three weeks. Compared to when the Lieutenant Governor was the Majority Leader and the last State Senator faced expulsion, at least the Lieutenant Governor said the guy's innocent until proven guilty and gave him 17 months between the charge and the conviction. I haven't even been charged. I'm not going to be. If this happens, I'll be the first Senator who's expelled. Apparently, a Senator Diggs and a Senator Wilkowski in 1950 both were expelled. And then-Senator Wilkowski went to win his re-election, and what a coincidence of history it was a Republican Senate that wouldn't allow him to be seated, even after he won his re-election with 72 percent of the vote.

Unfortunately, history is repeating itself again. The Constitutional Convention of 1961 modified the Constitution to say that if you were thrown out, you cannot be expelled for the same issues a second time because of excesses of political enemies. It is frightening to know that secret files were kept and unlimited police powers and unlimited taxpayer dollars can be used to throw an enemy out, to silence a voice of the taxpayers, of the citizens, who happens to say issues and take on issues that you may not like.

I want to thank the citizens of the great state of Michigan, and particularly the residents and taxpayers of Macomb County, for the privilege and honor of serving as their Senator, as their State Representative, as their county commissioner. I want to apologize to them about my personal difficulties, but never once have any of my personal difficulties ever reached my conduct as a legislator.

I'm proud that I'm also a workaholic, that I work weekends and evenings, that my staff—the ones who were thrown out the door before this resolution was even adopted—work weekends and evenings voluntarily, that they work on days like President's Day that's a state holiday that hardly anybody has off because they're embarrassed to have a President's Day off, and they want to be there working for folks who have problems and need some assistance and need a boost or some information. My staff has been traumatized by this, and they have done a professional job. I wish them the best. Unfortunately, it's shown what at-will employees who happen to be true believers in limited government and consumers and taxpayers can suffer the consequences of standing on principle.

I want to also thank you for the first resolution that you did pass about eliminating the unauthorized copies of my hard drive. I also want you to please consider my permanent ethics committee resolution. I do not mean to impugn any individual of the Senate, and most of the Senators here are very honorable and decent individuals. They are great husbands and wives. They are great mothers and fathers, and they've never been involved in any personal problems like I've had. They've never been involved in accusations of ethical impropriety, but some have. But some have had

problems with people they love, their spouses, or people they love like I have. Some have had problems with substance abuse like I've had. Some have yelled at their staff like I've had and wish I didn't, and some have even used profanity on the floor of the Senate that's been recorded by Michigan Government TV. I don't believe they should be thrown out in three weeks, and I don't believe that they should be thrown out of this office. It's the voters who should decide. I hope that there will be a permanent ethics code of conduct as well as an ethics committee, and that will be part of my legacy as being also the taxpayers' best friend, getting rid of minority preferences, cutting taxes, and showing when the government is wrong. That's part of the problem too with the Republican Senate; we're afraid to criticize the Governor. You know, I vote with the Republicans 95 percent of the time. Ronald Reagan said those who follow and vote 95 percent of the time are not a 5 percent traitor. They are a friend and an ally. I vote with the Democrats when their issues help consumers or help the taxpayers, particularly on issues of corporate welfare and individual liberties.

I guess part of the irony in some of all this is some of my closest supporters have been some of the Democrats to say even that we don't like Jaye. Jaye's an irritation. Jaye is contrary to my to my district. He's an American. He is an individual. He is afforded due process. He is afforded his day in court, and if we start trampling the rights of somebody we don't like or who aggravates us, then look at what's going to happen to the people we love and cherish and defend. Power corrupts and absolute power corrupts absolutely. When you have a Senate Majority Leader with unlimited money, who can fly people up from another state with taxpayers' dollars, hire private investigators, fly attorneys down there, and try to fly these individuals and drive them out to other prosecutors, think about the consequences of having that continue in the Senate or in another office. Secret files, secret copies of computer disks. Yes, I had my computer request to be worked on, but I never knew there was going to be a back-up, and I certainly never gave permission before the year 2000 in November.

I saw a bumper sticker that says it all: "I love my country, but I fear my government." I do truly love my country, and I love Michigan, but I fear this government that can trample on my civil rights and even will disregard a Senate rule of the one-day layover of a resolution to be able to be read before it's voted on.

The media is not here for most of the budget amendments. The media is not here for probably 98 percent of the bills. If they will trample on due process, and even having a separate vote on some of these items, imagine what some of these legislators are doing when you're not watching. That's why I fought so hard to make sure that the Open Meetings Act and Freedom of Information Act be extended to cover some of the areas that are prohibitive right now.

I'm at the end of my financial resources, and I really thought if we were able to beat the two charges in Florida and Bay County, this might have come to a censure; that this might have come to some public punishment and rebuke. I would have accepted that criticism because I'm a human being, and I've made some mistakes. But to throw somebody out of office based on allegations and not charges and to put together a witch hunt that doesn't even have the professional decency to include the honest explanation that these charges were dismissed, were never brought, nor judgment, is a disservice to this institution and to the citizens of the state of Michigan.

We have elections to solve our differences. We may dislike each other, but we solve our differences at the ballot box, instead of using taxpayers' money to throw out somebody they don't like and force them to take uncomfortable votes. I would ask and beseech my colleagues to let my Macomb County voters make the decision if I serve or not.

Thank you for your attention and consideration, and I wish I had that kind of attention and consideration on the budget-cut and tax-cut amendments. I know it hasn't always happen. I know I push the edge a lot. To put it in perspective, out of the 16 state budgets, I would usually offer 12 or 14 amendments per budget. Some of you who covered the House knew that. I was offending the Senate when I'd offer one or two amendments per budget. For Pete's sake, for a \$20 million budget, I offered a couple of amendments. I know if I was anybody else, if I was one of the good old boys, if I was to go along to get along, this wouldn't be happening. But I'm proud to tell you of a conversation I had at one of my last high school reunions. They said, "If we stop reading about you in the paper, we know that you sold out. If we start seeing you driving a fancy car, we know that you sold out." My Saturn just went over 210,000 miles. I've had to borrow from my family members. I'm the only incumbent legislator with challengers who have outspent me for the last four elections. I've even had Senators here whose chiefs of staff have run my opponents' campaigns and who have raised money for my opponents. But because of the privilege of having some taxpayers and conservatives and Right to Life and pro-gun and limited government and libertarians and conservative Democrats, we've won. We've won under very extraordinary circumstances. It has been a privilege to serve, and I'll ask you again not to not throw me out. Do not take the right of the citizens to determine who the legislators are. Just because you don't like somebody, doesn't mean that my voters shouldn't have that right.

Senator Miller's statement is as follows:

This is a very, very sad day in this chamber. I have been a witness to other sad days here, and I want to tell the Senator, "David, this isn't about you. This isn't about a Republican or a Democrat. This is about the people of Michigan who deserve a leader, and we have 38 leaders in this chamber." Our posture and our behavior is supposed to be higher than anyone else. You don't have any rights to be in this body. You have a privilege of the people who sent you here to be an elected Senator; to serve this institution, to serve the nine million people who live in this state. You know what David? This isn't about a Republican issue or a Democratic issue. You're my colleague from Macomb County. This is

about an embarrassment to the fine, hardworking people of Macomb County. I've listened and tried to be compassionate for your problems. I think the whole body has been compassionate. There has not ever been an incident in this body where we have had a member serve 45 days in jail, and there wasn't an immediate resolution to remove that member. We extended that olive branch, Senator. We tried to listen to you. And I argued to the point where I've had heated words with my leader and your leader over you and this institution.

This building has been here since the 1800s, and the people of this state deserve a leader, not someone whose behavior is challenged. Not once, not twice, but many times I have had to defend you and your behavior with my constituents. But the hardest time I have in defending you is with my own daughters and every woman in this state. I extended to you the right as a fellow Macomb County Senator to move forward and give you a fair hearing, but it just galls me when up until the 12th hour, we extended you an olive branch to get out of this embarrassing situation. You, apparently, just want more time. Let Macomb County move forward. Let this state move forward. You want time and more time. I can't give you any more time, David. I have been there to listen to your problems and argued on behalf of this institution when I've totally disagreed with your politics and your behavior. There comes a day when we all have to leave here, and we tried to at least give you a window to leave with some dignity. You pressed my friendship. You pressed my peership, and I can no longer stand here and defend your actions. I listened to some of these charges on how we trampled on your rights. Senator, this is not a body for rights. This is a body for a privilege of the 270,000 fine people who sent you here. I think you have to be accountable. It's not whether it's wrong that we had 60 pictures of your fiancée distributed. You claim there should have only been 6. There shouldn't have been one!

How do I answer back to the people in Michigan that you don't know how those photos got there? I just don't think it's right, and I can't defend those kinds of actions. Senator, I was hoping last summer you would receive some treatment and some help. I have argued with the peers here that we extend our fullest service to you because problems like that happen with everyone. I hope that you will take the time to reassess your situation and resign before this vote takes place because I can no longer condone those types of actions.

Senator McCotter's statement is as follows:

I have just a couple quick points really. The first point that I think is important to the people of the state of Michigan is to realize that the provisions of Article IV, Section 16 do not directly affect anyone but the 38 members in this chamber, who knowingly and voluntarily seek to gain the public trust and be placed here. That does apply to us alone. That is why when we walk in the door, whatever the decision of each individual district may be, our actions reflect upon every single resident of the state of Michigan because what we do not condemn, we condone. And as the voice of my district and my constituents in this chamber, I can't be silent about what I perceive to be a repeated pattern of misconduct. So to portray oneself as a victim, to portray oneself as anything but responsible for one's own actions and the damage to the institution they inflict, would be disingenuous at best.

In my mind, much of what we've seen, quite simply, is a request for special treatment from Mr. Jaye that he would not afford to any citizen in the state of Michigan. We do legislation all the time that affects the life, limb, and property of every resident of the state of Michigan. And we follow the due process, procedural due process that is set forth in the Constitution and the rules of the Michigan Senate. This resolution received far more deliberation and attention than many floor amendments that are placed onto appropriation bills that affect far more people. So to say that one did not have one's day is again, at best, disingenuous, especially when one has had to say a whole lot about this subject everywhere but under oath. I think that was important to remember too.

I think that when the committee came right down to it, and we've heard the term "beat the charge," many of us believe, as we found out with the Bay County stop by the State Police, that one of the first things Mr. Jaye informed them of, without being asked, was that he was a state Senator. Now, had he claimed to have been a state janitor, perhaps things might have been investigated a little more carefully. And as the officers involved responded, they were asked to go back and meet with their supervisors because they had a unique incident on their hands. When I think about the equal application of law and the fairness, I would like the people of Michigan to ask themselves a simple question: "If I did what Mr. Jaye did, would I still have my job and where would I be?" I don't think the answer you would get back is the same one that he asked this body to give to him.

In short, in my mind—and I speak only for myself, not for the committee and not for any individual member because we must follow our own dictates of conscience in this matter—I believe it was absolutely, unequivocally clear that Mr. Jaye has used a misperceived sense of senatorial privilege as a sword and a shield against people less powerful than he is. If we allow that to continue, I remind you what we do not condemn we condone on behalf of our constituents, and that is not something I will do. As for the charges, especially the charges about violent assault against someone less powerful than he is, I will not go into a long dissertation on how this affects people, especially the victims. But in my own mind, I do believe that we have an obligation to do something today to make a statement, both for the protection of the institution and the protection of people who are less powerful throughout the state of Michigan. Who speaks for the weak, the abused, and the battered who suffer in silence hoping someone understands and acts? We do. We must. If we do not, we will render our voices but a mute chorus of deafening silence in the face of human suffering. Yes, there are larger issues here than one individual's job. There are issues of what we will have credibility on in the future and what direction this institution will take, even if the good Mr. Jaye is expelled. If we do not act, and act appropriately, it will be we who damage this institution beyond redemption, and I urge adoption of the committee report.

Senator Stille's statement is as follows:

I've been asked many times about why I decided to introduce Senate Resolution No. 47. I want you to know why. It's because this is about abusive behavior, not the kind of abuse that's been discussed in the committee. It's about a consistent pattern of the abuse of the law. David Jaye has been guilty many times of abusing laws, rules, and common decency. And when caught, just lying, laughing, drumming up excuses, and then walking away was the common pattern.

For anyone to flaunt the law is poor taste. But for a legislator to flaunt the law as he has done, it's inexcusable. Once again, when confronted with evidence of physical abuse of a person close to him, he denied, covered up, and lashed back at anyone who challenged him.

A month ago contrition would have been understood, but what did we hear? "I didn't do it. I'm innocent. I'm being picked on." He was offered help, advised to get treatment, and then recommended to step down. His response has been to attack anyone and everyone who questioned his actions. He and his circle of goons have drummed up fraudulent claims and accusations about many of us in this chamber. While none of us are free of some lapse of judgment over the years, no one has deserved the attacks of Mr. Jaye.

He's once again demonstrated the character of a loose cannon, not a voice of the people, but a voice of vengeance, hostility, anger, hate, and "I can do and say anything and you can't stop me" attitude. Well, Mr. Jaye, I, for one, am not intimidated. I'm disgusted, disappointed, and determined. The masquerade is over. The lies are exposed. The dignity of this office can be regained.

People don't have the right to abuse other people, nor do they have the right to abuse the laws of this state and still hold an office as a lawmaker.

Senator Sikkema's statement is as follows:

I need to rise today to speak on this matter both because of the severity of the matter at hand and also, maybe more importantly, because of the future of this very public institution. The people of Michigan have instructed the Senate to be in charge of the qualifications of its members. This is not a responsibility we have selectively chosen to impose upon ourselves. The state Constitution requires it. The Senate rules, which I voted to adopt when I became a Senator, and I think everyone else in this body did as well, expand upon our constitutional obligation by stating that each Senator must act to maintain the integrity of the office of Senator and the entire institution. The rules further state that all Senators have an obligation to maintain the integrity of the institution by enforcing this rule on our colleagues and discharging our constitutional obligation to judge the qualifications of fellow Senators.

Senator Jaye has engaged in a pattern of behavior that is so disreputable as to warrant his expulsion from the Michigan Senate. He has had multiple criminal convictions, served time in jail while a member of the Senate, been involved in violent public altercations requiring police interventions, and has compiled an assorted record of abusive and intimidating behavior to individuals who are in an inferior position than his. He has, moreover, misused his position as a state Senator in a variety of ways in many of these situations.

Now some say that he should not be expelled because he has not been convicted of a felony and that a felony conviction is, has been, and should be the standard for expulsion. This is a myth. Nowhere in the Constitution or Senate rules do we find such a standard. The standard is a level of behavior that fails to "maintain the integrity and responsibility of his or her office." It is simply unacceptable to tolerate a pattern of behavior that clearly brings dishonor on the Senate just because it doesn't include a felony conviction. Now this does not mean that every Senator who has had a run-in with the law or experienced a personal failing should be expelled from office. We are all human, and we would all fail the standard of perfection, but we are not addressing a pattern of behavior that is either typical or excusable. Any Senator—any Senator—who has multiple drunk driving convictions, served over a month in jail while a member of the Senate, has exhibited a pattern of abusive and violent behavior, and abuses staff and others should be expelled from the Senate—any Senator. Others say that we should let the voters of Senator Jaye's district decide. You know, the voters do have the ultimate power to decide because they can overturn a decision to expel the Senator by returning that person to office. But that doesn't alleviate us of our constitutional responsibility to pass judgment on a standard of behavior that we believe is acceptable or unacceptable.

Are we breaking new ground in this case? In some sense, yes. But only because we are clearly saying that a Senator cannot use the absence of a felony conviction to engage in a pattern of behavior that compromises the integrity of this public institution. But that is a myth that needs to be shattered today. The fact of the matter is that the pattern of behavior exhibited by Senator Jaye would have resulted in serious repercussions and/or dismissal from the vast majority of private and public positions in today's society. The standards we impose on ourselves must be higher than what we expect of our constituents. You know, I take no pleasure in casting this vote. I would prefer that I not have to vote on this, but the responsibility imposed upon me by the people of Michigan and my desire to uphold the integrity of this public institution which will long outlast my service here compel me to vote to expel Senator Jaye.

Senator Schuette's statement is as follows:

This is a difficult time for the Senate because these are serious charges that have been leveled against a sitting member of this body. I want to thank the members of the committee for their work and efforts—Senator McCotter, Senator North, Senator Hoffman, Senator Cherry, Senator Koivisto, and Senator Smith and their staffs for their efforts.

I found Senator Jaye's conduct as a Senator to be abhorrent and repugnant. He has bullied staff, other members, and people who are not Senators. His public comments about Senators are offensive, obnoxious, and tasteless. His comments about family members of Senators are rude and insensitive at best. His agents, or allies, or however one might characterize it in their comments about members of the Senate, things that have been done impacting families—Majority Leader and others—I just find despicable.

I would hope that David Jaye would resign. I've encouraged him to do that. I do not think that will occur. I'll be voting to expel, a very difficult vote to make. And on this issue of expulsion, Senate Resolution No. 47, I have to say this really isn't about David Jaye, although he's the subject matter of this, and yes, I understand that we can change our rules however we choose. This is really about a bigger issue and the bigger issue of a new standard of conduct that's being imposed in the Senate today. But judgments and rules and standards must be applied universally and dispassionately to all, not selectively or passionately to one. After this decision today of expulsion, there is a new standard. That's not a floating bar that if you're a jerk, you're gone, and if people like you, you stay. Uh-uh. The rules cannot be changed. It's a standard of honor.

This new standard is not, let me say if you have three drunk driving convictions, two allegations of domestic abuse, bullied staff, and if you narrow it perfectly, then you're gone, and add to it the ingredient that maybe you're not being easy to like. No, that is not it. An accumulative score card doesn't work. Here is why. An accumulative score card would ignore the allegations of domestic abuse and domestic violence. And to have the accumulative score card that said that you have to hit two—two incidents of allegations of domestic abuse—would ignore the first one. So does that mean that we have a standard of once is not enough? No, that is not the case. Once is enough.

So I would tell all my colleagues here and those who come after us that the standard of conduct is that if you hit a woman or if you're engaged in domestic abuse, that allegation after review by a Senate committee, you're out because we're not going to ignore that type of assault. By whatever means it might be—words or otherwise. To do anything else would be to ignore the violence of one of those allegations after a review by a committee. So let us make sure that we understand that this new higher bar, tougher standard, must be imposed on all.

Now this new standard means that you have to be convicted of a felony is out the door. This new standard means that you may be expelled by a misdemeanor. Charges that are filed, you may not get a conviction. I guess my point here is this new standard of honor, which I am comfortable with, must be applied to all—universally, without exception—whether you are liked or disliked in this chamber. It cannot be done selectively, individually in a passionate way to one person. So this new code and standard of honor, a different standard of conduct is new to this body, and let us make sure that all of us here do our best and those after us to abide by these new rules and conduct of honor.

Senator Smith's statement is as follows:

This is the second time in my tenure as a Michigan State Senator that I have served on a panel to judge the qualifications of one of my colleagues to continue service in the Senate.

The decision that I made to support the resolution to expel was not an easy one, not the first time and not the second time. That decision was made with complete recognition and acknowledgment of the hard work of the Senators, their representation for their political constituents, and a respect for their political beliefs and positions, even though at times I may have disagreed with them dramatically.

Each of us owes our constituents more than our vote. We owe our constituents and the citizens of the state of Michigan our good judgment. Our political judgment is that of our own conscience, and I don't have any good reason to impugn somebody's political decision anymore than they have to impugn mine. But when it comes to our social decisions that endanger the body, the institution of the Senate, then it's incumbent upon the members of the Michigan Senate to stand in judgment of its members.

How we behave and our conduct is the responsibility of each and every one of us. It is on that level that we judge our colleague here today. One level is the perception that has been put forward of putting ourselves above everybody else in the state of Michigan because of the privilege of being a state Senator. We are not above the law. As a matter of fact, if anything, we have to hold ourselves to higher standard. We set an example that says to the citizens of Michigan when we demand punishment for a violation, we are prepared to stand above that test to avoid the circumstances that would put us in the same circumstance that we say is incorrect for anybody else.

We also as Senators, and only as Senators, have the responsibility to protect the staff of our institution. The members of our staff serve at our will, and their interest their workplace, and their morale are the responsibility of each Senator and the leadership of the Senate. Not one member of our staff should be subjected to demeaning conversation or a request for duty that exceeds a normal expected work relationship. Not one member of our staff should ever be put in a position of having to file a complaint with the Majority Leader or the office of civil rights in order to enforce what ought to be the respect that they are all owed because they work in this environment at our pleasure.

The personal staff, and I was at one time a member of a personal staff for Senator Lana Pollack, should have the protection of their own Senator. Nonpartisan staff and central staff rely on each one of us in this body to make sure that their rights, their rights to dignity and to respect, are enforced. And if we don't act here to protect our staff and to make sure that a message goes to everybody who serves in this Senate that we are responsible for their workplace environment, then we fail to uphold an expectation that I have, and I think we all have, of this institution.

I've heard a lot of people talk about the slippery slope that we're on if we embark on this expulsion. I don't think it's my responsibility to determine for the next Senate what the criteria of a conduct of its members must be. That's up to each Senate in its day and in its context to decide. It's a hard decision, and for future colleagues, it's my hope that they never have to endure it.

Due process—I believe Senator David Jaye was afforded due process. I believe many of us bent over backwards to assure that that due process was granted. I regret that we've come to this vote today. It was my hope, along with that of many of my colleagues, that Senator Jaye would resign. But I am prepared to put up a vote for expulsion because I think the institution is far more important than the constituency that sent the Senator here. The state of Michigan and the message we send to each of its citizens is far more important than the constituency that the Senator represents.

I would like to thank the chairman of the panel and my colleagues with whom I served for their time spent, their attention to detail, and the hard decision—pro or con—that each one of us made.

Senator Emmons' statement is as follows:

Like the previous speaker, this is the second time around that this has happened in this body. Times are changing. There are some things and some standards that are different now than when I came here 15 years ago. The Senator from the 12th District's treatment of people who are in positions of less power has drawn repeated admonitions and warnings. A Senator who verbally abuses Senate staff over and over and over is wrong. Being a Senator does not give you a license to treat employees differently than would be tolerated in the private sector. A male who not only hits, but denies hitting a woman in spite of eye witnesses is wrong. Being a powerful state Senator does not excuse such an assault. Being powerful does not make you immune from the consequences of your behavior simply because you are elected.

Unfortunately, the instances of unacceptable behavior have accelerated in spite of repeated admonitions from the leadership, which I am part of, and intervention of police officers. At every turn, the Senator from the 12th District could have chosen to change his behavior. Instead, he repeatedly gave excuses and blamed someone else for his difficulties. Finally, the Senate must act, and regrettably, I must act. Being elected to a powerful position does not give you a license to abuse employees or people who are weaker than you. Everyone needs to be held accountable for their actions, even a powerful state Senator. The Senator from the 12th District could have prevented today's action if he had reflected on his actions and worked to change his behavior. Repeated denials and excuses of those actions have brought us to this day. Faced with this continued pattern of unacceptable behavior, I am left no choice but to vote for removal. This is not done with pleasure. This is not done with anger towards Jaye. It's done with a great deal of regret that this last action needs to be taken. But I didn't choose this course; Senator Jaye did. Now he will have to suffer the consequences of his actions just as every single one of us must.

Senator Koivisto's statement is follows:

This is probably the hardest speech I have ever given in 18 years in office, and I have never regretted having to get up and speak on an issue. I've always stood up and spoke with vigor and spoke my best and spoke my heart and yelled once in awhile and all that sort of thing. I feel compelled to get up today and to talk about the expulsion of Senator Jaye. I sat on the committee and heard a lot of the evidence.

I also want to say that you know what my personal demeanor is around this building, and you know how I treat staff, and you know where I come from in treating people in a businesslike, pleasant manner. I don't emulate his treatment of people in any way, shape, or form. I don't condone his treatment of people in any way, shape, or form. And doggone, David, you did it again today. You attacked the individuals who are involved in the process. You attacked some of the key people who have had a role in this whole thing, instead of talking about issues. That kind of conduct is just not where it should be. You should stick to the issues and stick to some of the things that are in the resolution and spoke on your behalf in that respect.

I'm not going to go through step-by-step things in the resolution, but there are some things that we need to point out for future legislators. I am going to vote "no" on this expulsion. I'll explain why. First of all, you need a fair hearing. There were some questions as to what went on with the hearing. If you are going to expel someone for criminal charges and for domestic behavior or violent behavior, you have to know that that happened. It just can't be an allegation. Any one of us could have an allegation. Anybody in the House could have an allegation thrown out at you. When we had our caucus in the beginning, we didn't talk about what our caucus members say any more than you did on the Republican side, but that caucus would tell you that I was his harshest critic. I was his harshest critic in caucus, and I said if he did this, you don't cut him any slack at all. He's gotta get the boot. When someone spoke a little differently, I won't use the verbiage, my position was if he did that, he had to go. I questioned where we were at in the hearing process when the first two witnesses called were two State Police officers from the Bay County area about the Bay County incident. The two incidents of most importance were in Bay County and Florida. Obviously, the assault is the most deplorable thing that was in the resolution. Much of the rest of it is bad as well. I mean that's terrible too, treating staff badly or having semi-nude pictures of your fiancée on your computer, and that sort of thing. That is very, very negative behavior, but assault charges were the most important things.

Those two police officers were about to be dismissed after we had questioned them on the traffic violation. So as the last one was testifying and about to be dismissed and head back to Bay County, I said, "By the way, who in your office did the investigation on the assault charges because a lot of us are concerned with that?" He said, "My partner did the guy who was just here." I said, "What?" You mean, we were not going to ask the investigating officers what happened. Right away, I got concerned. And I said, "Whoa, wait a minute. These are the two police officers who investigated the assault charges, and our staff that was presenting the case was not going to ask them any questions about what happened?" They were going to go, and we were going to be told you have the folder; the material was there. That folder was plopped on our desks right before the hearing started.

We had no time to even see who the investigating officers were or anything else. That kind of set the tone and made me perk up my ears and look at the charges. If I was convinced beyond a reasonable doubt that he did that, I would be up here echoing your comments about dismissing him from this body because I don't tolerate that in any way, shape, or form. I also know a little bit about domestic abuse because I worked in the court system for seven years and investigated that kind of thing and did pre-sentencing investigations. Both of these charges dealt with the same woman, and there are some schoolchildren here, so I am going to spare you what happened in Bay City. But you probably know what happened in Bay City, and as I said, I won't go through all the details. But David, I'll tell you this, if that was me in your position, I would have left her there and threw the suitcase out the door. I don't understand how you could allow yourself to lose your temper with all the other problems that you had. So I'm not condoning that.

What I'm saying is the moral of the story to sum up where I'm coming from is when these allegations are made, there needs to be some proof that this happened. You just can't manufacture a charge and say it did. I know there was some concern. As I said I'm not going to go through every specific charge, but I know there was some concern about the 911 call and the fact that David had said that Sonia didn't even make that call. If you read Jerry West's statement of April 12, she didn't. He made that call and gave her the phone. So he was telling you the truth when he said she didn't make that call. Somebody else in the residence made the call and turned the phone over to her, and it was the 911 conversation. I also listened to that call and heard two people talking very matter-of-factly about what was going on, and the complainant was talking matter-of-factly. It certainly didn't sound like somebody in distress. I believe there was physical contact going on in some way, shape, or form, but I certainly was not convinced that there was an assault.

So as I said, the two main charges in that resolution was the assault charges that I paid the most attention to and was the most concerned with. I was concerned with the assault charges and the treatment of staff charges. I also was concerned about the pornography on the computer, the pictures of your fiancée on the computer. And to that effect, I would have never just said we dismiss this and let this go. I would have said we censure it, censure David Jaye, and put very strict sanctions on him with the censure.

So, as we're leaving this body, I'm term-limited, and I will no longer be in public office in the near future. But the next time there are proceedings to take place, I hope whoever's in charge will say we're going to wait until convictions take place so people like us don't have to sit there and try to digest whether or not criminal acts took place, whether or not there was hitting going on. That should be judged in a court of law. They have all the proper rules in place so that it's fairly heard in a court of law, and we don't deal with it as laymen trying to answer whether or not assault charges took place.

With that, I am voting "no" because of the principle. It's not because I defend David Jaye's conduct. It is because of the principle under which I think a person should be expelled. There should be some evidence that that took place if that is what you are going to expel them for.

Senator Hoffman's statement is as follows:

What a sad day for the Michigan Senate. It's really a sad day I'm sure for all the people who have been involved in the committee process who have had to endure the weeks of deliberations. But I kind of viewed it a little bit differently. I didn't view it as a court hearing because it wasn't. I didn't view it as anything more than a personnel matter. I think back to my days when I was a police officer. I viewed it sort of as an internal affairs investigation, with the exception that we were precedent-setting. So we were learning in the process, and I want to say to Senator Jaye's legal team that I learned a lot from watching them. I think Mr. Marsalese and Mr. Thomas learned a lot—probably more than they wanted to—about the legislative process and the committee process. But I dare say, if you ever need two experts on the committee process, I think both of those gentlemen could probably tell you anything you want to know about it. I'm sure that Mr. Jersevic with his legislative experience kind of filled in the blanks.

But it was a learning process for all of us, and yes, it was imperfect. But you know, ladies and gentlemen, we did one thing that the courts and the State Police have not been able to do with any success. And that is, we have been able to get down to the brass tacks—get down to the bottom line and ask the tough questions without having to worry about whether the testimony would be proper. I'm not a lawyer, so I don't know if it would be impeached or held back or what. But we were able to ask the tough questions and not get the runaround. I learned a lot about that.

You know what I also learned? I also learned that committee members can disagree on seeing a tape. I see a tape one way; another committee member sees it another way. But that's what the committee process is about. It was the result of asking those questions that we were able to learn—able to get down to the bottom line here.

We listened to each of the ten-plus charges. We had some compelling testimony before our committee, and one item I think absolutely has to be talked about was the young, 18-year-old store clerk who came before our committee. He had never testified in a court of law or a legislative committee in his life. He came in and gave some compelling testimony. You know, when I watched the video tape, his testimony confirmed what he observed. He said he went in and out of the men's restroom three times to get a lady who he had been informed by a citizen was in the men's restroom. He said a physical assault occurred after the Senator from the 12th District had left the restroom. He said the victim was kicked and was hit about the face area.

We have another witness from the parking lot area who observed a man. He did not identify the man as the Senator from the 12th District. He observed a man strike a woman in the face area and kick her. He gave a license number and said that the man that did the assault got in the driver's seat and drove away. The license number came back as the Senator from the 12th District. The State Police under direct questioning said the driver of the vehicle was the Senator from the 12th District.

If you put all the pieces of the puzzle together, what we have here is an assault. The fact that the video camera does not show an assault actually occurring because it was not within the view of the camera does not mean, ladies and gentlemen, for a second that an assault did not occur. We do see physical touching from the Senator of the 12th District on a female. I believe, as I recall, his left hand was in her left hand. And it appeared to me that his right hand was going towards the middle of her back.

Now I could not tell you beyond that, so I had to rely on the testimony from an 18-year-old store clerk and from another citizen who was in the parking lot at the time to tell me what happened after that. And to have the Senator from the 12th District tell me on the Senate floor today that that 18-year-old lied is wrong. I know what I heard, and I have no reason to believe for a second that that young person or the other person in the parking lot were lying. There has to be some motivation or some reason why they would want to lie. To sink Senator Jaye's political career? I don't think so. When I asked both of them whether they knew Senator Jaye, they did not know him at that time. The gentleman who was in the parking lot was reporting what he believe to be an abduction in progress. He had never seen anything like that. I asked the 18-year-old boy a question, and he responded by saying he had never seen a man hit a woman before. Ladies and gentlemen, yes, that is pretty damaging testimony. But to think for a second that that event was fabricated by those strangers at that gas station is wrong.

I have heard deliberate misrepresentation of the facts by the Senator from the 12th District, and frankly, if he was my son, I'd have a bar of soap, and I'd wash his mouth out. It is a sin to lie. It is a sin to try to tear down innocent citizens for your advantage. That is wrong. You bet I'm going to ask the members of this Senate to support the committee substitute for Senate Resolution No. 47.

Senator Cherry's statement is as follows:

My colleague and the previous speaker, the Senator from the 19th District, called this a sad day, and I guess that I was not laboring under misapprehensions that if things got to this point it would be anything other than sad and difficult. This, fortunately, is not an occurrence that happens very often and I think for good reason. We accord people who are in the chamber when we come for the first time, and we welcome members who come to the chamber new with an element of respect, and as we work together, sometimes debate and differ, generally that respect grows. It is earned, and it is mutual.

I think that it becomes the basis for how we conduct our business. However, you know on rare occasions, unfortunate occasions, there are those who serve in these chambers who get wrapped up in some vicious downward spiral of self-destructive behavior. But because of that respect that we are initially accorded, it really is our first hope that friendship, guidance, and patience will help provide the helping hand that breaks that cycle of self-destructive behavior. Then there are times occasionally when that doesn't work that official discipline is necessary, and you hope again, even when you have to apply the discipline, that it will help break that cycle, the downward spiral of self-destructive behavior. And then, sadly, as is the case today, on very rare occasions, it is necessary for an individual to leave these chambers, voluntarily or involuntarily, because their behavior is so egregious that they can no longer command the institutional and public respect that is necessary for democratic institutions to function. I fear that this is one of those moments. I think we have to understand that respect is the building block of political life in this society.

The issues that come before us can be difficult ones. We've experienced those. We have had heated debates. We disagree, and we do that time and time again, but in that environment, we can only give the stamp of approval to social consensus through the individual legitimacy that we all command. And history demonstrates that legitimacy can be a very fragile, fragile thing. And ultimately, it is respect that is the building block from which legitimacy is constructed. This notion of respect is often intertwined with the notion of privilege. In some societies, you command respect because one station in life is automatically privileged. It may be the family you are born into. It may be the wealth that you have accumulated. But in a democracy, you earn respect because the public confers upon their elected officials the privilege of serving to the public suffrage. I have heard in the course of this debate several people talk about it in that context. The public conferring on us a privilege. We cannot forget—cannot forget—that privilege in a democracy is to be

earned and nourished. There are occasions when we mistakenly as individuals treat privilege as an entitlement. I know my good friend and colleague, the chairman of this committee, the select committee, the Senator from the 9th District, coins a term—expect a term he understands as a lawyer—about privilege as a sword and as a shield. I would suggest to you that what we have here, what the story is here today, is exactly that—that we find privilege being used as a sword to accomplish what we want to have done, commanding the others do as we wish them to do; and privilege being used as a shield to allow us to meet a lower standard than what is expected of us, to live above the law, to meet a standard, to avoid a standard, actually, that the ordinary citizen would have to meet.

Citizens work very hard every day to meet the standards of decency in civic life. The history in this resolution I think documents that. I could go on in great length, clause by clause, and outline what I heard as a committee member. There has been an impression here, to some extent, and my good colleague from the 19th District, Senator Hoffman, I think dwelt on one clause and attempted to dismiss that. But there is an impression being left that somehow the committee, without looking at facts and considering testimony, simply put a stamp of approval on an allegation and called it a fact. The Senator from the 19th District spent some time talking about the Bay County incident. There is more to it than what occurred simply at that Mobil gas station at Beaver Road and I-75 because when Senator Jaye's car moved off and headed south on I-75, State Police officers responded to that 911 call, that an abduction was in progress, and two cars, one on each shoulder, drove down the line of traffic until they identified the car that had been called in and pulled that car over. Interestingly enough, they felt compelled because, one, an abduction was in progress. But secondly, because they saw a gun case sticking up through the back window, they felt compelled to get out of their cars with their holsters loosened and their guns drawn. They knew not what they faced. That was shortly corrected when Senator Jaye informed them that he was a state Senator. Interestingly enough, you know, what would have happened to an ordinary citizen in that situation when a State Police officer can spot a gun case through the back window? That is not the legal appropriate way to transport a weapon. Upon the search of the car, they find ammunition strewn all over the floor. What would happen to an ordinary citizen if they were stopped in a situation by a State Police officer? That is the crux of using privilege as a sword and as a shield.

You can go through this one incident at a time, one bit of testimony at a time, and what you find is a pattern. I know my good colleague, Senator Schuette, was concerned about a new standard, but what is at work here is a pattern, a consistent pattern of using your privilege as a sword and a shield through a variety of transgressions. I think that is what inspired the committee to come to the conclusion that Senator Jaye was no longer fit to serve as a Senator because he used his office, the privilege of his office, the privilege conferred on him by the public, as a sword and a shield to allow him to do things that an ordinary citizen would not be able to do, and to protect him from standards of conduct that ordinary, everyday, hardworking citizens struggle very hard to meet. I think the committee believes that the expectation that citizens have of our behavior is higher than that and that citizens do not believe they convey upon us a sword and a shield. They believe that they convey on us trust and respect to do the job that we are elected to do.

I know that there is a concern here that a court of law has not judged these questions, and we often look, and time and time again during the course of these hearings, it was expressed that the judicial process has not been completed. I would suggest to you after looking at this that the judicial process was completed; that, in fact, the prosecutors involved in here could not produce sufficient evidence to convince a jury beyond a shadow of a doubt that the charges levied could be proved in a court of law. And they couldn't take it any further. But our job as a committee was not to establish beyond a shadow of a doubt that Senator Jaye committed a crime. Our job was to look at the facts and determine whether we believed he did it. Independently, five members of the committee came to that conclusion. If the committee's recommendation is adopted today and if Senator Jaye is expelled from office, two-thirds of the Senate will come to the same conclusion, and that is really the standard that we are putting forward. Ultimately, when you look at any other kind of standard, it is the same slippery slope.

We talk about a felony, the Constitution talks about a felony that is a breach of the public trust, which is a very narrow, narrow concept. But we have already launched it down a slippery slope and said any felony. So there is a reason why the framers of the Constitution chose not to put a standard in place because they understood the collective judgment of two-thirds of your peers was a better test, a better standard, to measure whether one's official conduct met the expectations of the office. I, for one, initially when this process began, was very concerned that we were deserting the felony standard and that we ought to look for a standard, to replace it. But after looking at these facts, after examining the Constitution, it is pretty clear to me that the framers knew this better than I did, at least at the outset, and understood that they trusted the institution of the House and the institution of the Senate to make a collective judgment.

Ultimately, what this committee has recommended is that you concur in our findings—findings taken after hours of testimony, findings reached after reviewing dozens and dozens of documents, and findings reached after discussion among ourselves. We believe, as a committee, that Senator Jaye did do as the resolution outlines, and we do believe, as a committee, that this constitutes a pattern of behavior in which the Senator has used the privilege of his office as a sword and a shield to engage in egregious behavior without being held to accountability. Mr. President, I would ask the body to concur in the committee's judgment and vote "yes" on Senate Resolution No. 47.

Senator DeGrow's statement is as follows:

Despite what Senator Jaye believes, and despite the attacks on myself and my family by his friends, I take no delight or joy in being here today. As it has been said many times today, the Constitution requires that we judge who is fit to serve. That is a duty no one in here is going to shy away from. We'll step up to that challenge. So to me the questions have been, and always have been, did Senator Jaye commit the acts to which he is alleged to have committed? If so, is it sufficient for expulsion?

Much has been said about the acts, and I won't go over a lot of it. It is clear from the testimony at the committee that he consistently has a pattern of abusing staff in a profane manner that no human being should have to endure. There was no testimony at the hearing to contradict that. None. It is clear he has three drunk driving convictions and has served a month in jail. Obviously, there is no testimony to contradict that. It is clear that there were extremely obscene pictures on the computer and no testimony to show that anyone else had access to the computer and those pictures.

Bay County has been talked about. Quite candidly, I'll take the word of the 18-year-old and the other two people who saw an assault occur over the Senator from the 12th District.

Florida. Contrary to what's been said, there is some evidence down there. There's a 911 tape where the fiancée is saying that "he's hitting me." There are police arriving at the scene who testify that she had bruises, and there's her statements at the time that he hit her. The fact that she later recants those statements, quite frankly, is not impressive.

As someone who used to work in a prosecutor's office, if I had a dime for every time some man got drunk on Saturday night, his wife called the police, and they came out after he'd hit her, then on Monday morning she was in the prosecutor's office asking that the charges be dropped, I'd be a wealthy man. It is the pattern of abuse, and again, it is simply not impressive that she recanted the charges. It is sadly a pattern of abused women. In my mind, there is no doubt that he has committed the acts that we have alleged. So the question becomes is that enough for expulsion?

A number of good points have been made that we should hold ourselves to a higher standard than we hold citizens and that this action in the private sector would immediately result in you being gone. But to me, the most compelling letter I received was from a school superintendent in Sault Ste. Marie who said that "each year I have to end the educational career of a handful of young people—end it permanently for acts they commit." And he said "Senator, the acts that they have committed are far less, far less than what Senator Jaye has committed. What you're asking me, as a superintendent of schools, to do is hold preadolescent teens to a much higher standard of conduct than a state Senator." We will expel young people from school permanently for a fraction of what he has done.

Finally, I have to go home and face my family, my friends, and my constituents and say I serve in the Senate and what is the standard to serve with me. I am not going to go home and say that a man who hits women, drives drunk, puts extreme pornography on a computer, swears at staff constantly, and by the way when it's all done lies, is fit to serve in the Senate. It won't be a fun vote, but it will be a vote I feel very confident is the right vote when my green light goes up.

Senator Jaye moved that the rules be suspended to permit his legal counsel to speak on the Senate floor. The motion did not prevail, a majority of the members serving not voting therefor.

The question being on the adoption of the committee substitute,
The substitute was adopted.

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

The motion prevailed.

Senator Jaye's statement is as follows:

When former President Bill Clinton appeared in front of the U.S. Senate regarding his impeachment, the U.S. Senate allowed President Clinton to have his attorneys speak in his defense. I am not an attorney, and I do have my three attorneys who are here. As a point of some fairness, since this is my jury, as a point of due process, since this is my jury, as a point to be able to address the legal charges and the evidentiary points that are made by attorneys and people coached by attorneys paid for with taxpayer dollars to throw me out of office, I would ask that this body extend to me the courtesy that President Clinton had of being able to have my own father-and brothers-paid attorneys to be able to address the issues of the legal items that are brought up, particularly since all of you—the 32—did not have more than a couple of hours to read the committee reports. I would ask for a vote of this Senate to allow me to have my attorneys respond to these charges, these allegations, before you take a final vote on my expulsion.

Senator McCotter's statement is as follows:

Earlier my remarks talked about how we must speak for the weak and the less powerful. I think it was incumbent upon me to speak for James Matthews. James Matthews was an 18 year-old thrust into a very difficult situation and did his best. I believe he told the truth. To have him attacked, I find deplorable, and I find reminiscent of the remarks of Joseph Welsh at the Army-McCarthy hearings: "At long last sir, have you left no sense of decency."

The question being on the adoption of the resolution, as substituted,
The resolution was adopted, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 114**Yeas—33**

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

Nays—2

Jaye	Koivisto
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Excused—2

Leland	Vaughn
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Not Voting—1

Hart

In The Chair: President

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 231, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 2002; to implement the appropriations within the budgetary process; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4255, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4256, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4257, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported
House Bill No. 4259, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Koivisto, Young, Murphy and Dingell

Nays: Senators Smith and DeBeaussaert

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

The Committee on Appropriations reported
Senate Concurrent Resolution No. 14.

A concurrent resolution to increase the total project cost of the Classroom Facilities project at Saginaw Valley State University.

(For text of resolution, see Senate Journal No. 30, p. 339.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
Senate Concurrent Resolution No. 15.

A concurrent resolution to increase the total project cost of the Lenawee Extension Center at Jackson Community College.

(For text of resolution, see Senate Journal No. 32, p. 364.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
Senate Concurrent Resolution No. 17.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University Library Addition and Renovation Project Phase II (Center for Student Services).

(For text of resolution, see Senate Journal No. 39, p. 441.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
Senate Concurrent Resolution No. 18.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovation Phase II-Perry Building.

(For text of resolution, see Senate Journal No. 39, p. 442.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
Senate Concurrent Resolution No. 19.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of State Police Two-way Radio System and Microwave Backbone System Phase IV-A.

(For text of resolution, see Senate Journal No. 39, p. 443.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
Senate Concurrent Resolution No. 20.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor-Dana Building-School of Natural Resources and Environment project.

(For text of resolution, see Senate Journal No. 39, p. 444.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
Senate Concurrent Resolution No. 21.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Cooper Street Correctional Facility Additional Housing Units Numbers 1, 2, and 3.

(For text of resolution, see Senate Journal No. 39, p. 445.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported
Senate Concurrent Resolution No. 22.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Governors of Wayne State University relative to the Wayne State University Pharmacy Building Replacement.

(For text of resolution, see Senate Journal No. 41, p. 479.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, May 22, 2001, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, Murphy, DeBeaussaert and Dingell

The Committee on Financial Services reported

Senate Bill No. 493, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1242 (MCL 500.1242).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 494, entitled

A bill to repeal 1895 PA 266, entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and to the charging by fiduciaries of the expense of procuring sureties, and repealing all laws in conflict therewith," (MCL 550.101 to 550.109).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 496, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 456 (MCL 500.456), as amended by 1989 PA 214.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 4029, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2117 (MCL 500.2117), as amended by 1980 PA 461.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, May 23, 2001, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Shugars, Miller and Leland

Excused: Senators Dunaskiss and Garcia

The Committee on Transportation and Tourism reported

Senate Bill No. 27, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 1995 PA 267.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, Leland and Hart

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 35, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1998 PA 103.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Hart

Nays: Senator Leland

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

The Committee on Transportation and Tourism reported

Senate Bill No. 396, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1999 PA 47.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, Leland and Hart

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 435, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 603 (MCL 257.603), as amended by 1996 PA 587.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North, Leland and Hart

Nays: None

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

The Committee on Transportation and Tourism reported

Senate Bill No. 436, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 733 (MCL 257.733), as amended by 1994 PA 50.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Hart

Nays: Senator Leland

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 4235, entitled

A bill to designate highway M-109 located in Leelanau county as the "D.H. Day Highway"; and to prescribe the duties of the state transportation department.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 4550, 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.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, Leland and Hart

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, May 22, 2001, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Steil, North, Leland and Hart

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 4:18 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, May 29, at 12:00 noon.

CAROL MOREY VIVENTI
Secretary of the Senate.

