

No. 66
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2001

Senate Chamber, Lansing, Thursday, October 4, 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
Johnson—present
Koivisto—present
Leland—present
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 Emmons of the 23rd District offered the following invocation:

Holy Father, we thank You that we can call You Father and that You have redeemed us and gathered us into your family. We pray, especially, that You would protect our families, keep them from harm, keep them from sin, and bring them closer to You.

Father, You created us to be social creatures. It is not good for man to be alone so, we can laugh together, cry together, and love each other just as You love us.

In love, You brought us into Your family. We pray that You would draw us closer to our families to give our children and grandchildren a hug, and tell them that we love them.

We pray, especially, for our leaders in Washington. Give them wisdom, and give us strength to trust in You, to fear no evil, and love each other just as You loved us. Amen.

Senator Dunaskiss entered the Senate Chamber.

Motions and Communications

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

The Secretary announced the printing and placement in the members' files on Wednesday, October 3, of:

Senate Bill Nos. 679 680 681 682 683 684 685 686 690

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator DeBeaussaert as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4513, entitled

A bill to repeal 1913 PA 184, entitled "An act to regulate the business of selling farm products on commission, providing all commission merchants dealing in farm products shall be licensed, to provide against and punish fraud and deception in the sale of farm products on commission, and defining the duties of the state dairy and food commissioner relative thereto," (MCL 445.331 to 445.341).

The bill was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senators Garcia and Schwarz entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the Committee on Appropriations be discharged from further consideration of the following bill:

Senate Bill No. 671, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 671

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

By unanimous consent the Senate returned to the order of
General Orders

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator DeBeaussaert as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 671, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 671

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

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

Senate Bill No. 671

House Bill No. 4384

House Bill No. 5080

House Bill No. 4627

House Bill No. 4734

House Bill No. 4878

House Bill No. 4879

Senate Bill No. 576

Senate Bill No. 502

Senate Bill No. 505

House Bill No. 4791

House Bill No. 4018

The motion prevailed.

Senator McCotter entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 671, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112.

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. 313

Yeas—36

Bennett
Bullard
Byrum

Emmons
Garcia
Gast

Koivisto
Leland
McCotter

Schwarz
Scott
Shugars

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

McManus
Miller
Murphy
North
Peters
Schuette

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4384, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 622 (MCL 380.622), as amended by 1997 PA 47.

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. 314

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5080, entitled

A bill to provide for a streamlined system of sales and use tax collection; to prescribe the requirements necessary for this state to adopt a multistate agreement; to provide for a board with certain powers and duties; to provide for the registration of sellers who select a model of collection and remittance; to forgive liability of collection of sales and use taxes on past transactions for certain sellers; to assure privacy of buyers; to prescribe certain powers and duties of state departments; and to repeal acts and parts of acts.

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. 315

Yeas—27

Bullard	Emmons	Johnson	Peters
Byrum	Garcia	Koivisto	Schwarz
Cherry	Gast	Leland	Scott
DeBeaussaert	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	Miller	Smith
Dingell	Hart	Murphy	Stille
Emerson	Hoffman	North	

Nays—9

Bennett	McCotter	Shugars	Van Regenmorter
Dunaskiss	Schuette	Steil	Young
Goschka			

Excused—1

Vaughn

Not Voting—0

In The Chair: President

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 of the bill.

Protests

Senators Bennett, Schuette, Goschka, McCotter, Shugars and Van Regenmorter, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5080.

Senator Bennett's statement, in which Senators Goschka and Shugars, is as follows:

I chose to vote "no" on this, not so much for the specifics in the bill. There are safeguards in it that anything that this national committee might decide will in fact come back to this state legislature to be approved. They cannot make those kinds of decisions. What I am afraid of is down the road, it could be 5 years, it could be 10 years, that there is a number of states that are participating in this program, and then there will be different sales taxes in all the different states. I fear at some point that the federal government will feel compelled to step in and simply say the system is not working, we need to somehow nationalize sales taxes and make sure that all states are doing it exactly the same. I fear the state could inadvertently be giving up one of its' rights to the federal government. We have certainly seen over the years the federal government is never shy about taking more and more power away from the states. I am concerned that doing this one day will come back to haunt us.

Senator Schuette's statement, in which Senators Goschka, McCotter and Shugars concurred, is as follows:

I have nothing but respect for the difference of opinion that we have on this issue, that we just voted on. The issue of the Internet tax. Reasonable people can come to different conclusions on this issue. That stems from the Governor, with whom I have great admiration and respect, and members of this body and the other body as well.

I'm opposed for a number of reasons. Senator Bennett was very eloquent when he was talking about, not this legislature, but those who come after us. In the era of term limits, I fear that by agreeing to this system, we're putting Michigan in a position of adhering to the policies of other states that have not had a history of low taxes and cutting taxes. Rather, we would be in a cabal of other states who want to collect, gather, and increase taxes that belong to people, not the government.

Senator Bennett and I have also discussed that there's an ability to enforce the law today. The Attorney General or others could enforce the law on the books today, in terms of the use and sales tax issue at question here.

With respect to education dollars. This Senate, just before this vote, voted to fulfill our commitment to the fiscal year 2002 education monies. To ensure that the quality of public schools in Michigan are second to none. In the future, I think we will continue to do just that.

I think this bill also puts a big stop sign on the border of Michigan to e-commerce companies across the country and the globe, that says: "Don't do business, go to Virginia," as an example, "where they do not have this type of approach on taxation."

I think this is, in part, a philosophical gut-check about the direction of Michigan's future. There have been tax gatherers and tax collectors from the beginning of time. Trying to figure-out how to get a denarius, or in the more modern times - a nickel, from people. I believe that, in this instance, we should use existing law to collect the nickels in this modern day Caesar, that we know as government. This is a dangerous road. There are voices out there who are saying: "Delay income tax cuts." There are voices out there saying: "Let's not have the SBT reductions." That is a dangerous path. If you look at the national focus right now, the Bush administration is trying to have tax cuts to stimulate the economy. We should not go a different direction in Michigan. We have been a textbook study of tax cuts working to fuel the economy.

Senator McCotter's statement, in which Senators Shugars and Goschka concurred, is as follows:

It just seems to me that throughout the history of taxation we have heard about all the wonderful things that government will do with the money once it is collected. But it seems to me the best thing we can do for working families and their children, of which I am a proud member of a working family with children, is to reduce the cost of living to those families. What we have seen today is again the reiteration of the concept that government can do with peoples' money than people can do with it themselves. This seems to me the fundamental, ideological justification for this. I cannot subscribe to that concept. I think that it is a step in the wrong direction, and it is a road on which I have never traveled, and never will. I would like to have this printed in the journal, and I would like to have Senator Schuette's no vote explanation also included as my remarks, as my no vote explanation.

Senator Van Regenmorter's statement is as follows:

The language in this bill lacks some precision but it gives an indication of a possible direction on page 1, at the very bottom, where it talks about the bill not creating a new tax on electronic commerce. If there had been a period after "new tax" saying this bill does not create a new tax I think it would have given me and possibly others a lot more comfort.

What is happening is the creation of a super governmental body—this is going to be sort of a quasi-new federal government. While it's true that whatever this super governmental body comes up with and some of the issues that are of interest to them are in this bill, but there are many other issues. I have seen, as a matter of fact, the document that is many pages long and about this wide of all the provisions that they are asking states to consider adopting.

This new super governmental agency that's being formed is going to be able, I think—in spite of the language in this bill which talks about legislative approval, to exert force. Because, any recalcitrant member—let's just say that Michigan decides not to go along with, for example, lowering the number of tax rates. For example, Michigan will refuse to do away with the exemption on food and medicine or the home heating fuel, or telecom services. I think it's quite possible that this super new federal level government would be able to exert force on us in order to expand taxation on Michigan citizens, that's why I voted no.

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

The motion prevailed.

Senator Miller's statement, in which Senator Stille concurred, is as follows:

I reluctantly voted for this bill, House Bill No. 5080, better known as the Internet bill. I was here back on Christmas eve in 1994, with many of the people here, when we made a major, significant shift in cutting property taxes and funding school taxes through the sales tax.

We have come a long way in funding school taxes, Mr. President, and also we have come a long way of developing a great economic base with a lot of small, independent, business people.

I want to support those small, independent, business people who collect those sales tax to help our schools to help our children prepare for the future. Also, Mr. President, I do not want to see my small, independent, shopping center or stores turn into showrooms for Internet buyers.

It disturbs me when you see our business people—we see it here in Lansing—people who pay taxes 12 months out of the year they make payroll so families have a job, so they can have money to buy different products and when we start cutting back. I think, we are cutting back on development, we are cutting back on payroll taxes, and we are hurting this economy, we are hurting families, that is why I voted for this.

Lets take a look back to 1994, when we passed major tax relief for our schools and reductions in property taxes for the sales tax, lets keep schools open and lets keep our small business people in operation as business people not as showrooms.

The following bill was read a third time:

House Bill No. 4627, entitled

A bill to define the rights and responsibilities of hotels and bed and breakfasts with respect to renting or leasing hotel or bed and breakfast rooms to minors.

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. 316

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	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	Johnson	Schuetz	Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

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 of the bill.

The following bill was read a third time:

House Bill No. 4734, entitled

A bill to amend 1982 PA 432, entitled “Motor bus transportation act,” by amending section 31 (MCL 474.131), as amended by 1996 PA 420.

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. 317

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	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	Johnson	Schuette	Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to regulate persons who transport passengers by motorbus; to prescribe powers and duties for the state transportation department; to impose certain fees; and to impose penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4878, entitled

A bill to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.

The question being on the passage of the bill,

Senator Stille offered the following amendment:

1. Amend page 9, following line 21, following section 60, by inserting:

“Sec. 61. Highway M-120 in Muskegon county beginning at the intersection of Highway M-120, Lake avenue and Whitehall road, and extending south for 1 mile shall be known as the “Veteran’s Memorial Causeway”.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator DeBeaussaert offered the following amendment:

1. Amend page 9, following line 21, following section 60, by inserting:

“Sec. 62. The portion of highway I-94 lying within Macomb and St. Clair counties shall be known as the “James G. O’Hara Freeway”.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Goschka offered the following amendment:

1. Amend page 9, following line 21, following section 60, by inserting:

“Sec. 63. The portion of highway business route US-27 beginning at Polk road in Emerson Township in Gratiot County, continuing south through the city of Ithaca to Center road, and continuing east to the intersection of highway business route US-27 and US-27 in Emerson Township in Gratiot County shall be named the “Veteran’s Memorial Highway”.”.

The amendment was adopted, a majority of the members serving voting therefor.

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. 318

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	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	Johnson	Schuette	Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

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 of the bill.

The following bill was read a third time:

House Bill No. 4879, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending section 33 (MCL 257.1833).

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. 319

Yeas—35

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

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto

Miller
Murphy
North
Peters
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—1

Hoffman

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.”.

The Senate agreed to the full title.

Senator Hoffman stated that he had intended to vote “yea” on the passage of the following bill:

House Bill No. 4879

The following bill was read a third time:

Senate Bill No. 576, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4 (MCL 205.94), as amended by 2000 PA 200.

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. 320

Yeas—35

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—1

Garcia

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 502, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by adding section 80f.

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. 321

Yeas—34

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

Nays—0

Excused—1

Vaughn

Not Voting—2

Cherry

Smith

In The Chair: President

The Senate agreed to the title of the bill.

Senator Emmons moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 502, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by adding section 80f.

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

The question being on the passage of the bill,

Senator Dingell offered the following amendment:

1. Amend page 2, line 1, after “FOR” by striking out “NOT MORE” and inserting “LESS”.

The amendment was not adopted, a majority of the members serving not voting therefor.

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. 322

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	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	Johnson	Schuette	Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Peters, North, Shugars, Gougeon, Miller, McManus and Hart moved that they be named co-sponsors of the following bill:

Senate Bill No. 502

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 505, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

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. 323

Yeas—36

Bennett	Emmons	Koivisto	Schwarz
Bullard	Garcia	Leland	Scott
Byrum	Gast	McCotter	Shugars

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

McManus
Miller
Murphy
North
Peters
Schuette

Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4791, entitled

A bill to amend 1976 PA 295, entitled “State transportation preservation act of 1976,” (MCL 474.51 to 474.70) by amending the title, as amended by 1984 PA 210, and by adding section 17a.

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. 324

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: President

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.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to improve and maintain transportation services in this state; to provide for the acquisition and use of funds; to provide for the acquisition of certain railroad facilities and certain property; to provide for the disposition and use of facilities and property acquired under this act; to provide for financial assistance to certain private transportation services; to prescribe the powers and duties of certain state departments and agencies; to provide for the transfer of certain funds; to provide for the creation of a fund; and to provide for appropriations.”.

The Senate agreed to the full title.

Senator Garcia stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

Senate Bill No. 576

The following bill was read a third time:

House Bill No. 4018, entitled

A bill to repeal 1947 LA 9, entitled “The act to prevent hunting, on Sunday, for game animals and game birds in the county of Macomb.”.

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. 325

Yeas—35

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

Nays—1

Van Regenmorter

Excused—1

Vaughn

Not Voting—0

In The Chair: President

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 of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Emmons moved that consideration of the following concurrent resolution be postponed for today:

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 115

Senate Resolution No. 116

The resolution consent calendar was adopted.

Senators Hammerstrom, Bullard, Goschka, Garcia and Shugars offered the following resolution:

Senate Resolution No. 115.

A resolution to honor military working dogs.

Whereas, The Vietnam Dog Handler Association (VDHA) was formed in 1993 by a group of six former military working dog handlers who all had been in service together during the Vietnam War. Their goal was to reunite with their former comrades and honor the memory of the dogs that served us all during that time of war; and

Whereas, Nearly 4,000 dogs served with the United States armed forces during the Vietnam War, and some 500 died in battle. Serving as scouts, sentries, trackers, and even water dogs that were trained to locate enemy divers, they are among America's forgotten heroes; and

Whereas, Unlike the dogs that served in World War II, fewer than 190 were returned to the United States, left behind with other military equipment. Many were euthanized and some even turned over to the South Vietnamese Army; and

Whereas, The members of the VDHA seek to increase awareness among American citizens of the important role these dogs played in the Vietnam War, saving the lives of nearly 10,000 military personnel. The association and a number of corporate sponsors are raising funds to erect a War Dog Memorial on the Mall in Washington D.C., in addition to the memorials in California and Georgia. A National War Dog Memorial Advisory Committee was formed and volunteers recruited to oversee the development of this national memorial; and

Whereas, These remarkable animals have never been properly recognized for their dedication and service to our country; now, therefore, be it

Resolved by the Senate, That we hereby honor the military dogs of the Vietnam War and their handlers, especially those who did not return home. We are forever grateful for their courage and sacrifice; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Vance L. McCrumb of the Vietnam Dog Handler Association, Unit Director 366th SPS Da Nang (Arf, Dutch E955, euthanized in 1966).

Senator Young was named co-sponsor of the resolution.

Senators Hammerstrom, Bullard, Goschka, Garcia and Shugars offered the following resolution:

Senate Resolution No. 116.

A resolution to honor the mail carriers of the United States Postal Service.

Whereas, The United States Postal Service (USPS) delivers mail to 134 million delivery addresses, including 20 million post office boxes. They carry more mail to more people over a larger geographic area than any other country; and

Whereas, The Pony Express was created in April 1860 in an effort to provide the fastest mail delivery between Missouri and California. It wasn't until the completion of the telegraph in 1961, coupled with the outbreak of the Civil War, that the Pony Express ended; and

Whereas, From that point on, this improved communication between the East and West has become an efficient industry, tapping into the latest technology to increase productivity and reduce costs; and

Whereas, To this day, the USPS employs 797,795 career employees, including 48,478 employees with disabilities and 251,725 veterans; and

Whereas, The U.S. mail is perhaps the most visible and personal of all federal services and has received the highest security rating above phones, faxes, e-mail, and the Internet; and

Whereas, Postal carriers perform their duties outdoors in all kinds of weather and are subject to injury from slips, falls, accidents, and dog bites. Each day they travel an established route delivering and collecting mail, garnering a 93 percent performance rating for on-time service and delivery; now, therefore, be it

Resolved by the Senate, That we extend our appreciation and gratitude for all the hard work and dedication provided by our devoted United States Postal Service mail carriers; and be it further

Resolved, That a copy of this resolution be transmitted to the United States Postal Service and to postal carriers around the state.

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

Senators DeGrow and Cherry offered the following concurrent resolution:

Senate Concurrent Resolution No. 30.

A concurrent resolution to create a commission to review all aspects of public school academies in Michigan.

Whereas, Since the enactment of enabling legislation in 1993, public school academies (PSAs) have exerted a major impact on the landscape of public education throughout Michigan. These public schools, which are located throughout the state and serve a wide range of communities, provide K-12 education in settings large and small and with supervision from numerous sources from both within Michigan and elsewhere; and

Whereas, Although there have been studies on the impact and effectiveness of public school academies, there is a great need for a thorough, unbiased examination at this time. With data now compiled and with the difficult challenges now facing our state, Michigan is at a turning point in how it educates its citizens. Only with completely objective and comprehensive information can policymakers make informed decisions at this critical juncture; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there be created a commission to conduct a complete and objective review of all aspects of public school academies in Michigan. The commission shall be comprised of 8 members and shall be chaired by Michigan State University President Peter McPherson. The remaining 7 members shall include the Superintendent of Public Instruction, one member appointed by the Senate Majority Leader, one member appointed by the Senate Minority Leader, one member appointed by the Speaker of the House of Representatives, one member appointed by the House Minority Leader, and two appointed by the Governor. The commission shall report its findings and recommendations to the Michigan Legislature; and be it further

Resolved, That the expenses for the commission will be shared equally by the Senate and the House of Representatives; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, Michigan State University President McPherson, and the Superintendent of Public Instruction.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Bullard's statement is as follows:

I want to make a statement in regard to my "yes" vote on House Bill No. 5080. I think for any bill, including this one, there are legitimate reasons to vote "yes"; legitimate reasons to vote "no." But in my 19 years in the Legislature I don't think I've heard more misinformation or false hoods stated about any bill, not usually by public officials, but by so-called anti-tax groups. So I just want to set the record straight on one point, some of these groups keep talking about how this is an Internet tax, an Internet tax, Internet tax. I would think a fair interpretation of that is that this is a tax on use of the Internet, nothing could be further from the truth. Michigan law currently prohibits any taxation on Internet access providers. I know because I sponsored the bill. If you want to look it up it's Public Act 194 of 1997.

Senator Schwarz's statement is as follows:

Several weeks ago this body passed the repeal of the tuition tax credit and sent the bill to the House of Representatives. The bill languishes in the House, yet, and in fact was removed from the calendar of the House Appropriations committee this week.

The universities, all 15 of them, are going to be looking at significant cuts perhaps in the money already appropriated for 2002, but certainly in 2003, and maybe in 2004. The repeal of the tuition tax credit represents the only increase—the only additional dollars—that the universities have any reasonable hope of receiving in their state appropriation in the foreseeable future.

It would seem, therefore, to make imminent good sense, for our friends from the House of Representatives, at least, to put the repeal of the tuition tax credit up for a vote. Vote it up or down my good colleagues in the other chamber. Up or down, but please take a vote.

Introduction and Referral of Bills

Senators McCotter, Schuette, Bennett, Sikkema, Shugars, Steil, Bullard, Goschka, Gougeon, North, Young, Hart, Emerson, Murphy, Dingell, DeBeaussiaert, Leland and Dunaskiss introduced

Senate Bill No. 691, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

Senators Hammerstrom, Gast, Stille, Van Regenmorter, Bullard, Goschka, Garcia, McManus, Gougeon, Schwarz and Shugars introduced

Senate Bill No. 692, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36105, 36106, 36109, 36111, and 36206 (MCL 324.36105, 324.36106, 324.36109, 324.36111, and 324.36206), sections 36105 and 36106 as amended by 1996 PA 233, section 36109 as amended by 2000 PA 421, and section 36111 as amended and section 36206 as added by 2000 PA 262.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 517, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2000 PA 29.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 4345, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21773 (MCL 333.21773).

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 4776, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16263, and 21720 (MCL 333.16131, 333.16263, and 333.21720), sections 16131 and 16263 as amended by 2000 PA 11, and by adding section 16328 and part 173; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Schwarz and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, October 2, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz and Byrum

Excused: Senator Emerson

The Committee on Financial Services reported

House Bill No. 4774, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9311 and 9616 (MCL 440.9311 and 440.9616), section 9311 as amended and section 9616 as added by 2000 PA 348.

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, Dunaskiss, Garcia, Miller and Leland

Nays: None

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

The Committee on Financial Services reported

House Bill No. 4783, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3355 (MCL 500.3355).

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, Dunaskiss, Garcia and Leland

Nays: Senator Miller

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 4784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3230 (MCL 500.3230).

With the recommendation that the bill pass.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Dunaskiss, Garcia, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 4819, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224 (MCL 500.224), as amended by 2000 PA 252; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Dunaskiss, Garcia, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 422, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing sections 2021, 3520, and 3615 (MCL 600.2021, 600.3520, and 600.3615).

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Dunaskiss, Garcia, Miller and Leland

Nays: None

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

The Committee on Financial Services reported

Senate Bill No. 592, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending sections 14 and 18 (MCL 550.914 and 550.918); and to repeal acts and parts of acts.

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, Dunaskiss, Garcia, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 604, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2468 and 2662 (MCL 500.2468 and 500.2662).

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, Dunaskiss, Garcia, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 605, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3114 (MCL 500.3114), as amended by 1984 PA 372.

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, Dunaskiss, Garcia, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 674, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 221.

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, Shugars, Dunaskiss and Garcia

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Tuesday, October 2, 2001, at 3:00 p.m., Room 110, Farnum Building

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

Scheduled Meetings**Conference Committee -**

SB 30 - Wednesday, October 10, 1:00 p.m., Room 100, Farnum Building (373-0793)

Economic Development, International Trade and Regulatory Affairs - Tuesday, October 23, 1:00 p.m., Room 110, Farnum Building (373-7946)

Families, Mental Health and Human Services - Wednesday, October 10, 3:00 p.m., Room 100, Farnum Building (373-3543)

Government Operations - Thursday, October 11, 1:00 p.m. or later, immediately following session, Senate Hearing Room, Ground Floor, Michigan National Tower (373-1707)

Great Lakes Conservation Task Force - Monday, October 8, 6:00 p.m., Roseville Public Library, Erin Auditorium, 29777 Gratiot, Roseville; Thursday, October 18, 6:00 p.m., Northern Michigan University, Don H. Bollum University Center, Ontario Room, 2nd Floor, 1401 Presque Isle Avenue, Marquette; Tuesday, October 30, 6:00 p.m., City of Port Huron Municipal Office Center, 100 McMorran Blvd., Port Huron; Monday, November 5, 6:00 p.m., St. Joseph Public Library, 500 Market, St. Joseph; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center

Health Policy - Tuesday, October 9, 3:00 p.m., Room 100, Farnum Building (373-0793)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:28 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, October 9, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.