

No. 5
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, February 3, 1998.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Stallings—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator George Z. Hart of the 6th District offered the following invocation:

Our Father, who art in heaven, we give You praise and thanks once again for giving us this opportunity to come together in a true spirit. Lord, we have the great privilege to serve the great people of the state of Michigan and in this land we call America.

“O beautiful, for spacious skies, for amber waves of grain.
For purple mountain majesties across the fruited plain.
America, America, God shed His grace on thee.
And crown thy good with brotherhood from sea to shining sea.”

Motions and Communications

Senator DeGrow moved that Senators Bullard and Jaye be temporarily excused from today’s session.
The motion prevailed.

Senator V. Smith moved that Senators Young and A. Smith be temporarily excused from today’s session.
The motion prevailed.

Senators A. Smith and Young entered the Senate Chamber.

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

The motion prevailed.

Senator Schuette’s statement is as follows:

Today, in the chamber, from time to time, you will see two students from my alma mater in Midland, Midland Dow High School. Angie Kurtz, who is a senior in high school and Brian Shaughnessy, who is a freshman, are part of the Junior Achievement Program in Midland, where students across the community are shadowing various people in all walks of life. I have the privilege to be with Angie and Brian today and I ask that we extend to them a very warm welcome.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

January 27, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:05 p.m. this date, administrative rule (98-1-4) for the Department of Treasury, Bureau of Revenue, entitled “*Taxpayer Bill of Rights*,” effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, January 29:
House Bill No. 4210

The Secretary announced the enrollment printing and presentation to the Governor on January 30, for his approval the following bill:

Enrolled Senate Bill No. 642 at 1:22 p.m.

The Secretary announced the printing and placement in the members' files on Friday, January 30 of:

Senate Bill Nos. 847 848 849 850 851 852 853 854 855 856
Senate Joint Resolution P
House Bill Nos. 5495 5496 5497 5498 5499 5500 5501 5502 5503 5504 5505 5506 5507 5508
5509 5510 5511 5512 5513 5514 5515 5516 5517 5524

The Secretary announced the printing and placement in the members' files on Tuesday, February 2 of:

Senate Bill Nos. 857 858
House Bill Nos. 5518 5519 5520 5521 5522 5523

Messages from the Governor

The following messages from the Governor were received and read:

January 29, 1998

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

Michigan Employment Security Board of Review

Ms. Julie Ann Petrik, 13156 Winchester, Huntington Woods, Michigan 48070, county of Oakland, as a member representing employees, succeeding Ms. Beatrice Pennie Millender of Detroit, who has resigned, for a term expiring on December 31, 2001.

January 29, 1998

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

Michigan Veal Committee

Mr. Robert J. Kamp, 8460 112th Avenue, West Olive, Michigan 49460, county of Ottawa, as a member representing veal growers, succeeding Mr. Robert Miedema of Hudsonville, whose term has expired, for a term expiring on March 13, 2000.

Sincerely,
 John Engler
 Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senator DeGrow moved that consideration of the following bill be postponed for today:

Senate Bill No. 181

The motion prevailed.

Third Reading of Bills

Senator DeGrow moved that consideration of the following bills be postponed for today:

Senate Bill No. 805

House Bill No. 5223

The motion prevailed.

Senator Bullard entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 715

Senate Bill No. 841

Senate Bill No. 747

Senate Bill No. 834

House Bill No. 5279

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

General Orders

Senator DeGrow 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 Binsfeld, designated Senator Geake as Chairperson.

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

Senate Bill No. 202, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 5, 6, 11a, 613, 616, 617, 661, 687, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 932, 945, 1361, and 1732 (MCL 380.3, 380.5, 380.6, 380.11a, 380.613, 380.616, 380.617, 380.661, 380.687, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.932, 380.945, 380.1361, and 380.1732), sections 3, 5, 6, and 687 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, section 703 as amended by 1981 PA 87, section 705 as amended by 1994 PA 258, sections 857 and 858 as amended by 1992 PA 263, and section 945 as added by 1984 PA 154, and by adding sections 1206 and 1351c; and to repeal acts and parts of acts.

Senate Bill No. 207, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 17 and chapter XIV.

Senate Bill No. 808, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1011 (MCL 600.1011), as added by 1996 PA 388; and to repeal acts and parts of acts.

Senate Bill No. 715, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," by amending section 1 (MCL 19.131), as amended by 1982 PA 229.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 224, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and 168.972), section 501a as amended by 1995 PA 87, sections 509n, 509r, and 509gg as added by 1994 PA 441, section 544c as amended by 1993 PA 137, and section 972 as amended by 1989 PA 26.

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

1. Amend page 17, line 18, by striking out all of the subdivision (a) and inserting:

"(a) Senate Bill No. 202."

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

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

House Bill No. 5058, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

Substitute (S-1).

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

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

House Bill No. 5220, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8112 (MCL 600.8112). Substitute (S-1).

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

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

Senate Bill No. 841, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 3 (MCL 552.503), as amended by 1996 PA 365, and by adding section 4b.

Substitute (S-1).

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

1. Amend page 2, line 12, after the first "THE" by striking out "JUDGE WHO" and inserting "COURT THAT".
2. Amend page 2, line 22, after the first "THE" by striking out "JUDGE ASSIGNED TO THE CASE" and inserting "COURT".

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

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

Senate Bill No. 747, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8132 (MCL 600.8132).

Substitute (S-1).

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

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

Senate Bill No. 834, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8138 (MCL 600.8138).

Substitute (S-1).

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

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

House Bill No. 5279, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8126 (MCL 600.8126).

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.

During the Committee of the Whole, Senator Jaye entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

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

Senate Resolution No. 128

Senate Resolution No. 129

The resolution consent calendar was adopted.

Senator Dingell offered the following resolution:

Senate Resolution No. 128.

A resolution in commemoration of the 150th Anniversary of the Hungarian Revolution of 1848.

Whereas, In commemoration of the Hungarian Revolution of 1848, we are honored to be included as a part of the celebration. This period of bravery has served as a source of pride and heroism for 150 years to all people of Hungarian descent. It is traditionally celebrated on March 15 of the year. Even while the country was under communist leadership, the people continued to reflect on this special day, celebrating the ideals of this event and the people who made it happen; and

Whereas, Hungary had been under rule of the Hapsburg Dynasty since the late 17th Century. The rest of the world had moved beyond a feudal system by the examples of Britain, America and France. The nobility of Hungary knew it to be in their best interest to follow in this pattern. On March 15, 1848, Hungary became the first country to have their demands met by the Royal Court and have a peaceful transition; and

Whereas, The peaceful transition would be short-lived. After the Hapsburg armies finished business in other European countries, they arranged to send armies to regain imperial authority in Hungary. Artur Gorgey and Jozef Bem retook Hungary with military force in April 1849 and they declared the House of Hapsburg dethroned. In the bitter fighting that occurred afterwards, 13 military commanders were executed at Arad on October 6 and are to this day honored as the Martyrs of Arad. The Prime Minister, Count Lajos Batthyany, was shot by a firing squad in Pest, thereby ending what would live in the memories and traditions of the people of Hungary to this day; and

Whereas, The bravery of these revolutionaries came to symbolize the defense of liberty gained and the recovery of liberty lost. The inspiration would lead Hungarians through the many hardships and victories that stood before them; now, therefore, be it

Resolved by the Senate, That we share in the commemoration of the important day for all Hungarians and all who honor the ideals of liberty; and be it further

Resolved, That a copy of this resolution be transmitted to the Holy Cross Church for the March 15 commemoration program in Detroit as a reflection of our esteem and respect.

Senator Cherry was named co-sponsor of the resolution.

Senator Dingell offered the following resolution:

Senate Resolution No. 129.

A resolution commemorating February 22-28, 1998, as National Engineers Week in Michigan.

Whereas, It is a distinct privilege to join with engineers throughout our nation, and particularly in Michigan, in celebrating National Engineers Week, February 22-28, 1998. This special week has been set aside to highlight the many contributions engineers have made and continue to make to the quality of our life. May all involved in this important profession know how much we value their contributions to our well-being; and

Whereas, National Engineers Week is always celebrated at the time of George Washington's birthday. Our nation's first president was a military and agricultural engineer and land surveyor. He was responsible for establishing the first United States engineering school at Valley Forge, Pennsylvania, which later became the United States Military Academy at West Point, New York. In the same traditions as our first president, American engineers have sought to improve society by turning ideas into reality; and

Whereas, Today, we can thank engineers for such marvels as weather radar, space travel, and artificial kidneys. Products of engineering, including such everyday mechanisms as a thermostat, a television set, and a telephone, became reality because of the vision, hard work, and creativity of engineers. With more than two million engineers developing new solutions to today's problems, we are on the threshold of even more fascinating engineering marvels; now, therefore, be it

Resolved by the Senate, That the week of February 22-28, 1998, be highly commemorated as National Engineers Week in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to coordinators of this event and the National Society of Professional Engineers as a reflection of our regard for engineers and their contributions to our society.

Senator Cherry was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senator Van Regenmorter introduced

Senate Bill No. 859, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 135, 136b, and 145a (MCL 750.135, 750.136b, and 750.145a), section 136b as added by 1988 PA 251.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 322, 625b, 625k, and 625l (MCL 257.204a, 257.322, 257.625b, 257.625k, and 257.625l), section 204a as amended by 1996 PA 102 and sections 625b, 625k, and 625l as amended by 1994 PA 450, and by adding sections 622a, 625o, and 625p.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Statements

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

The motion prevailed.

Senator Bouchard's statement is as follows:

Last week we heard from the good Senator from the 25th District, who spoke about the agenda and the vision of the members on the other side of the aisle.

I am pleased to report and support the recent announcements by Governor Engler in the State of the State. The cornerstones of what the Governor spoke about, improving education by having all children able to read, cleaning the environment, cutting the income tax, again, and then putting in and locking in protection against taxes in the future by constitutional amendment, are certainly issues that I think this side of the aisle believes in. And I think it will be echoed throughout Michigan by the people throughout their daily lives as they try to struggle with what they are facing. I think they will be appreciative of those cornerstones. I am very proud to be on the team that announced those and will be supportive of those as the Governor moves that agenda forward.

Senator Hart's statement is as follows:

Today the Judiciary Committee, Madam Governor, will consider my bill to increase prison time for child predators who use the Internet to find their young victims.

Predators now lurk on the bright screens of the home computer as often as in the shadows of schoolyards and alleyways. They don't have to do that anymore. All they have to do is look on the Internet—and there it is. The National Center for Missing and Exploited Children reported that in 1997 there were 50 cases of abduction by predators who gained their victim's trust through the Internet. The FBI testified before Congress last year that more pedophiles and sexual predators are using the Internet and on-line services to target children.

We must act now to develop an aggressive strategy to protect families from those who misuse the Internet. I thank the committee chairman, Senator Bill Van Regenmorter, for giving my bill a hearing today. This bill will give our children the protection they so urgently need.

Committee Reports

The Committee on Government Operations reported

Senate Bill No. 715, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," by amending section 1 (MCL 19.131), as amended by 1982 PA 229.

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, Emmons, Hoffman, Miller and Hart

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

Senate Concurrent Resolution No. 52.

A concurrent resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations.

(For text of resolution, see Senate Journal No. 84 of 1997, p. 1707.)

With the recommendation that the concurrent resolution be adopted.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons and Hoffman

Nays: Senators Miller and Hart

The concurrent resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

Senate Resolution No. 112.

A resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations.

(For text of resolution, see Senate Journal No. 90 of 1997, p. 1903.)

With the recommendation that the resolution be adopted.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons and Hoffman

Nays: Senators Miller and Hart

The resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

Senate Resolution No. 117.

A resolution to urge the Governor to establish a task force to study issues relating to fishing.

(For text of resolution, see Senate Journal No. 1, p. 6.)

With the recommendation that the resolution be referred to the Committee on Hunting, Fishing and Agriculture.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Hoffman, Miller and Hart

Nays: None

The resolution was referred to the Committee on Hunting, Fishing and Agriculture.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Wednesday, January 28, 1998, at 1:05 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Bullard (C), Emmons, Hoffman, Miller and Hart

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 841, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 3 (MCL 552.503), as amended by 1996 PA 365, and by adding section 4b.

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.

Joel D. Gougeon
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard, Geake and Peters

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 Families, Mental Health and Human Services submits the following:

Meeting held on Thursday, January 29, 1998, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Gougeon (C), Bouchard, Geake and Peters

Excused: Senator V. Smith

The Committee on Judiciary reported

Senate Bill No. 747, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8132 (MCL 600.8132).

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Cisky, Geake, Dingell, Peters and V. Smith

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 834, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8138 (MCL 600.8138).

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.

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Cisky, Geake, Dingell, Peters and V. Smith

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5279, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8126 (MCL 600.8126).

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.

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Cisky, Geake, Dingell, Peters and V. Smith

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Special Committee on Campaign Finance submits the following:

Meeting held on Thursday, January 29, 1998, at 11:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Geake (C), McManus, Byrum and Dingell

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Agriculture submits the following:

Meeting held on Thursday, January 29, 1998, at 4:00 p.m., Room 405, Capitol Building

Present: Senators Jaye (C), Gougeon, McManus and Dingell

Excused: Senator Byrum

Scheduled Meetings

Administrative Rules Joint Committee - Wednesday, February 4, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Community Health Appropriations Subcommittee - Tuesdays, February 17 and 24, March 3 and 10, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1707).

Government Operations Committee - Wednesday, February 4, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-7536).

Natural Resources and Environmental Quality Appropriations Subcommittee - Wednesday, February 4, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1725).

Retirement Appropriations Subcommittee - Wednesday, February 4, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1801).

Transportation and Tourism Committee - Wednesday, February 4, at 3:00 p.m., Room 405, Capitol Building (3-2413).

Trial Court Assessment Commission - Friday, February 6, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 10:42 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Wednesday, February 4, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.