

No. 7
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 5, 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—excused

Rogers—present
Schuette—excused
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 A. McManus, Jr., of the 36th District offered the following invocation:

Ever mindful of our constituents back home, those who are viewing television and those who are not; our staff who work so hard here to assist us in doing the proper things with legislation; and our own judgment in terms of putting and piecing together the wishes of our constituents to make Michigan a better place for all of us to live; thinking not only of this particular generation with us here now, but for the generations to come, let us ask for divine assistance in order to get the job done properly. Amen.

Motions and Communications

Senators Rogers and Koivisto entered the Senate Chamber.

Senator DeGrow moved that Senators Cisky and Hoffman be temporarily excused from today's session. The motion prevailed.

Senator DeGrow moved that Senators Posthumus and Schuette be excused from today's session. The motion prevailed.

Senator V. Smith moved that Senator Miller be temporarily excused from today's session. The motion prevailed.

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 8:20 a.m. this date, administrative rule (98-1-3) for the Department of Consumer and Industry Service, Bureau of Safety and Regulation, entitled "*Payment of Wages and Fringe Benefits*," 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 bills were received in the Senate and filed on Wednesday, February 4:

House Bill Nos. 4897 4943 5418

The Secretary announced the printing and placement in the members' files on Thursday, February 5 of:

Senate Bill No. 859

House Bill Nos. 5525 5526 5527 5534

The Secretary announced that the Majority Leader has made the appointment of the following standing committees:

Economic Development, International Trade and Regulatory Affairs - Senators O'Brien (VC) and Peters.

Finance - Senator V. Smith.

Human Resources, Labor and Veterans Affairs - Senator O'Brien.

The standing committee appointments were approved, a majority of the members serving voting therefor.

Messages from the House

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

Senate Bill No. 181

Senate Bill No. 763

Senate Bill No. 792

The motion prevailed.

Senator DeGrow moved that the order of Third Reading of Bills be postponed for today.

The motion prevailed.

Senator Miller entered the Senate Chamber.

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 Stille 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. 555, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270, and by adding section 4a.

Senate Bill No. 556, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503, and by adding section 3a.

Senate Bill No. 557, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274) and by adding section 4a.

Senate Bill No. 559, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324) and by adding section 4a.

Senate Bill No. 560, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47, and by adding section 4a.

Senate Bill No. 561, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404) and by adding section 4a.

Senate Bill No. 562, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283) and by adding section 3a.

Senate Bill No. 563, entitled

A bill to amend 1976 PA 174, entitled "An act to provide free tuition for state resident North American Indians in Michigan public community colleges, public universities, and certain federal tribally controlled community colleges; and to prescribe certain powers and duties of certain state departments, commissions, and agencies," by amending section 1 (MCL 390.1251), as amended by 1993 PA 106, and by adding section 1a.

Senate Bill No. 564, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending sections 4a and 12 (MCL 390.1154a and 390.1162), section 4a as added by 1989 PA 96 and section 12 as amended by 1987 PA 206.

Senate Bill No. 565, entitled

A bill to amend chapter IX of 1927 PA 175, entitled "The code of criminal procedure," (MCL 769.1 to 769.34) by adding section 15.

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

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

House Bill No. 5300, entitled

A bill to amend 1996 PA 522, entitled "The Michigan biologic products institute transfer act," by amending the title and sections 3 and 5 (MCL 333.26333 and 333.26335) and by adding sections 3a and 3b.

Substitute (S-1).

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

1. Amend page 10, following line 20, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 846 of the 89th Legislature is enacted into law."

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 title amendment, the following bill:

Senate Bill No. 558, entitled

A bill to amend 1976 PA 228, entitled "Single business tax act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386, and by adding section 4a.

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

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386, and by adding section 4a.

The Senate agreed to the title amendment recommended by the Committee of the Whole.

The bill was read a first and second time by title and placed on the order of Third Reading of Bills.

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

Resolutions

Senator Cisky entered the Senate Chamber.

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

Senate Resolution No. 71**Senate Concurrent Resolution No. 52****Senate Resolution No. 112**

The motion prevailed.

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

Senate Resolution No. 132

The resolution consent calendar was adopted.

Senators A. Smith, Schwarz, Miller, Dingell, Cherry, Conroy, Bullard, Geake, Jaye, Gast, McManus, Koivisto, North, Young, DeGrow, Dunaskiss, Byrum, Stallings, Peters, Cisky, Gougeon, Bennett, Shugars, Stille, Steil, Hoffman, Posthumus and Schuette offered the following resolution:

Senate Resolution No. 132.

A resolution to honor the players, coaches, and staff of the University of Michigan 1997-98 Football Team on winning the national championship.

Whereas, The University of Michigan 1997-98 Football Team withstood every challenge in winning the Big Ten Championship and coveted Rose Bowl berth with a perfect 11-0 season; and

Whereas, The Wolverines soundly defeated the ever-dangerous Washington State Cougars in the Rose Bowl to finish with a perfect 12-0 record and captured their first national championship since 1948; and

Whereas, In a remarkable season, this star-studded team was awarded the Big Ten Conference Trophy, the Rose Bowl Trophy, the Associated Press National Championship Trophy, the Football Writers of America National Championship/Grantland Rice Trophy and the National Football Foundation's MacArthur Bowl Trophy; and

Whereas, Prestigious individual honors were bestowed upon several members of this team, including the Heisman Trophy to Charles Woodson, the first true defensive player ever to win this award; the Walter Camp Foundation, Football News, Eddie Robinson, Woody Hayes and Paul "Bear" Bryant Coach of the Year Awards to Head Coach Lloyd Carr; the Rose Bowl MVP and National Football Foundation and Hall of Fame Scholar Athlete awards to Quarterback Brian Griese; the Broyles Award to Jim Herrmann, defensive coordinator, as the nation's top assistant coach; plus All-American and All-Big Ten Team status for players too numerous to list; and

Whereas, Their spectacular success could only have been achieved through a true team effort, with a big-play defense that led the Big Ten in every team statistical category and the nation in most categories, an offense that always found ways to score with their balanced running and passing attacks, special teams that made key plays in clutch situations, an unquestioned leader at the quarterback position and an entire roster of student athletes who were selfless, dedicated, disciplined and focused team players; and

Whereas, A successful team is always a well-coached team, possessing mentors who know how to prepare and focus their players, analyze opponents, develop each week's game plan, and guide and inspire their young charges; now, therefore, be it

Resolved by the Senate, That we congratulate the players, coaches and staff of the University of Michigan 1997-98 National Championship Football Team and extend to them our gratitude for the honor and recognition they have brought to our state; and be it further

Resolved, That a copy of this resolution be transmitted to the team as evidence of our pride in them as individuals and in their accomplishments as a team.

Senator Schwarz 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.

Senator Cisky offered the following concurrent resolution:

Senate Concurrent Resolution No. 60.

A concurrent resolution to urge automobile manufacturers to build cars with inside trunk release mechanisms.

Whereas, The safety of automobiles is an issue of particular interest to the people of Michigan. As the hub of automobile leadership in our country, Michigan has a strong stake in the innovations that are made to raise the level of protection and safety in cars; and

Whereas, In recent years, some citizens have expressed concern over the lack of any trunk release mechanism on the inside of car trunks. There are a significant number of cases each year of people being locked inside the trunks of their cars during crimes. In many of these instances, victims of the crimes die or suffer serious injury from being unable to escape long after the criminals have abandoned the vehicle; and

Whereas, In addition to criminal activities, children, including adolescents involved in pranks, are trapped in trunks with no way to escape. In many of these cases, an inside trunk release could save lives. Increasingly, people are installing their own inside trunk release devices; and

Whereas, Automakers would do well to offer an inside trunk release as an option to enhance safety; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge automobile manufacturers to build cars with inside trunk release mechanisms; and be it further

Resolved, That copies of this resolution be transmitted to appropriate representatives of the automobile industry. Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations. Senator Berryman was named co-sponsor of the resolution.

Senator Cisky offered the following resolution:

Senate Resolution No. 130.

A resolution to urge automobile manufacturers to build cars with inside trunk release mechanisms.

Whereas, The safety of automobiles is an issue of particular interest to the people of Michigan. As the hub of automobile leadership in our country, Michigan has a strong stake in the innovations that are made to raise the level of protection and safety in cars; and

Whereas, In recent years, some citizens have expressed concern over the lack of any trunk release mechanism on the inside of car trunks. There are a significant number of cases each year of people being locked inside the trunks of their cars during crimes. In many of these instances, victims of the crimes die or suffer serious injury from being unable to escape long after the criminals have abandoned the vehicle; and

Whereas, In addition to criminal activities, children, including adolescents involved in pranks, are trapped in trunks with no way to escape. In many of these cases, an inside trunk release could save lives. Increasingly, people are installing their own inside trunk release devices; and

Whereas, Automakers would do well to offer an inside trunk release as an option to enhance safety; now, therefore, be it

Resolved by the Senate, That we urge automobile manufacturers to build cars with inside trunk release mechanisms; and be it further

Resolved, That copies of this resolution be transmitted to appropriate representatives of the automobile industry.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Berryman was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senators Bennett, Van Regenmorter, Shugars, Gougeon, Bullard, Geake, Steil, Dunaskiss, Stille, McManus, Gast, North, Hoffman and Schuette introduced

Senate Bill No. 864, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 16245, 16247, 16248, and 20165 (MCL 333.16221, 333.16226, 333.16245, 333.16247, 333.16248, and 333.20165), sections 16221 and 16226 as amended by 1996 PA 594, section 16245 as amended by 1993 PA 87, sections 16247 and 16248 as amended by 1993 PA 79, and section 20165 as amended by 1990 PA 179, and by adding sections 16275 and 20197.

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

Senators Cisky and North introduced

Senate Bill No. 865, entitled

A bill to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to impose certain safety requirements on operators of personal watercraft; to prescribe the duties and responsibilities of owners, operators, and dealers of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for penalties; and to repeal acts and parts of acts.

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

Senator Van Regenmorter introduced

Senate Bill No. 866, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1997 PA 115.

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. 4897, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43c, 85, 104a, and 108 (MCL 38.1343c, 38.1385, 38.1404a, and 38.1408), sections 43c and 104a as amended by 1989 PA 194, section 85 as amended by 1991 PA 47, and section 108 as amended by 1995 PA 177.

The House of Representatives has passed the bill.

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

House Bill No. 4943, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1994 PA 272, and by adding section 43d.

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 Appropriations.

House Bill No. 5418, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 8134, 8142, and 8159 (MCL 500.8134, 500.8142, and 500.8159), section 8134 as added by 1989 PA 302 and sections 8142 and 8159 as amended by 1996 PA 429.

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 Financial Services.

Statements

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

The motion prevailed.

Senator DeBeaussaert's statement is as follows:

For the second time in a year, members of the 127th Wing of the Michigan Air National Guard, stationed at Selfridge Air National Guard Base in Macomb County, have been called upon to participate in operations in the Persian Gulf region. Today 180 members of the Wing's flying and maintenance personnel were volunteered for this mission and will be departing for Turkey.

As part of the operation, "Northern Watch," a coalition force charged with enforcing the resolutions restricting air and ground operations in northern Iraq. The F-16 pilots will be flying air patrols around the clock to enforce the "No Fly" zone. There are about ten F-16s from Selfridge that will be a part of this mission. Members of this Wing were deployed just last August and September to participate in Operation Southern Watch. Then, as now, there's a group of volunteers locally who are working to set up an operating system to help deployed members stay in touch with their families through military phone lines and the Internet.

I'd like to take a moment to thank those volunteers for their efforts to allow these members of the military Air National Guard for participating in efforts to keep in touch with their family members.

As we go about our business today and the days ahead, I'd ask that my colleagues keep in mind the members of the 127th Wing who will be participating in this activity and their loved ones who remain behind. Keep them in our thoughts and prayers and hope that all of those who are involved in this operation will be able to return to us quickly, safely and in good health.

Senator Vaughn's statement is as follows:

I just wanted to mention a reminder that Monday we have sent out more than 500,000 letters. All of you have received a notice about our newest holiday, Mrs. Rosa Parks on her 85th birthday. The response has been unanimous. Many of you have already had activity in your own respective districts. We appreciate that. I just want to bring your attention to the fact that the Free Press had an article on three of the people that this body has recognized, Dr. Martin Luther King and Sojourner Truth from Battle Creek, Michigan. I don't know whether you remember it, but some years ago we passed a resolution for a great woman who came to Michigan in the 1800s and settled and died in Battle Creek, Michigan. This body was kind enough to name a highway after her, the Sojourner Truth Memorial Highway, which is still there. With Mrs. Rosa Parks, I think this is most appropriate for a woman who lives in Michigan and calls Michigan her home, this body was kind enough to recognize her contribution throughout this state. As I indicated, my office has sent out more than 500,000 letters and has sent you letters to have some kind of celebration in your own district. Thank you for your help; thank you for your co-operation and happy holiday to all of you next Monday.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4382, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8904, 8905a, and 8905b (MCL 324.8904, 324.8905a, and 324.8905b), section 8904 as amended and sections 8905a and 8905b as added by 1995 PA 111; and to repeal acts and parts of acts.

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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast and DeBeaussaert

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5222, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2102a.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 1, line 5, after "TRAILWAY." by inserting "IF THE TRAIL OR TRAILWAY AT ISSUE IS SUBJECT TO AN INTEREST BY WHICH THE TRAIL OR TRAILWAY COULD BE TRANSFORMED INTO OR REACTIVATED AS A RAILROAD, THEN THE SALE OR TRANSFER OF THE TRAIL OR TRAILWAY IS SUBJECT TO THE RAIL INTEREST AND ANY EASEMENT RETAINED BY THE STATE ON THE TRAIL OR TRAILWAY IS ALSO SUBJECT TO THE RAIL INTEREST."

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast and DeBeaussaert

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, February 3, 1998, at 3:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bennett (C), Dunaskiss, Gast and DeBeaussaert

Excused: Senator Dingell

The Committee on Government Operations reported

Senate Resolution No. 66.

A resolution to memorialize the Congress of the United States to ensure that public safety agencies are allotted sufficient access to radio frequency space.

(For text of resolution, see Senate Journal No. 51 of 1997, p. 859.)

With the recommendation that the resolution be adopted.

Bill Bullard, Jr.
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

Senate Resolution No. 105.

A resolution to urge the Department of Natural Resources and the Department of Environmental Quality to promote a "Take a Minute" program to clean up public lands.

(For text of resolution, see Senate Journal No.79 of 1997, p. 1612.)

With the recommendation that the resolution be adopted.

Bill Bullard, Jr.
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Wednesday, February 4, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, February 3, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), Rogers, Cisky, Geake, Dingell and Peters

Excused: Senator V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submits the following:

Meeting held on Wednesday, February 4, 1998, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Steil (C) and Cisky

Excused: Senator A. Smith

Scheduled Meetings

Appropriations Committee, Joint Senate and House - Thursday, February 12, at 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Select Committee to Examine Qualifications of Senator Stallings (SR 131) - Wednesday, February 11, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-5103.)

Trial Court Assessment Commission - Fridays, March 13 and 20, 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 10:43 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.

