

No. 19
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 6, 1997.

9:30 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
Carl—present
Cherry—present*
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

Emmons—present
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—excused
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

*Registered present, but away performing official duties due to the presidential visit to the Capitol.

Senator Christopher D. Dingell of the 7th District offered the following invocation:

Lord, today is given to various levels of the Executive Branch to speak about education. Help the persons holding those offices to be persuasive. Over the past several days members of this body who have never felt supportive of various executive officers have been very much so. As I Timothy suggests, Lord, help them to continue to feel this way.

There are many prayers for wisdom in the Bible. A pronounced cleavage exists amongst the membership of this body on the way to improve education. Some are focusing on the means to educate children; others focusing on the standards we educate children to meet. Lord, preserve our focus on the best interests of the children, our state and our nation. Amen.

Motions and Communications

Senator DeGrow moved that Senators Dunaskiss, Geake and Schuette be temporarily excused from today's session. The motion prevailed.

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

Senator Geake entered the Senate Chamber.

Senator Byrum moved that Senators Cherry and V. Smith be excused from today's session. The motion prevailed.

Senators Schuette and Conroy entered the Senate Chamber.

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

The motion prevailed.

Senator Peters' statement is as follows:

I would just like to rise today and ask my colleagues to join with me in bidding farewell to a trusted and respected member of my staff who has been with me for the last two years. That is Vivian Leung. Vivian, unfortunately, cannot be in the chamber with us today because we did not put her name in for security clearance. I know she is back in the office listening to this and will appreciate your kind thoughts.

Many of you will know Vivian from her work on the Judiciary Committee with me, as well as being on the floor with me on most days—although not today. She was also instrumental in helping me get my first bill passed, Senate Bill No. 570, and I will always thank her for that. Vivian will still be active. You will see her around the Capitol. She is going to join the Michigan Abortion and Reproductive Rights Action League as the executive director and will be working with pro-choice activists throughout the state. You will see her in that capacity, as well as testifying before committees. So I would like my colleagues to join me in saying farewell to Vivian and good luck in your future endeavors.

The following communications were received:
Joint Committee on Administrative Rules

Certificates of Approval

Date: March 5, 1997
Subject: Trans. No. 97-07

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Consumer and Industry Services Department, Insurance Bureau, pertaining to Electronic Data Processing Equipment Definition, dated May 22, 1996.

Date: March 5, 1997
Subject: Trans. No. 97-08

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Consumer and Industry Services Department, Insurance Bureau, pertaining to General Rules, dated May 22, 1996.

Date: March 5, 1997

Subject: Trans. No. 97-10

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Consumer and Industry Services Department, Insurance Bureau, pertaining to Marine, Inland Marine, and Transportation Coverages, dated May 22, 1996.

Date: March 5, 1997

Subject: Trans. No. 97-11

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Consumer and Industry Services Department, Insurance Bureau, pertaining to Nonprofit Hospital Service Corporation Contract, dated May 22, 1996.

Date: March 5, 1997

Subject: Trans. No. 97-12

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of the administrative rules from the Consumer and Industry Services Department, Insurance Bureau, pertaining to Written Examination for Health and Accident Agents, dated May 22, 1996.

Date: March 5, 1997

Subject: Trans. No. 97-15

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Consumer and Industry Services Department, Insurance Bureau, pertaining to General Rules, dated May 22, 1996.

Date: March 5, 1997

Subject: Trans. No. 97-16

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Consumer and Industry Services Department, Insurance Bureau, pertaining to Pre-licensure Education, dated August 21, 1996.

Sincerely,
Representative Candace A. Curtis
Chairperson

March 5, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-06, submitted by the Department of Consumer and Industry Services, Insurance Bureau, pertaining to Accident and Sickness Insurance Advertising (Rescission,) to May 13, 1997.

March 5, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-09, submitted by the Department of Consumer and Industry Services, Insurance Bureau, pertaining to Life Insurance Contracts on Variable Basis (Rescission,) to May 13, 1997.

March 5, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-13, submitted by the Department of Consumer and Industry Services, Insurance Bureau, pertaining to Accident and Sickness Insurance Advertising, to May 13, 1997.

March 5, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-14, submitted by the Department of Consumer and Industry Services, Insurance Bureau, pertaining to advertisement of Life Insurance and Annuities, to May 13, 1997.

Sincerely,
Representative Candace A. Curtis
Chairperson

The communications were referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Wednesday, March 5, 1997, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators North, Van Regenmorter, Schwarz, Dingell and Byrum

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 5:
House Bill Nos. 4180 4189 4339

Messages from the Governor

The following message from the Governor was received and read:

March 5, 1997

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Civil Rights Commission

Mr. Richard D. Letts, 1101 Boulder Court, Lansing, Michigan 48917, county of Ingham, as a member representing Democrats and the general public, succeeding himself, for a term expiring on December 31, 2000.

Mr. Sondra L. Berlin, 3322 South Shore Circle, West Bloomfield, Michigan 48323, county of Oakland, as a member representing Republicans, succeeding himself, for a term expiring on December 31, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hart, Dingell, Young, DeBeaussaert, Vaughn, Cherry, Stallings and Byrum introduced

Senate Bill No. 282, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1292. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Gast introduced

Senate Bill No. 283, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1998; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senators Schuette, Rogers, North, Bennett, Shugars, Gougeon, Steil and Stille introduced

Senate Bill No. 284, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 30.

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

Senators Koivisto, O'Brien and McManus introduced

Senate Bill No. 285, entitled

A bill to license and regulate the conducting of video gaming; to license and regulate certain video gaming agents; to impose certain duties and authority upon certain state departments, agencies, and officers; to provide for the distribution of video gaming revenues; and to provide penalties.

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

Senators Koivisto, O'Brien and McManus introduced

Senate Bill No. 286, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 7a, 20, and 28a (MCL 436.7a, 436.20, and 436.28a), section 20 as amended by 1986 PA 176.

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

Senators Koivisto, O'Brien and McManus introduced

Senate Bill No. 287, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 7, 9, 17, and 20 (MCL 431.307, 431.309, 431.317, and 431.320).

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

Senators Gougeon, Geake, McManus, Young, Gast, Stille and Steil introduced

Senate Bill No. 288, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending the title and sections 2 and 27 (MCL 552.602 and 552.627), the title as amended by 1996 PA 25, section 2 as amended by 1996 PA 239, and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, 5b, and 5c.

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

Senators Gougeon, Geake, McManus, Young, Gast, Stille and Steil introduced

Senate Bill No. 289, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 15, 16, and 17 (MCL 552.15, 552.16, and 552.17), as amended by 1996 PA 9; 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 Families, Mental Health and Human Services.

Senators Gougeon, Geake, McManus, Young, Gast, Stille and Steil introduced

Senate Bill No. 290, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7 (MCL 722.27), as amended by 1996 PA 19; 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 Families, Mental Health and Human Services.

Senators Geake, Gougeon, McManus, Young, Gast, Stille and Steil introduced

Senate Bill No. 291, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and 722.721), section 7 as amended by 1996 PA 308, section 10 as amended by 1996 PA 18, and section 11 as amended by 1990 PA 244; 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 Families, Mental Health and Human Services.

Senators Geake, Gougeon, McManus, Young, Gast and Steil introduced

Senate Bill No. 292, entitled

A bill to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under

certain circumstances; and to establish the conditions for emancipation of minors," by amending section 3 (MCL 722.3), as amended by 1996 PA 17; 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 Families, Mental Health and Human Services.

Senators Geake, Gougeon, McManus, Young, Gast, Stille and Steil introduced

Senate Bill No. 293, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending section 2 (MCL 552.452), as amended by 1996 PA 5; 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 Families, Mental Health and Human Services.

Senators Bullard, Carl, Hoffman, Dunaskiss and Shugars introduced

Senate Bill No. 294, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9f.

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

Senators Bullard, Carl, Hoffman, Dunaskiss and Shugars introduced

Senate Bill No. 295, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9f.

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

Senators Bullard, Carl, Hoffman, Dunaskiss and Shugars introduced

Senate Bill No. 296, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 6 (MCL 207.556), as amended by 1996 PA 323.

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

Senators Bennett, McManus, North and Dingell introduced

Senate Bill No. 297, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20919, 20920, and 20921 (MCL 333.20919, 333.20920, and 333.20921), section 20919 as amended by 1996 PA 192 and sections 20920 and 20921 as added by 1990 PA 179.

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

House Bill No. 4180, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

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 Finance.

House Bill No. 4189, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

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 Finance.

House Bill No. 4339, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 1 (MCL 15.231), as amended by 1996 PA 553.

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 Government Operations.

Resolutions

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

Senate Resolution No. 20

Senate Concurrent Resolution No. 11

Senate Resolution No. 22

The motion prevailed.

Senators O'Brien Cherry, Byrum, Hart, Stallings, Berryman, Peters, DeBeaussaert, A. Smith, Vaughn, V. Smith, Dingell and Young offered the following resolution:

Senate Resolution No. 29.

A resolution to express support for the Detroit newspaper strikers in their attempt to return to work to end the strike and to urge Gannett and Knight-Ridder to accept their unconditional offer to return.

Whereas, The nineteen-month-old Detroit News and Detroit Free Press strike began in July, 13, 1995, and currently stands as the longest labor dispute in the United States; and

Whereas, The quality of information disseminated to the state of Michigan and the image of Southeastern Michigan have suffered as the result of this strike; and

Whereas, Concluding in an October 1996 hearing, the federal government, through the National Labor Relations Board, charged the Detroit Newspaper Agency with numerous violations of federal labor law; and

Whereas, On February 15, 1997, the six striking unions presented Gannett Company, Inc. and Knight-Ridder, Inc., the owners of the Detroit newspapers, with an "unconditional offer to return to work"; and

Whereas, The Detroit newspapers have issued a conditional acceptance of the strikers' unconditional offer in which strikers will only be hired to fill open positions, with the remaining strikers being placed on a preferential hiring list; and

Whereas, The form of the Detroit newspapers' conditional acceptance may constitute a lockout under the National Labor Relations Act; and

Whereas, On February 19, 1997, Detroit Mayor Dennis W. Archer called for the United States Secretary of Labor to assist both parties in bringing to closure the nineteen-month Detroit newspaper strike. On February 21, 1997, the Detroit City Council called on the Detroit newspapers to return the strikers to their jobs; now, therefore, be it

Resolved by the Senate, That we join with Detroit Mayor Archer and the Detroit City Council to express our absolute and unequivocal support for the strikers in making their "unconditional offer to return to work"; and be it further

Resolved, That we call upon and strongly urge Gannett Company, Inc. and Knight-Ridder, Inc., to accept the unconditional offer for all of the nearly 2,000 strikers to return to work immediately; and be it further

Resolved, That copies of this resolution be transmitted to negotiators in the Detroit newspaper strike.

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

Senator Dunaskiss entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 9:47 a.m.

9:52 a.m.

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

Joint Convention

The Sergeant-at-Arms announced that a committee from the House of Representatives who, through their Chairperson, Representative Thomas, reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Binsfeld, announced that the hour had arrived for the meeting of the two Houses in Joint Convention.

Senator DeGrow moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention to receive an address by President William J. Clinton.

The motion prevailed, the time being 9:53 a.m.

(For proceedings in Joint Convention, see House Journal No. 19, p. 305).

The Senate reconvened at the expiration of the recess at 12:36 p.m. and pursuant to rule 1.101, in the absence of the Presiding Officers, was called to order by the Secretary of the Senate.

Committee Reports

The Committee on Education reported

Senate Bill No. 263, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519).

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Carl, Bullard, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 159, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1995 PA 289.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Carl and Bullard

Nays: Senators DeBeaussaert and Peters

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

The Committee on Education reported

Senate Bill No. 160, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1996 PA 300.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Carl and Bullard

Nays: Senators DeBeaussaert and Peters

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. 21, entitled

A bill to define certain crimes against prenatal children; to define and allow certain practices; and to prescribe certain penalties.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake and Dingell

Nays: Senator V. Smith

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. 57, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 42 (MCL 800.42), as added by 1989 PA 168.

With the recommendation that the substitute (S-8) 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 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 Committee on Judiciary submits the following:

Meeting held on Tuesday, March 4, 1997, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and V. Smith

Excused: Senator Peters

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Meeting held on Wednesday, March 5, 1997, at 8:30 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Hoffman and DeGrow

Excused: Senator Young

Scheduled Meetings

Gaming and Casino Oversight Committee - Monday, March 10, at 1:00 p.m., McGregor Memorial Conference Center, Wayne State University, Detroit; Thursday, March 20, at 1:00 p.m., Commissioners' Board Room, Kent County Board of Commissioners' Building, Grand Rapids; Monday, March 24, at 1:00 p.m., Rooms 111 and 112, Walsh College, Troy (3-2523).

Health Policy and Senior Citizens Committee - Monday, March 10, at 11:00 a.m., City Council Chamber, 45175 West Ten Mile Road, Novi; Monday, March 17, at 10:00 a.m., Kuenzel Room, University of Michigan Union Building, State Street, Ann Arbor; Friday, March 21, at 10:00 a.m., Kent County Health Department, Multi Purpose Room, 700 Fuller Avenue, Grand Rapids (3-0793).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:37 p.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, March 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

