

No. 10
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 13, 1997.

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—excused
Bullard—present
Byrum—present
Carl—present
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused

Emmons—present
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—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 William Van Regenmorter of the 22nd District offered the following invocation:

Our God in heaven, we started a new session today in Your presence and thank You that You have given a measure of life and health to this body. We pray that You will bless our Governor and his family, our Lieutenant Governor and her family, the House and the Senate and the families that each of us represent. We also pray that You will help us to transcend our differences and do what is right. We ask this in the name of Jesus. Amen.

Motions and Communications

Senator Rogers entered the Senate Chamber.

Senator DeGrow moved that Senators Cisky, Gast, Posthumus, Schuette and Schwarz be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senators Bouchard and Dunaskiss be excused from today's session.

The motion prevailed.

Senator Schwarz entered the Senate Chamber.

Senator V. Smith moved that Senator O'Brien be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Office of the Auditor General

February 12, 1997

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit of the Liquor Control Commission, Department of Consumer and Industry Services, October 1, 1993 through September 30, 1995.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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, February 13:
House Bill No. 4177

The Secretary announced the printing and placement in the members' files on Wednesday, February 12 of:

Senate Bill Nos. 134 135 136 137 138 139 141
Senate Joint Resolution G

Senator DeGrow moved that the Committee on Government Operations be discharged from further consideration of the following resolution:

Senate Resolution No. 22.

A resolution to urge the United States Environmental Protection Agency to reaffirm certain standards of ozone and particulate levels.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

Senator DeGrow moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Gast entered the Senate Chamber.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 118, entitled

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 10 (MCL 338.980), as amended by 1989 PA 105.

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. 7**Yeas—32**

Bennett	DeGrow	Koivisto	Smith, A.
Berryman	Dingell	McManus	Smith, V.
Bullard	Emmons	Miller	Stallings
Byrum	Gast	North	Steil
Carl	Geake	Peters	Stille
Cherry	Gougeon	Rogers	Van Regenmorter
Conroy	Hart	Schwarz	Vaughn
DeBeaussaert	Hoffman	Shugars	Young

Nays—0**Excused—6**

Bouchard	Dunaskiss	Posthumus	Schuette
Cisky	O'Brien		

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Schuette, Posthumus and Cisky entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 119, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 1992 PA 130.

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. 8**Yeas—35**

Bennett	DeGrow	McManus	Smith, A.
Berryman	Dingell	Miller	Smith, V.
Bullard	Emmons	North	Stallings
Byrum	Gast	Peters	Steil
Carl	Geake	Posthumus	Stille

Cherry
Cisky
Conroy
DeBeaussaert

Gougeon
Hart
Hoffman
Koivisto

Rogers
Schuette
Schwarz
Shugars

Van Regenmorter
Vaughn
Young

Nays—0

Excused—3

Bouchard

Dunaskiss

O'Brien

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator O'Brien entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 120, entitled

A bill to amend 1929 PA 266, entitled "An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act," by amending section 8 (MCL 338.908), as amended by 1989 PA 106.

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. 9

Yeas—36

Bennett
Berryman
Bullard
Byrum
Carl
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Stallings
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Bouchard

Dunaskiss

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 101, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, and 7a.

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. 10

Yeas—35

Bennett	DeGrow	Miller	Smith, A.
Berryman	Dingell	North	Smith, V.
Bullard	Emmons	O'Brien	Stallings
Byrum	Gast	Peters	Steil
Carl	Geake	Posthumus	Stille
Cherry	Gougeon	Rogers	Van Regenmorter
Cisky	Hart	Schuette	Vaughn
Conroy	Hoffman	Schwarz	Young
DeBeaussaert	McManus	Shugars	

Nays—1

Koivisto

Excused—2

Bouchard Dunaskiss

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 23

The resolution consent calendar was adopted.

Senator Posthumus offered the following resolution:

Senate Resolution No. 23.

A resolution commemorating the anniversary of the establishment of Lithuanian independence and calling on the Governor to proclaim February 16, 1997, as Lithuanian Day in Michigan.

Whereas, This year marks the Seventy-ninth Anniversary of the reestablishment of the independent state of Lithuania on February 16, 1918. This year also marks the 746th Anniversary of the establishment of the Lithuanian kingdom in the year 1251. Men and women of Lithuanian heritage throughout Michigan, the United States, and the

world will celebrate this wonderful milestone. Lithuania was the first Baltic republic to free itself from the chains of tyranny behind the Iron Curtain; and

Whereas, With the reestablishment of the independent state of Lithuania in 1918, the people of this country renewed their claim to the free exercise of the rights of self-determination; and

Whereas, The people of this nation have never lost their appreciation for freedom, their dignity, and their courage. As the Soviet Union began to crumble, Lithuania rose from the ashes and became a beacon of hope for other republics. Their actions began a fight for liberty that continues to spread around the globe; and

Whereas, Lithuanians struggled long and hard to win their freedom, and they are now reaping the rewards of their courageous and determined efforts. They have provided an example all nations should emulate. Indeed, freedom should be cherished and never taken for granted; now, therefore, be it

Resolved by the Senate, That we hereby call upon the Governor of the state of Michigan to proclaim February 16, 1997, as Lithuanian Day in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the coordinators of this observance and to the Office of the Governor of Michigan.

Senators Young, Hart, McManus, Schwarz, Geake, DeBeaussaert, Shugars, Stallings and Hoffman were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Van Regenmorter introduced

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 1034 (MCL 330.2034) and by adding sections 487 and 542.

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

Senators Cisky and Byrum introduced

Senate Bill No. 182, entitled

A bill to make appropriations to the veterans' survivor tuition fund.

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

Senators Cisky and Byrum introduced

Senate Bill No. 183, entitled

A bill to provide for a waiver of tuition at state public institutions of higher education for children and spouses of Michigan veterans missing in action, totally disabled with a service related disability, or killed in the line of duty; to create the veterans' survivor tuition fund and to provide for the administration of that fund; to impose certain duties on certain departments; 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 Appropriations.

Senators Cisky, Bullard and McManus introduced

Senate Bill No. 184, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending section 2a (MCL 722.112a), as added by 1994 PA 349.

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

Senators Miller, North, Stallings, Geake, Young, DeBeaussaert, Peters and McManus introduced

Senate Bill No. 185, entitled

A bill to amend 1965 PA 190, entitled "An act to provide for a system of uniformity of service for veterans," by amending section 1 (MCL 35.61).

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Miller, North, Stallings, Geake, Young, DeBeaussaert, Peters and McManus introduced

Senate Bill No. 186, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 2 (MCL 35.602).

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Gougeon and McManus introduced

Senate Bill No. 187, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending sections 3 and 10 (MCL 474.53 and 474.60), section 3 as amended by 1984 PA 210 and section 10 as amended by 1993 PA 28, and by adding section 10a.

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

Senators Gougeon and Bouchard introduced

Senate Bill No. 188, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 43b.

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

Senator Van Regenmorter introduced

Senate Bill No. 189, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 20a and 22 (MCL 436.20a and 436.22), section 20a as added by 1995 PA 122 and section 22 as amended by 1989 PA 118, and by adding sections 33d and 33e.

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

Senators Steil, Stille, Bullard, Rogers, McManus and Shugars introduced

Senate Bill No. 190, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310.

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

Senators Schwarz, O'Brien and Cisky introduced

Senate Bill No. 191, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 7a and 15 (MCL 423.207a and 423.215), section 7a as added and section 15 as amended by 1994 PA 112, and by adding section 7b.

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

Senator Van Regenmorter introduced

Senate Bill No. 192, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the

continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," (MCL 247.651 to 247.675) by adding section 11f.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Bouchard and Gougeon introduced

Senate Bill No. 193, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 32 (MCL 432.32), as amended by 1996 PA 13.

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

Senators McManus, Geake, Steil, Gast, Cisky, Gougeon, Emmons, Byrum and A. Smith introduced

Senate Bill No. 194, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 645.

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

Senator Shugars introduced

Senate Bill No. 195, 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 bill was read a first and second time by title and referred to the Committee on Finance.

Senators McManus and Gast introduced

Senate Bill No. 196, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending section 12 (MCL 207.112), as amended by 1996 PA 56.

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

Senators North, Gougeon, Stallings, Koivisto, Bullard, Young, McManus and Steil introduced

Senate Bill No. 197, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4 and 4k (MCL 205.94 and 205.94k), section 4 as amended by 1996 PA 436 and section 4k as amended by 1996 PA 477.

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

Senators North, Gougeon, Stallings, Koivisto, Bullard, Young, McManus and Steil introduced

Senate Bill No. 198, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4p. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Van Regenmorter introduced

Senate Bill No. 199, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations," by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

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

Senators Van Regenmorter, Posthumus, Dingell, Gougeon, North, Hart, Steil, Stille, Bennett, Shugars, Schuette, Carl, Schwarz, Geake, Emmons, McManus and Hoffman introduced

Senate Bill No. 200, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 329a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 4142, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending sections 113, 114, and 117 (MCL 55.113, 55.114, and 55.117).

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 4143, entitled

A bill to amend 1969 PA 57, entitled "Uniform recognition of acknowledgments act," by amending section 2 (MCL 565.262).

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 Economic Development, International Trade and Regulatory Affairs.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 3, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 1994 PA 174.

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, 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. 6, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217b.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, 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. 50, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 1996 PA 21.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, 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 Committee on Judiciary submits the following:

Meeting held on Tuesday, February 11, 1997, at 1:00 p.m., Room 100, Farnum Building

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

Excused: Senator Cisky

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submits the following:

Meeting held on Tuesday, February 11, 1997, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus, Gast, Hoffman, Koivisto and A. Smith

Scheduled Meetings

Judiciary Committee - Tuesday, February 18, at 1:00 p.m., Room 100, Farnum Building (3-6920).

General Government Appropriations Subcommittee - Tuesdays, February 18, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; February 25, at 2:00 p.m., Rooms 402 and 403, Capitol Building; March 4, at 1:30 p.m., Rooms 402 and 403, Capitol Building (3-7708).

Michigan Capitol Committee - Tuesday, March 4, at 1:00 p.m., Room 405, Capitol Building (3-0289).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 10:33 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, February 18, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.