

**No. 10**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, February 12, 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 Assistant Secretary of the Senate, who announced that a quorum was present.

Bennett—present  
Berryman—present  
Bouchard—present  
Bullard—present  
Byrum—present  
Cherry—excused  
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

Pastors Norma and Paul Olson of New Life Ministries in Owosso offered the following invocation:

Our Heavenly Father, we come before You this morning and we ask Your guidance in this place. We ask Your wisdom. Father, there are many issues that come before these men and women whom we have placed in office and, Father, they make decisions that trickle down into our area every day. Lord, we know that they don't take this lightly and, Lord, there are many differences and differences of opinion. Lord, we just ask that You would give them unity for our state; Lord, that we would hold our heads up high in this nation and we thank You. In Jesus' name. Amen.

Father, it is with grateful hearts that we come before You this morning. I lift up this entire congregation before You this morning, every man and woman. I thank You, Father, that we have the opportunity to serve You in the very different offices that we hold. Lord, we do not take those offices lightly. There are many issues that are before us not only in the Senate, but also in the churches and in the state. I ask, Father, that Your wisdom and that Your undergirding would come about; that Your anointing would fall upon this room and upon this people and, Lord, that we would have ears to hear what is being said. I pray a blessing upon this building, on this room, and on the people. Thank You for the Governor, the Lieutenant Governor and all officers of the state of Michigan that we might uphold You, honor You, reverence You and, in all things, we give You thanks. In Jesus' name. Amen.

### Motions and Communications

Senators Conroy, Gougeon and A. Smith entered the Senate Chamber.

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of Senators McManus and A. Smith admittance to the Senate floor.

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

Senator DeGrow moved that rule 3.901 be suspended to allow staff and media to film on the Senate floor, including the center aisle, and from the Gallery.

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

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

The motion prevailed.

Senator V. Smith moved that Senator Cherry be excused from today's session.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 11:  
**House Bill Nos. 4207 5237 5365 5476**

### Recess

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

The motion prevailed, the time being 10:06 a.m.

10:44 a.m.

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

During the recess, Senator Stallings entered the Senate Chamber.

During the recess, Senator McManus introduced a delegation representing the Michigan Cherry Day festivities and the Michigan Cherry Queen, Miranda Kogelman.

Senator McManus also made a special presentation to Marge Pleva, coordinator of the Cherry Day Festival.

During the recess, Senators A. Smith and Schwarz introduced the University of Michigan Men's Glee Club and the University of Michigan 1998 Rose Bowl Championship football team.

The Glee Club offered a musical selection and were presented with the Great Seal of Michigan. Senator Schwarz introduced Coach Lloyd Carr, his wife, team members, representatives of the University of Michigan, Cheerleading Squad and Co-captains, Eric Mays and Jon Jansen.

Senators A. Smith and Schwarz presented special tributes to the Glee Club and football team.

**Third Reading of Bills**

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

**Senate Bill No. 565**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 104, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17708 (MCL 333.17708), as amended by 1997 PA 153.

The question being on the passage of the bill,

Senator Schwarz offered the following substitute:

Substitute (S-5).

The question being on the adoption of the substitute,

Senator O'Brien offered the following amendment to the substitute:

1. Amend page 5, line 11, after "SUBDIVISION" by striking out "BEFORE" and inserting "ON".

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 39****Yeas—37**

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

**Nays—0****Excused—1**

Cherry

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Cisky moved that he be named co-sponsor of the following bill:

**Senate Bill No. 104**

The motion prevailed.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

**Senate Bill No. 846, entitled**

A bill to amend 1996 PA 522, entitled "The Michigan biologic products institute transfer act," by amending the title and section 3 (MCL 333.26333) and by adding sections 3a, 3b, 6a, 6b, and 6c; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1996 PA 522, entitled "An act to authorize the conveyance of the assets and liabilities of the state related to the operation of the Michigan biologic products institute; to authorize the state administrative board to approve the conveyance and to make determinations that certain conditions upon the conveyance have been met; to permit the acceptance of consideration in exchange for the conveyance; to make certain findings and determinations of the interest of the state relative to the conveyance; to authorize the state administrative board to approve certain agreements for continued services and products by certain state agencies to transferred facilities or to the state from the transferred facilities; to authorize the Michigan biologic products commission to negotiate and, upon concurrence of the state administrative board, approve certain agreements related to the conveyance of the assets and liabilities of the state associated with the Michigan biologic products institute, certain agreements for the marketing of the assets and liabilities, certain agreements for continued services and products, and certain agreements for the retention of rights, interests, and easements in certain conveyed assets; to authorize employees and employee based entities to bid for or make proposals to acquire the assets and liabilities of the state associated with the Michigan biologic products institute; to prescribe the powers and duties of certain public officers and certain state agencies and departments; to grant exclusive jurisdiction over claims related to the conveyance to the court of claims and to limit the time in which claims related to the conveyance or to the products produced by the Michigan biologic products institute may be brought; to provide for the disposition of the revenue derived from the conveyance; and to make an appropriation," (MCL 333.26331 to 333.26340) by adding sections 6a, 6b, and 6c; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 40**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Cherry

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Berryman moved that he be excused from the balance of today's session. The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator Hart's statement is as follows:

This week commemorates Child Safety Seat Awareness Week. It's important for all of us to be aware of this. I rise today to comment on the significance of Child Safety Seat Awareness Week.

The activities of this week remind us that, while we have made significant progress in preventing deaths and injuries of children involved in motor vehicle accidents, there's more that we can do as parents and legislators.

In 1981, I sponsored a bill that gave Michigan the special status of being one of the first states in the Union to require mandatory child safety seat use in motor vehicles. This bill became law because the insurance industry, especially AAA, our automotive industry, child safety advocates, the medical community, parents of victims, Republicans and Democrats in the Legislature—all worked diligently together to put children first.

Today I stand again to ask if we can meet the challenge to save more children from unnecessary death and injury for today motor vehicle crashes are the leading cause of death and injury for children. In Michigan in 1995, there were 1,469 occupant injuries and 29 among children under the age of four. Of these, 219 children were totally unrestrained.

During this past summer and fall, I co-sponsored a number of child safety car seat checks at day care centers and schools with Oakland Health Care Systems, Jaycees and Goodfellows. What I learned was frightening. According to the National Highway Traffic Safety Administration, approximately one out of three child safety seats are not used correctly. I witnessed that at least 50 percent of the seats we checked were not being used properly. We must address this problem.

Too often we also saw the results of inadequate labeling of child seats. It may surprise many of you to know that all seats are not suitable for all vehicles. What I am holding here cannot be adapted for every automobile out there and this is the awareness that we must apprise people of. Make them aware that this will not fit every car. It will not. This is what you have to be aware of.

So, today I am finalizing the bill draft that will address this vehicle compatibility issue. Until then, we must remain vigilant and support the efforts of the American Automobile Association, Children's Hospital, the Oakland Health Systems and the Michigan Highway Safety Council in the effort to make the law work and keep kids safe.

### **Recess**

Senator DeGrow moved that the Senate recess until 12:30 p.m. The motion prevailed, the time being 11:10 a.m.

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

By unanimous consent the Senate returned to the order of  
**Introduction and Referral of Bills**

Senators Emmons, McManus and Shugars introduced  
**Senate Bill No. 879, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, and 520e (MCL 750.520a, 750.520b, 750.520c, 750.520d, and 750.520e), sections 520a, 520b, and 520c as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155.

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, North, Steil, Hart and Bennett introduced

**Senate Bill No. 880, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 2163 (MCL 600.2163).

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, North, Steil, Hart and Bennett introduced

**Senate Bill No. 881, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2170.

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

Senators Bennett, North, Gougeon, Steil and Hart introduced

**Senate Bill No. 882, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 1989 PA 253.

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

Senators North, Hart and Bennett introduced

**Senate Bill No. 883, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 17 and 17b of chapter XIIA (MCL 712A.17 and 712A.17b), section 17 as amended by 1997 PA 169 and section 17b as amended by 1989 PA 254.

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

Senators Bouchard, North, Gougeon, Steil, Hart and Bennett introduced

**Senate Bill No. 884, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4a (MCL 38.104a), as added by 1987 PA 47.

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, North, Gougeon, Steil, Hart and Bennett introduced

**Senate Bill No. 885, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 75a (MCL 24.275a), as added by 1987 PA 46.

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. 4207, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 21707 and 21715 (MCL 333.21707 and 333.21715) and by adding sections 21714 and 21720c.

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 Health Policy and Senior Citizens.

**House Bill No. 5237, entitled**

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 19 (MCL 29.19). 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 Education.

**House Bill No. 5365, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690). 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. 5476, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1531 and 1532 (MCL 380.1531 and 380.1532), as amended by 1995 PA 289. 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 Education.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 838, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 11a and 56 (MCL 791.211a and 791.256), as added by 1994 PA 93.

With the recommendation that the substitute (S-3) 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, Rogers, Cisky and Geake

Nays: Senators Dingell, Peters and V. Smith

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 10, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 4, 1998, at 1:35 p.m., Senate Appropriations Room, Capitol Building

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

**Scheduled Meetings**

Administrative Rules Joint Committee - Wednesday, February 18, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-2413).

Appropriations Committee - Wednesday, February 18, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Capital Outlay Joint Subcommittee - Thursday, February 19, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Families, Mental Health and Human Services Committee - Thursday, February 19, at 1:00 p.m., Room 100, Farnum Building (3-1777).

Judiciary Committee - Tuesday, February 17, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Legislative Retirement Board of Trustees - Wednesday, February 25, at 12:00 Noon, Elijah Myers Room, 2nd Floor, Capitol Building (3-1725).

Select Committee to Examine the Qualifications of Senator Stallings (SR 131) - Wednesday, February 18, at 1:00 p.m., Room 100, Farnum Building (3-5103).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 12:34 p.m.

The Assistant Secretary of the Senate declared the Senate adjourned until Tuesday, February 17, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.