

**No. 45**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, May 20, 1998.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

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

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

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

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

Senator Joe Young, Jr., of the 1st District offered the following invocation:

Dear God, during these times of fiscal responsibility and restraint, let us make those decisions that reflect all of the constituencies in the state of Michigan and not just a few. Amen.

### Motions and Communications

Senator DeGrow moved that Senators Dunaskiss, Geake, Jaye, McManus, Posthumus and Schuette be temporarily excused from today's session.

The motion prevailed.

Senators Geake, McManus, Hoffman and V. Smith entered the Senate Chamber.

The following communication was received:

Six County Employment Alliance/Michigan Works!

May 8, 1998

Enclosed are the Job Training Partnership Act plans for Six County Employment Alliance/Michigan Works! The Job Force for your review.

If you have any questions, please call Deb Doyle, Director of Operations at (906) 789-0558, ext. 119.

Sincerely,  
Orrin E. Bailey  
Chief Executive Officer

The communication was referred to the Secretary for record.

The following communication was received:

Department of Consumer and Industry Services

May 15, 1998

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the Special Investigation Report #8C0102002 completed on Bay Pines Center, 2425 N. 30th Street, Escanaba, Michigan 49829. This investigative report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact Don Reichle at 335-1954.

Sincerely,  
Roy Murry, Director  
Finance and Administrative Services

The communication was referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Tuesday, May 19 of:

**Senate Bill No. 1148**

The Secretary announced the printing and placement in the members' files on Wednesday, May 20 of:

**Senate Bill Nos. 1136 1149 1151 1152**

### Messages from the Governor

The following messages from the Governor were received:

Date: May 14, 1998  
Time: 9:36 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 415 (Public Act No. 94), being**

An act to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its

judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending section 39 of chapter X (MCL 710.39), as amended by 1996 PA 409.

(Filed with the Secretary of State on May 14, 1998, at 10:04 a.m.)

Date: May 14, 1998

Time: 9:38 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 800 (Public Act No. 95), being**

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 43559 (MCL 324.43559), as amended by 1996 PA 585.

(Filed with the Secretary of State on May 14, 1998, at 10:06 a.m.)

Date: May 14, 1998

Time: 9:40 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

**Enrolled Senate Bill No. 802 (Public Act No. 96), being**

An act to amend 1846 RS 84, entitled "Of divorce," by amending section 27 (MCL 552.27), as amended by 1990 PA 243.

(Filed with the Secretary of State on May 14, 1998, at 10:08 a.m.)

Respectfully,  
John Engler  
Governor

The following messages from the Governor were received and read:

May 15, 1998

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

**Michigan Corn Marketing Committee**

Mr. Kenneth Bruce Swanson, 11367 S. Mason Road, Bannister, Michigan 48807, county of Gratiot, as a member representing growers from District 7, succeeding himself, for a term expiring on March 5, 2001.

Mr. Elgin Fisher Darling, 13750 Palmer Road, Willis, Michigan 48191, county of Washtenaw, as a member representing growers from District 4, succeeding himself, for a term expiring on March 5, 2000.

Mr. Larry Nobis, 1980 N. Lowell Road, St. Johns, Michigan 48879, county of Clinton, as a member representing growers from District 5, succeeding himself, for a term expiring on March 5, 2001.

May 15, 1998

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

**Physician's Assistants Task Force**

Ms. Judith Ann Zaczek, 11148 Glenis Drive, Sterling Heights, Michigan 48312, county of Macomb, as a member representing professionals, succeeding herself, for a term expiring on December 31, 2001.

Dr. Tammy Lynn Geurkink-Born, 4580 Second Street, Caledonia, Michigan 49316, county of Kent, as a member representing the Board of Osteopathic Medicine and Surgery, succeeding herself, for a term expiring on December 31, 2001.

Mr. Ronald X. Stavale, 45 Ridge Road, Pleasant Ridge, Michigan 48069, county of Oakland, as a member representing the professionals, succeeding himself, for a term expiring on December 31, 2001.

Dr. Melvin L. Hollowell, 1555 Wellesley Drive, Detroit, Michigan 48203, county of Wayne, as a member representing the Board of Medicine, succeeding Dr. Roger H. Hertz of Birmingham, for a term expiring on December 31, 2001.

May 18, 1998

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

**Commission for the Blind**

Ms. Peeti L. Greene, 1223 San Juan Drive, Flint, Michigan 48504, county of Genesee, as a member representing the general public, succeeding Mr. James D. Stearns of Iron Mountain, who has resigned, for a term expiring on September 30, 1998.

May 19, 1998

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

**Michigan Corn Marketing Committee**

Mr. Gregory Alan Horst, 634 East Sanilac Road, Sandusky, Michigan 48471, county of Sanilac, as a member representing growers from District 6, succeeding himself, for a term expiring on March 5, 2001.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

**Messages from the House**

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

**Senate Bill No. 200**

**Senate Bill No. 97**

**House Bill No. 4289**

**Senate Bill No. 38**

**Senate Bill No. 752**

**Senate Bill No. 386**

**Senate Bill No. 313**

**Senate Bill No. 866**

**Senate Bill No. 874**

The motion prevailed.

**House Bill No. 4259, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 61503a.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 1, line 3, after "THAN" by striking out "\$1,000.00" and inserting "\$10,000.00".

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the full title. Pursuant to rule 3.202, the bill was laid over one day.

**House Bill No. 5261, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 61503b.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 1, line 7, after the first "THE" by striking out the balance of the subsection and inserting "ITEMS THE LEASE EXPLICITLY AND SPECIFICALLY PROVIDES FOR. THE LESSEE SHALL FOLLOW A STANDARD OF CONDUCT HONORING ALL COVENANTS IMPLIED IN OIL AND GAS LEASES WITH THE LESSOR, REQUIRING THE LESSEE TO ACT IN GOOD FAITH AND FAIR DEALING WITH THE LESSOR AT ALL TIMES, INCLUDING THE LESSEE'S CONDUCT TO THE LESSOR IN HONORING THE IMPLIED COVENANT TO MARKET, AND REQUIRING THE LESSEE TO FOLLOW THE PRUDENT OPERATOR STANDARD IN HIS OR HER RELATIONSHIP WITH THE LESSOR FOR THEIR MUTUAL BENEFIT."

2. Amend page 3, line 1, by striking out all of subsection (3) and inserting:

"(3) IF A PERSON WHO HAS ENTERED INTO A GAS LEASE AS A LESSEE PRIOR TO OR AFTER THE EFFECTIVE DATE OF THIS SECTION CHARGES THE LESSOR FOR ANY PORTION OF POSTPRODUCTION COSTS, THE LESSEE SHALL PROVIDE THE LESSOR, IN WRITING, A SPECIFIC ITEMIZED EXPLANATION OF ALL POSTPRODUCTION COSTS TO BE ASSESSED, IN THE MONTHLY REVENUE STATEMENT WHERE SUCH COSTS ARE DEDUCTED."

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the full title.

Pursuant to rule 3.202, the bill was laid over one day.

**House Bill No. 5317, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 61513 (MCL 324.61513), as added by 1995 PA 57.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 6, line 26, by striking out all of subsection (9) and inserting:

"(9) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE INFORMATION ABOUT OIL AND GAS LEASES. THE LESSEE SHALL PROVIDE THIS INFORMATION TO THE LESSOR PRIOR TO SIGNING AN OIL AND GAS LEASE. THE INFORMATION SHALL INCLUDE ALL OF THE FOLLOWING:

(A) THE OIL AND GAS PRODUCTION PROCESS.

(B) THE LEASING OF MINERAL RIGHTS INCLUDING THE POTENTIAL TO NEGOTIATE THE TERMS OF THE LEASE SUCH AS A NONDEVELOPMENT CLAUSE FOR SMALLER PARCELS.

(C) THE COMPULSORY POOLING PROCESS."

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senators Jaye and Dunaskiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**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 pro tempore, Senator Schwarz, designated Senator Byrum as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 5076, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418.

**Senate Bill No. 1128, entitled**

A bill to amend 1941 PA 250, entitled "Urban redevelopment corporations law," by amending section 12 (MCL 125.912) and by adding sections 12a and 12b.

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:

**Senate Bill No. 479, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266. Substitute (S-8).

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

1. Amend page 5, line 4, after "PHYSICIAN" by inserting a comma and "NURSE PRACTITIONER AND MIDWIFE".

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

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

**House Bill No. 4875, entitled**

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204e. Substitute (S-2).

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

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

**House Bill No. 4884, entitled**

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204b. Substitute (S-1).

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

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

**House Bill No. 4886, entitled**

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204a. Substitute (S-2).

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

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

**House Bill No. 5006, entitled**

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending section 204 (MCL 4.1204). Substitute (S-2).

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

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

**Senate Bill No. 1109, entitled**

A bill to establish a vocational education enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

Substitute (S-1).

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

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

**Senate Bill No. 1110, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 502 (MCL 380.502), as amended by 1995 PA 289.

Substitute (S-2).

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

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

**Senate Bill No. 1111, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 1997 PA 142.

Substitute (S-2).

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

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

**Senate Bill No. 606, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 53d.

Substitute (S-3).

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

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

**House Bill No. 5135, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406j.

Substitute (S-2).

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

During the Committee of the Whole, Senators Schuette and Posthumus entered the Senate Chamber.

### Resolutions

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

**Senate Resolution No. 194**

**Senate Resolution No. 195**

The resolution consent calendar was adopted.

Senators Schuette, Rogers and McManus offered the following resolution:

**Senate Resolution No. 194.**

A resolution to honor Oscar G. Johnson for his courage and dedication to his country.

Whereas, Oscar G. Johnson served in World War II as a Sergeant of Company B, 363rd Infantry, 91st Infantry Division. Representing our nation with gallantry and honor, Oscar has been recognized throughout his community for his extraordinary accomplishments; and

Whereas, While serving as a Sergeant in World War II, Oscar took it upon himself to practically single-handedly protect the left flank of his company's position in the offensive to break the German's Gothic line. Because of his heroic actions, the lives of his comrades were spared; and

Whereas, Twenty-five Germans surrendered to Oscar on September 17, 1944 and Oscar played a key role in the Allied victory; now, therefore, be it

Resolved by the Senate, That we express our esteem and admiration to Sergeant Oscar G. Johnson for his outstanding bravery and patriotism. May his family continue to hold true the ideals of Oscar and our American heritage; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Sergeant Oscar G. Johnson as evidence of our reverence.

Senators Schuette, Rogers and McManus offered the following resolution:

**Senate Resolution No. 195.**

A resolution to honor Robert E. Simanek for his courage and dedication to his country.

Whereas, Robert E. Simanek served in the Korean War as a Private First Class, United States Marine Corps, Company F, 2nd Battalion, Fifth Marines, First Marine Division. Representing our nation with gallantry and honor, Robert has been recognized throughout his community for his extraordinary accomplishments; and

Whereas, While serving as a Private First Class in the Korean War, Robert exhibited a high degree of courage and a resolute spirit of self-sacrifice in protecting the lives of his fellow Marines. Because of his heroic actions, the lives of his comrades were spared; and

Whereas, Robert was determined to save his comrades, and he hurled himself onto a hostile grenade thrown by the enemy. He absorbed the shattering violence of the exploding charge, saving the lives of his fellow troops; now, therefore, be it

Resolved by the Senate, That we express our esteem and admiration to Private First Class, Robert E. Simanek for his outstanding bravery and patriotism. May he continue to hold true the ideals of our American heritage; and be it further

Resolved, That a copy of this resolution be transmitted to Private First Class, Robert E. Simanek as evidence of our reverence.

Senators Hoffman, Bennett and Emmons offered the following resolution:

**Senate Resolution No. 193.**

A resolution to urge the Department of Environmental Quality to join in the efforts of the National Environmental Lab Accreditation Committee and its advisory board and to urge the Auditor General to continue to monitor Michigan's progress in encouraging increased quality in environmental testing.

Whereas, Our state's commitment to improving the environment for present and future generations is strongly dependent on accurate testing information. It is essential that laboratories testing water and soil or looking for harmful materials in the home or workplace be accurate, for this information is the basis for decisions that are critical to public health and safety; and

Whereas, The Auditor General has reported that the environmental testing conducted in this state is sometimes inaccurate and inconsistent. To deal with this problem, which jeopardizes our environmental programs, the Michigan Legislature is presently considering Senate Bill No. 839. This bill would provide for accrediting environmental laboratories; and

Whereas, The National Environmental Lab Accreditation Committee (NELAC) is working to identify standards for environmental laboratories to make sure that environmental decision making is based on sound scientific data. This voluntary national initiative includes representatives from states across the country. The NELAC is working to set standards that the states could then use to encourage uniformity and to promote better testing data; now, therefore, be it

Resolved by the Senate, That we urge the Department of Environmental Quality to join in the efforts of the National Environmental Lab Accreditation Committee and its advisory board and to urge the Auditor General to continue to monitor Michigan's progress in encouraging increased quality in environmental testing; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality and the Office of the Auditor General.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Bennett, Emmons and Hoffman offered the following concurrent resolution:

**Senate Concurrent Resolution No. 87.**

A concurrent resolution to urge the Department of Environmental Quality to join in the efforts of the National Environmental Lab Accreditation Committee and its advisory board and to urge the Auditor General to continue to monitor Michigan's progress in encouraging increased quality in environmental testing.

Whereas, Our state's commitment to improving the environment for present and future generations is strongly dependent on accurate testing information. It is essential that laboratories testing water and soil or looking for harmful materials in the home or workplace be accurate, for this information is the basis for decisions that are critical to public health and safety; and



Whereas, The Auditor General has reported that the environmental testing conducted in this state is sometimes inaccurate and inconsistent. To deal with this problem, which jeopardizes our environmental programs, the Michigan Legislature is presently considering Senate Bill No. 839. This bill would provide for accrediting environmental laboratories; and

Whereas, The National Environmental Lab Accreditation Committee (NELAC) is working to identify standards for environmental laboratories to make sure that environmental decision making is based on sound scientific data. This voluntary national initiative includes representatives from states across the country. The NELAC is working to set standards that the states could then use to encourage uniformity and to promote better testing data; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Department of Environmental Quality to join in the efforts of the National Environmental Lab Accreditation Committee and its advisory board and to urge the Auditor General to continue to monitor Michigan's progress in encouraging increased quality in environmental testing; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality and the Office of the Auditor General.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

#### **Introduction and Referral of Bills**

Senators Bouchard, Geake, Stille, Bennett, Steil, Gougeon, Rogers, Schuette, McManus, Emmons, North, Van Regenmorter, Shugars, Dunaskiss, Schwarz, Jaye and Hoffman introduced

#### **Senate Bill No. 1150, entitled**

A bill to require the attorney general to take legal action to challenge any federal mandate for the state to obtain or disclose an individual's social security number for purposes unrelated to social security or federal taxation.

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

Senator Bullard introduced

#### **Senate Bill No. 1151, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16261, 16401, and 16411 (MCL 333.16261, 333.16401, and 333.16411).

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

Senators Gougeon, Emmons, McManus, Steil and Stille introduced

#### **Senate Bill No. 1152, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 18f, 19b, and 19c of chapter XIIIA (MCL 712A.18f, 712A.19b, and 712A.19c), section 18f as amended by 1997 PA 163, section 19b as amended by 1997 PA 169, and section 19c as added by 1988 PA 224.

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

### Statements

Senators V. Smith, Bouchard, Shugars and Cherry asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator V. Smith's statement is as follows:

Today, the Senate did a disservice to Michigan high school students. The majority party turned down Democratic attempts to make sure that students who want to pursue vocational education opportunities meet high education standards. The majority party said it opposed these high standards because there are flaws in the high school proficiency test and because high standards would deny opportunities to these students.

On this side of the aisle, we believe all students, no matter what their career path and no matter what high school they go to, should graduate high school with a strong grounding in the basics. We think the best way to prepare all of our children for the future is to provide a core curriculum so students can meet these standards and pass those tests.

That is why tomorrow I will be calling for a discharge of House Bill No. 4244. This bill will provide incentives for local schools to adopt the high standards of the state's core curriculum. While this will cost the state more money, we also know that those funds are available, and there is no better place to make an investment. It is time for the Michigan Legislature to address this issue and ensure that our students learn the basics and are prepared for the 21st Century.

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

Senator Bouchard's statement is as follows:

I feel compelled to at least briefly respond to the previous comment that the majority party opposed it on a variety of reasons, including not wanting high standards and things like that. Certainly, that was not my position at all. My position is that particular test which they attempted to add in there would have required parents and students to take the test in a way they are not required now. It would require the taking of a test that teachers, the parents, and the students in my district have told me they believe is a flawed instrument. They believe it is an exercise in futility. They believe it is a disservice to them, their children, and the schools.

So for whatever reason, well-intentioned or not, the other side of the aisle wanted to add that as a requirement. I don't care what reason you offer. You cannot make me or my district swallow what clearly is believed to be a bad test even if your purpose may be of noble intent. With about 80 percent of my most recent school district opting out of the test, you cannot badger me into supporting that test when my district has spoken so clearly that they do not want to take it, and they do not believe it is an appropriate instrument to either test high standards or to move in that direction.

Senator Shugars' statement is as follows:

I would like to share with my colleagues today, May 20, is CASA Day. CASA stands for Court Appointed Special Advocates. I didn't know what CASAs were before I got married, but my wife was a CASA volunteer. What this is citizens volunteer to help and typically the probate courts—now family courts, to help children that have been neglected, sexually and physically abused to find a permanent placement, through foster care, adoption, or whatever the case may be. They help a child through the court system and protective children's services system, through the procedures to be an advocate for the child. I hope my colleagues, when some of these people come to your offices, take some time and meet with them because these people are sincerely wonderful people who are willing to help without any benefit financially or anything. It is truly from the heart that they are helping our children who are having some difficulties and have been abused and things of that sort. I urge my colleagues to meet and support CASA.

Senator Cherry's statement is as follows:

I listened with great interest to the remarks from the Senator from the 13th District, and I must correct him.

The amendment that was debated on General Orders did not require the proficiency exam that he discussed. We were not supporting that; we were not attempting to put that in place. I understand the problems he has with that test. A number of people across the state do have problems, as he does, with that test.

What the amendment we debated on General Orders required was the use of the MEAP test to establish the standard. The MEAP test is required of all Michigan students now, and it simply said that you had to reach a certain level on the MEAP to have the opportunity to pursue dual enrollment. He's confusing the tests. I can understand why. This proficiency test was put in place some time ago in appropriations boilerplate while this chamber itself was controlled by members of his party. So I can understand the confusion of finding a very strong public reaction to a test that you yourself put in place. I mean, what we've got going on here, Mr. President, is a smoke screen. The fact of the matter is that under the control of the Republican members of this body, the proficiency test was put in place, and there was a strong adverse public reaction to it, and now there's a scurry to disavow it. Fine, but somehow don't confuse the issue when we put a requirement in place that you achieve a certain level of score on the MEAP test, which has been in place for some time and which every student in the state of Michigan is now required to take. We are not attempting to re-resurrect the proficiency exam that the Republicans put in place some time ago. It's a simple as that. That's their exam. It failed. We've rejected it, but the MEAP test is a valid measure.

Mr. President, I think that what we debated on General Orders was a reasonable requirement—was not an attempt to resuscitate or shore up the failed test that the Senator from the 13th District referred to. I think I stand very strongly behind our efforts to put in place strong requirements. We did that during Proposal A. We promised the voters of the state of Michigan that if they adopted Proposal A, they would get strong standards, and when we put Proposal A before this body in December of the year preceding that public vote, we passed strong standards. Ever since the public has approved Proposal A, we have seen nothing but a wholesale retreat, a wholesale retreat from every effort to put standards in place, maintain standards, and require our schools to meet the kind of expectations the public has that the students will get the basics. That's what core curriculum is all about—making sure every Michigan student has the basics, and I intend to support the Minority Floor Leader in his efforts tomorrow to resuscitate those very basic standards that the public expects their students to meet.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Thursday, May 21, at 9:00 a.m. The motion prevailed.

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:

#### **Senate Bill No. 1143**

The bill was referred to the Committee on Hunting, Fishing and Forestry.

### **Committee Reports**

The Committee on Farming, Agribusiness and Food Systems reported

#### **Senate Bill No. 1025, entitled**

A bill to define certain fruit and vegetable processing uses and practices; to provide certain disclosures; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

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

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

George McManus  
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

#### **Senate Bill No. 988, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," (MCL 691.1401 to 691.1415) by adding section 7a.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

Dave Jaye  
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus and Dingell

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

**House Bill No. 5343, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43513 (MCL 324.43513), as amended by 1996 PA 585.

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

Dave Jaye  
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus, Byrum and Dingell

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 Hunting, Fishing and Forestry submits the following:

Meeting held on Thursday, May 14, 1998, at 2:00 p.m., Room 110, Farnum Building

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

Excused: Senator Hoffman

The Committee on Education reported

**Senate Bill No. 877, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1233 and 1703 (MCL 380.1233 and 380.1703), as amended by 1995 PA 289, and by adding section 1237.

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.

Joanne Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Schuette and DeGrow

Nays: Senator DeBeaussaert

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Tuesday, May 19, 1998, at 1:15 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Schuette, DeGrow, DeBeaussaert and Peters

COMMITTEE ATTENDANCE REPORT

The Michigan Capitol Committee submits the following:

Meeting held on Wednesday, May 13, 1998, at 12:00 Noon, Room 404, Capitol Building

Present: Senators Schwarz (C), DeGrow, Dunaskiss and Byrum

**Scheduled Meetings**

Health Policy and Senior Citizens Committee - Thursday, May 21, at 12:30 p.m., Room 100, Farnum Building (3-0793).

Legislative Retirement Board of Trustees - Wednesday, June 3, at 12:00 Noon, Elijah Myers Room, 2nd Floor, Capitol Building (3-0575).

Natural Resources and Environmental Affairs Committee - Thursday, May 21, at 1:30 p.m., Room 110, Farnum Building (3-7350).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 11:52 a.m.

In pursuance of the order previously made, the Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Thursday, May 21, at 9:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

