

No. 80
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, October 28, 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 Assistant 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
DeBeausaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
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—excused

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

Senator George A. McManus, Jr. of the 36th District offered the following invocation:

As we approach this final week of the month of October, which ends in the Allhallows celebration commonly called Halloween, we must remember all the young folks who will be on the streets this weekend, and do all we can to keep them safe and sound. The same issues pertain in this legislature, and as we look forward to the passage of legislation, we continually keep the next generation in mind and do all those kinds of things that will make them sound in mind and body. We ask divine help and intervention in carrying out these responsibilities. We pray in the Lord's name. Amen.

Motions and Communications

Senators Gast, Stallings and Geake entered the Senate Chamber.

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

The following communication was received:

Office of the Auditor General

October 17, 1997

Enclosed is a copy of my Oath of Office, dated October 17, 1997, relative to my appointment as Auditor General. Please read it into the record.

Thank you for your consideration.

Office of the Auditor General
State of Michigan
Oath of Office
For the Auditor General of the State of Michigan

I, Thomas H. McTavish, do solemnly swear that as Auditor General of the State of Michigan, I will support and defend the Constitution of the United States of America and the Constitution of the State of Michigan, and that I will faithfully discharge the duties of the Michigan Office of the Auditor General according to the best of my ability.

Thomas H. McTavish
October 17, 1997

Sworn to and subscribed before me this Seventeenth day of October, 1997, in the State of Michigan, Ingham County.

Conrad L. Mallett, Jr.
Chief Justice of the Michigan Supreme Court

The communication was referred to the Secretary for record.

The following communication was received:

Office of the Auditor General

October 24, 1997

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Children's Protective Services Program, Family Independence Agency, October 1997.

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

The communication was referred to the Secretary for record.

The following communications were received:

Department of State

Administrative Rules
Notices of Filing

October 20, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:13 p.m. this date,

administrative rule (97-10-5) for the Department of Consumer and Industry Services, Safety Standards Division, entitled "*Part 20. Underhung Cranes and Monorail Systems*," effective 15 days hereafter.

October 20, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:14 p.m. this date, administrative rule (97-10-6) for the Department of Consumer and Industry Services, Safety Standards Division, entitled "*Part 12. Scaffolds and Scaffold Platforms*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on October 23, for his approval the following bills:

Enrolled Senate Bill No. 444 at 2:55 p.m.
Enrolled Senate Bill No. 19 at 2:57 p.m.
Enrolled Senate Bill No. 262 at 2:59 p.m.
Enrolled Senate Bill No. 277 at 3:01 p.m.
Enrolled Senate Bill No. 408 at 3:03 p.m.
Enrolled Senate Bill No. 414 at 3:05 p.m.

The Secretary announced the printing and placement in the members' files on Friday, October 24 of:

Senate Bill Nos.	762	763	764	765	766	767	768	769	770	771
House Bill Nos.	5295	5296	5297	5298	5299	5300	5309			

The Secretary announced the printing and placement in the members' files on Monday, October 27 of:

House Bill No. 5317

Senator DeGrow moved that the Committee on Transportation and Tourism be discharged from further consideration of the following bill:

Senate Bill No. 625, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 219, 233, 732, and 904 (MCL 257.217, 257.219, 257.233, 257.732, and 257.904), section 217 as amended by 1996 PA 59, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, section 732 as amended by 1996 PA 493, and section 904 as amended by 1994 PA 450; and to repeal acts and parts of acts.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator DeGrow moved that the bill be referred to the Committee on Judiciary.

The motion prevailed.

Messages from the Governor

The following messages from the Governor were received:

Date: October 24, 1997
Time: 11:30 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 414 (Public Act No. 118), being

An act to amend 1972 PA 284, entitled "An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations

within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending sections 132, 151, 209, 212, 217, 301, 302, 303, 336, 344, 345, 404, 415, 421, 472, 489, 491a, 528, 551, 564a, 564b, 567, 602, 611, 631, 641, 701, 703a, 706, 707, 712, 724, 735, 751, 753, 762, 801, 805, 811, 817, 842a, 855a, 1011, 1041, 1042, and 1062 (MCL 450.1132, 450.1151, 450.1209, 450.1212, 450.1217, 450.1301, 450.1302, 450.1303, 450.1336, 450.1344, 450.1345, 450.1404, 450.1415, 450.1421, 450.1472, 450.1489, 450.1491a, 450.1528, 450.1551, 450.1564a, 450.1564b, 450.1567, 450.1602, 450.1611, 450.1631, 450.1641, 450.1701, 450.1703a, 450.1706, 450.1707, 450.1712, 450.1724, 450.1735, 450.1751, 450.1753, 450.1762, 450.1801, 450.1805, 450.1811, 450.1817, 450.1842a, 450.1855a, 450.2011, 450.2041, 450.2042, and 450.2062), sections 132, 212, 217, 301, 302, 303, 404, 415, 567, 602, 701, 706, 707, 762, 801, 817, and 1041 as amended and sections 336, 489, 491a, 564a, 703a, 724, and 855a as added by 1989 PA 121, sections 209, 344, 345, 472, 528, 551, 564b, 631, 712, 735, 753, 805, 811, 842a, 1042, and 1062 as amended by 1993 PA 91, and section 641 as amended by 1982 PA 407, and by adding sections 406, 488, and 736; and to repeal acts and parts of acts.

(Filed with the Secretary of State on October 24, 1997, at 3:40 p.m.)

Date: October 24, 1997

Time: 11:32 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 118 (Public Act No. 119), being

An act to amend 1984 PA 192, entitled “An act to regulate the use, installation, alteration, and servicing of specified heating, cooling, ventilating, and refrigerating equipment and systems; to create a board of mechanical rules; to provide for the licensing of installing contractors and of servicing contractors of heating, cooling, ventilating, and refrigerating equipment and systems; to prescribe fees; to provide for the promulgation of rules; and to prescribe penalties,” by amending section 10 (MCL 338.980), as amended by 1989 PA 105.

(Filed with the Secretary of State on October 24, 1997, at 3:42 p.m.)

Date: October 24, 1997

Time: 11:35 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 119 (Public Act No. 120), being

An act to amend 1956 PA 217, entitled “An act to safeguard persons and property; to provide for licensing and regulation of electricians and electrical contractors concerning the construction, alteration, installation of electrical wiring and equipment and for the inspection of electrical wiring; to create an electrical administrative board; to create certain committees for certain purposes; to provide certain powers and duties for certain departments; to provide for the assessment of certain fees and for the promulgation of rules; and to prescribe penalties for violations of this act,” by amending section 3 (MCL 338.883), as amended by 1992 PA 130.

(Filed with the Secretary of State on October 24, 1997, at 3:44 p.m.)

Date: October 24, 1997

Time: 11:40 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 120 (Public Act No. 121), being

An act 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.

(Filed with the Secretary of State on October 24, 1997, at 3:46 p.m.)

Respectfully,
John Engler
Governor

The following message from the Governor was received on October 23, 1997, and read:

EXECUTIVE ORDER

No. 1997 - 17

Child Support Coordinating Council

Whereas, the family constitutes the basic unit of society and therefore warrants special attention, support, and assistance from state and local government; and

Whereas, adequate child support and parenting time are critical issues for families of all income levels; and

Whereas, adequate child support is an especially critical issue in moving families to financial independence and preventing welfare dependency among low-income families; and

Whereas, establishing the appropriate level and assuring the continuing payment of child support in instances of marital breakup involving minor children is critical to maintaining financial stability for these children and avoiding their descent into poverty; and

Whereas, financial support and parenting time promote child welfare, responsible behavior on behalf of the parent and the child, and continued parent-child relationships; and

Whereas, it is the desire of this Administration to bring the current child support program to the level of providing optimum support and services to Michigan families; and

Whereas, achieving the goals of improving the current child support program and assuring consistent statewide policies, laws and rules necessitates statewide program goals and objectives.

Now, Therefore, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order, concurrent with the Michigan Supreme Court Administrative Order issued on this date, that the Child Support Coordinating Council is established.

1. The Council is advisory in nature and is charged with the following responsibilities:

a. Establish statewide program goals and objectives for the child support program;

b. Review and approve child support program policy;

c. Share information on program issues; and

d. Analyze and recommend state positions on pending and proposed changes in court rules and federal and state legislation.

2. The Council shall consist of ten (10) members, five (5) appointed by the Governor, one of whom shall be the Director of the Office of Child Support in the Family Independence Agency, and five (5) appointed by the Chief Justice, one of whom shall be the State Court Administrator. The Director of the Child Support Enforcement System shall be an ex-officio member.

3. The term of appointment is two years, except that of those first appointed; two appointees of the Governor and three appointees of the Chief Justice shall be appointed to a term of one year. Reappointment is at the discretion of the respective appointing authorities.

4. Chairmanship of the Council shall rotate in alternate calendar years. The Director of the Office of Child Support shall serve as chairperson in even-numbered years and the State Court Administrator shall serve as chairperson in odd-numbered years. When not serving as Chair of the Council, the Director or Administrator shall serve as Vice Chair of the Council.

5. The Council shall meet quarterly, or more frequently as the Council deems necessary. The Chair shall organize the time and location of meetings and facilitate the conduct of the meetings. The Chair will develop an agenda for each meeting to which the Vice Chair may contribute.

6. By-laws for the operation of the Council shall be developed and approved by the membership.

7. Policy changes due to federal or state law changes shall be presented to the Council by either the Office of Child Support (federal or state law change), by the State Court Administrative Office (state law or court rule change), or submitted to the Chair or Vice Chair from other sources. The Council shall develop a format for presentation and discussion of issues, which shall include an opportunity for issues to be raised through information sharing during regular meetings or to be placed on the agenda through the Chair or the Vice Chair.

8. In developing recommendations or in drafting rules or legislation, members may seek comment as appropriate, through a process determined by the membership.

9. If the Council cannot reach agreement on an issue requiring its recommendation, the alternative positions shall be documented in writing for decision by the Governor and Chief Justice.

This Executive Order becomes effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 23rd day of October, in the Year of our Lord, One Thousand Nine Hundred Ninety-seven.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received and read:

October 22, 1997

Please be advised that the term expiration on the letter dated October 17, 1997, for Seymour Podolsky was incorrect and should read as follows:

Liquor Control Commission

Mr. Seymour E. Podolsky, 19000 Fairway Drive, Detroit, Michigan 48221, county of Wayne, as a member representing Democrats, succeeding himself, for a term expiring on October 16, 1999.

Sincerely,
John Engler
Governor

The message was referred to the Committee on Government Operations.

Senator DeGrow moved that the order of Messages from the House be postponed for today.
The motion prevailed.

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, Lieutenant Governor Binsfeld, designated Senator Berryman as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4080, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21004 (MCL 333.21004), as amended by 1982 PA 354.

Senate Bill No. 683, entitled

A bill to amend 1969 PA 319, entitled "Banking code of 1969," by amending section 171 (MCL 487.471), as amended by 1997 PA 49.

House Bill No. 4654, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 103, 111, 121, and 124 (MCL 389.103, 389.111, 389.121, and 389.124).

House Bill No. 4939, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 21 (MCL 389.21).
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 amendments, the following bill:

House Bill No. 4728, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 263 and 264 (MCL 750.263 and 750.264); and to repeal acts and parts of acts.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 3, line 12, after "ARREST." by striking out the balance of the subsection and inserting "AN ITEM OF PROPERTY THAT BEARS A COUNTERFEIT MARK IS SUBJECT TO FORFEITURE IN THE SAME MANNER AS PROVIDED IN SECTIONS 4701 TO 4709 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO 600.4709. UPON DETERMINATION THAT AN ITEM OF PROPERTY BEARS A COUNTERFEIT MARK, THE COURT SHALL ORDER THE ITEM FORFEITED AND SHALL DO 1 OF THE FOLLOWING:

(A) IF THE OWNER OF THE IDENTIFYING MARK REQUESTS, RETURN THE ITEM TO THAT OWNER FOR DESTRUCTION OR ANOTHER DISPOSITION OR USE APPROVED BY THE COURT.

(B) IN THE ABSENCE OF A REQUEST UNDER SUBDIVISION (A), ORDER THE SEIZING LAW ENFORCEMENT AGENCY TO DESTROY THE ITEM AS CONTRABAND OR ORDER AN ALTERNATIVE DISPOSITION OR USE WITH THE CONSENT OF THE OWNER OF THE IDENTIFYING MARK.”.

2. Amend page 5, following line 20, enacting section 2, after “effect” by striking out “September” and inserting “November”.

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

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

House Bill No. 4729, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

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

1. Amend page 4, following line 6, enacting section 1, after “effect” by striking out “September” and inserting “November”.

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

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

House Bill No. 4768, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948), by adding section 2964.

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

1. Amend page 3, line 3, enacting section 1, after “effect” by striking out “July” and inserting “November”.

The Senate agreed to the amendment recommended by the Committee of the Whole and the bill as amended 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. 535, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 2167 (MCL 600.2167), as amended by 1993 PA 288.

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. 299, entitled

A bill to amend 1962 PA 174, entitled “Uniform commercial code,” by amending sections 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, and 8406 (MCL 440.5101, 440.5102, 440.5103, 440.5104, 440.5105, 440.5106, 440.5107, 440.5108, 440.5109, 440.5110, 440.5111, 440.5112, 440.5113, 440.5114, 440.5115, 440.5116, 440.5117, 440.8101, 440.8102, 440.8103, 440.8104, 440.8105, 440.8106, 440.8107, 440.8108, 440.8201, 440.8202, 440.8203, 440.8204, 440.8205, 440.8206, 440.8207, 440.8208, 440.8301, 440.8302, 440.8303, 440.8304, 440.8305, 440.8306, 440.8307, 440.8401, 440.8402, 440.8403, 440.8404, 440.8405, and 440.8406), sections 5114, 8102, 8103, 8104, 8105, 8106, 8107, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8301, 8302, 8304, 8305, 8306, 8307, 8401, 8402, 8403, 8404, 8405, and 8406 as amended and section 8108 as added by 1987 PA 16, and by adding sections 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8210, 8501, 8502, 8503, 8504, 8505, 8506, 8507, 8508, 8509, 8510, 8511, and 8601; 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. 502, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2912a (MCL 600.2912a), as amended by 1993 PA 78.

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. 694, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 92 (MCL 750.92).

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. 742, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63101 (MCL 324.63101), as added by 1995 PA 57, and by adding sections 63103a, 63103b, 63103c, and 63103d.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 10, line 10, after "MINING:" by striking out the balance of the subsection and inserting "SURVEILLANCE FEES COLLECTED UNDER THIS SECTION SHALL BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT IN THE METALLIC MINERAL SURVEILLANCE FEE FUND CREATED IN SECTION 63103E."

2. Amend page 11, following line 10, by inserting:

"SEC. 63103E. (1) THE METALLIC MINERAL SURVEILLANCE FUND IS CREATED WITHIN THE STATE TREASURY.

(2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE METALLIC MINERAL SURVEILLANCE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE METALLIC MINERAL SURVEILLANCE FUND. THE STATE TREASURER SHALL CREDIT TO THE METALLIC MINERAL SURVEILLANCE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

(3) MONEY IN THE METALLIC MINERAL SURVEILLANCE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE METALLIC MINERAL SURVEILLANCE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

(4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE METALLIC MINERAL SURVEILLANCE FUND, UPON APPROPRIATION, ONLY FOR SURVEILLANCE, MONITORING, ADMINISTRATION, AND ENFORCEMENT UNDER THIS PART AND FOR COMPUTING THE SURVEILLANCE FEE UNDER SECTION 63103D."

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.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Berryman, Gougeon and Peters asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Berryman's statement is as follows:

I rise to make a brief statement on the Auditor General's report on Children's Protective Services Program—one that I know, Governor, is very important to you, and I would hope to all of us here in the Senate and also in the House.

In October of 1997, Thomas McTavish, the Auditor General issued his report on Children's Protective Services Program. This audit is very scathing of policies that leave children at risk. The Lieutenant Governor who chaired her Commission on Children, the Children's Ombudsman, and I want to make sure we don't leave out the Senate Democratic task force on protecting Michigan's children (oftentimes the Senate Democratic Task Force is left out of discussions on this issue—and Madam President, I was very proud of my caucus and the members of that committee who dealt with the very serious subject). We were the very first committee formed to look into policies that were leaving children in neglectful situations, in abusive situations—both physically and sexually. Many times those discussions were talked about by FIA, then DSS, as anecdotal stories.

After the Auditor General's report, I don't think you can call them anecdotal stories any longer. The Auditor General's report (I would hope that you would get a copy of and read) points out some severe shortcomings with FIA, especially in substantiation of physically and sexually abused children. Madam Governor, I give you credit for your involvement in this issue and in getting bills passed through the Senate. There are bills that are now in the House and I would love to encourage my colleagues in the House that if they can improve the bills, well, let's work together to make sure that policy is put in place, that you don't have to have a report like this issued that continues to leave children at risk, in danger of continually being abused physically and sexually. Madam President, even after your report, after the Children's Ombudsman report and after the Senate Democratic task force on protecting Michigan's children. Today there still has not been one bill that passed the Senate, passed the House and been signed by the Governor to make children safer today than they were before those reports were issued. Just because you don't see it on the front page of the paper every day, don't think that this problem has gone away, because it hasn't. So far we have nothing to ensure that those policies change by law, by statute, to do a better job of protecting Michigan's children.

I encourage us not on a partisan basis, not on a one-upmanship, but on a bipartisan basis working together to do what's right, not politically right, but what's right for children and for families. That's to do a better job of protecting Michigan's children, a better job of not leaving children in neglectful and abusive situations. Someday, sometime we're going to stand up to that responsibility and do a better job of stopping that abuse. So far we have failed. Children across the state are depending on everyone of us to drop the political bantering back and forth and work together to do a better job, a much better job, so you don't have to read a report like this that tells us today that children still are at risk.

Senator Gougeon's statement is as follows:

Having listened to the good Senator from the 17th District, I felt a response was necessary. I certainly agree in principle with much of what he said. We should work together for the benefit of children here in the state of Michigan and indeed we have. But I think it would be fair, Senator, to point out that the Auditor's Report was for work done by the FIA in 1994 and 1995. And in 1995 when the Binsfeld Commission on Children's Report came out containing some 197 recommendations, that many, if not all, of those recommendations were put into policy and are currently being followed by the FIA and, yes, 11 bills have been passed on a bi-partisan basis in this Michigan Senate and consist of some 47 of those Binsfeld Commission on Children recommendations put into statute. Now those bills sit over in the House and I appreciate that you have joined with me in urging the House to pass those bills. Those bills are sitting in committees headed by Democratic Chairmen over in the House of Representatives. I would hope that you and I could urge them to start taking up those bills that have been sitting there since last spring with no action at all. That's where the bottleneck is. That is where the holdup is—not in this Michigan Senate.

I appreciate the fact that you want to work with me and every member of this Senate to do everything we can for children. But I don't think that we should say today on the Floor of this Senate that the Family Independence Agency is doing nothing. I have met with the leadership of the Family Independence Agency on this Auditor General's Report and, indeed, we have gone over it and I have a list of all of the changes that have been made. This was 1994-95 in a limited number of counties in the state of Michigan, not all over the state of Michigan that that Auditor General's Report covers. You know that, Senator, as well as I do. But there has been substantial changes for the better in the operation of the FIA and with all due respect, we should give them credit. We should give our new director credit. We should give our Lieutenant Governor credit for all the effort. We're on the right track concerning children here in the state of Michigan.

Senator Peters' statement is as follows:

I am pleased to announce that Senator Schwarz and I are organizing and will co-chair a Michigan Arts Caucus. I am pleased to announce that Senators Young, McManus and Stallings have already signed on and welcome the support of other colleagues here in this chamber. As you all know, creativity and imagination are essential elements for success. Cultural institutions, art education and community arts programming are critically important components of our society. The goal of our Arts Caucus will be, among other things, to work with statewide and local arts agencies to promote and advocate arts in our schools, in our communities and to enlist state support whenever it is appropriate. Senator Schwarz and I hope that members of this body will join our bipartisan effort and look forward to working with our colleagues in this endeavor.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Michigan Sentencing Commission submits the following:

Meeting held on Wednesday, October 22, 1997, at 3:45 p.m., Room 201, Farnum Building

Present: Senators Geake, Van Regenmorter, Dingell and Peters

Scheduled Meetings

Economic Development, International Trade and Regulatory Affairs Committee - Wednesdays, October 29 and November 5, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Local, Urban and State Affairs Committee - Wednesday, October 29, at 1:00 p.m., Room 100, Farnum Building (3-1635).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:27 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Wednesday, October 29, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.