

No. 13
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 18, 1999.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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

Bennett—present
Bullard—present
Byrum—present
Cherry—excused
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

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

Reverend Jay Chambers of Deckerville Bible Church of Deckerville offered the following invocation:

Our Heavenly Father, we come before You today again, in the openness of Your grace, Your throne of justice and mercy. Father, as You have given us Your Word, we can learn; we are people of learning. Father, we are also a diverse people of understanding and, therefore, justice is necessary as these meetings today will again remind us that we need to do this business often. Thus we seek again Your grace often that our wise decisions and our constituents and supporters would also be living a happy, joyful, peaceful life.

Father, for these who have again dedicated their lives to this service, we thank You for them—Father, for their homes, for their families again great prices are paid. Father, again we also look at the future, and we know that the outstretched arm of righteousness goes way beyond the laws of this building. So that we will be effective in what we do and say today in this place, may it be dedicated indeed to the Lord Jesus Christ. In His glory. Amen.

Motions and Communications

Senator Rogers moved that Senator Dunaskiss be excused from today's session.

The motion prevailed.

Senator Dunaskiss is attending to a personal family matter.

Senator Rogers moved that Senators Jaye, Schwarz and Stille be temporarily excused from today's session.

The motion prevailed.

Senator Jaye entered the Senate Chamber.

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

The motion prevailed.

Senator Rogers' statement is as follows:

I have a mixed announcement today of both sorrow and sadness for the 26th Senate District and my Senate office. We are having a very good friend of ours move on to another post today. And I say move on, not pass on. Although when she announced that she was leaving, we thought about the latter and making that happen for her as well.

When you think about what makes this place work and all the great things that happen because of this institution being here, only a small part of it, quite frankly, is because of what we do out here. It really happens in our offices and in our districts from great staff people who are doing great things. People pick up that phone sometimes, and they'll call our office. They're at absolute wits' end where it seems they have nowhere to turn and no advocate for them. There's a staff member there who picks up the phone, who tries to work through their problem, and in many cases, the good ones will. And there has been for this particular person no problem that has been too big or too small, nobody who's been too unimportant for her to do a very thorough job for, and really, quite frankly, pick up the pains and sorrows that they have and embrace them and work as hard as she can to find a solution.

I know that Jami Des Chenes is going to do a great job for the Secretary of State. But I say all of this because we all have people in our office who are special to us, and the one great thing that we have in our office is that we have a family. And we feel a little saddened today that we're going to lose a family member to the Secretary of State. So, I'll make sure that those bills get bottled up here on the floor, as best I can, for as long as I can.

I know that Tony, her husband, and Eric, who are here today up in the Gallery, and her parents and her grandparents are here today because they are as proud, and believe me, you should be of Jami Des Chenes and all she's done for the people of Michigan and the 26th District—just as proud as I am that she chose to work for me. We are losing a friend in our office today. And this Legislature and the 26th District is losing somebody who is caring, dedicated, and very talented. The people of Michigan are gaining a great one.

I just have a little bit of advice for my Senate colleagues—cause she's going to sit across from the table, look at you, and deal with the legislation important to the Secretary of State. If she tells you how it is, it is. If she offers you a piece of advice, take it. And if she asks you to get out of the way, I highly suggest you do it.

Jami, thanks for all you've done for us, for the people of my district. We're going miss you. Godspeed.

Senators Schwarz and Vaughn entered the Senate Chamber.

Senator Emerson 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 17:

House Bill Nos. 4240 4241

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, February 17, for his approval the following bills:

Enrolled Senate Bill No. 1 at 10:45 a.m.

Enrolled Senate Bill No. 2 at 10:47 a.m.

Enrolled Senate Bill No. 5 at 10:49 a.m.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Stille entered the Senate Chamber.

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

Senate Resolution No. 21

The resolution consent calendar was adopted.

Senator Rogers offered the following resolution:

Senate Resolution No. 21.

A resolution to memorialize the President and Congress to increase funding for full-time National Guard personnel.

Whereas, The Michigan National Guard carries out a demanding mission with responsibilities to both the state and the federal government. The citizen soldiers who make up the National Guard must train to meet a demanding federal role in support of the active components of the Armed Forces as well as remaining on call to assist with emergencies in the state; and

Whereas, Training time is precious for the National Guard personnel who must strive to match active duty standards. In order to maximize training time, a cadre of full-time National Guard personnel carry out a number of duties essential to the smooth functioning of a National Guard unit. They make sure everybody is paid on time, review retirement points, process orders for military education, and resolve other administrative issues for the soldiers and airmen; and

Whereas, Analysis by the Department of Defense shows that the National Guard has fewer than half the number of full-time personnel required to perform all the tasks necessary to carry out its missions. Nonetheless, federal budget analysts continue to propose additional cuts to the full-time force in the National Guard; and

Whereas, Even maintaining the status quo increases the duties of the full-time personnel because of the greater burden the National Guard shoulders today. Operations in Bosnia, the Sinai, Haiti, and the Gulf, plus support for the war on drugs, increase the workload of full-time staff. Additional missions such as the National Guard's new role in combating the threat of weapons of mass destruction add to the duties. The vital role of the National Guard in protecting our state and nation requires increased federal funding; now, therefore, be it

Resolved by the Senate, That we memorialize the President and Congress to increase funding for full-time National Guard personnel; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 106, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535a (MCL 750.535a), as amended by 1988 PA 140.

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. 30

Yeas—35

Bennett
Bullard
Byrum
DeBeaussaert

Goschka
Gougeon
Hammerstrom
Hart

McManus
Miller
Murphy
North

Sikkema
Smith, A.
Smith, V.
Steil

The following bill was read a third time:

Senate Bill No. 155, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15d of chapter IV (MCL 764.15d), as added by 1987 PA 256.

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. 32

Yeas—35

Bennett	Goschka	McManus	Sikkema
Bullard	Gougeon	Miller	Smith, A.
Byrum	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Emerson	Koivisto	Schuette	Vaughn
Emmons	Leland	Schwarz	Young
Gast	McCotter	Shugars	

Nays—0

Excused—2

Cherry	Dunaskiss
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senators Peters, Byrum, Murphy, DeBeaussaert, Miller, Leland, McCotter, North, Gougeon, Schwarz, Rogers, Bullard, Sikkema, Hammerstrom, Steil, Jaye, Goschka, Shugars, Stille, Bennett, A. Smith and Hoffman moved that they be named co-sponsors of the following bill:

Senate Bill No. 106

The motion prevailed.

Senators Peters, Byrum, Murphy, DeBeaussaert, Miller, Hart, Leland, McCotter, North, McManus, Gougeon, Schwarz, Rogers, Bullard, Sikkema, Hammerstrom, Steil, Jaye, Goschka, Schuette, Shugars, Stille, Bennett, A. Smith and Hoffman moved that they be named co-sponsors of the following bill:

Senate Bill No. 288

The motion prevailed.

Senators Shugars, McCotter, North, Gougeon and Vaughn moved that they be named co-sponsors of the following bill:

Senate Bill No. 155

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senate V. Smith's statement is as follows:

I have the distinct honor of bidding farewell to a trusted employee of mine, Lisa Whitmore. Lisa is from Harry Gast's district, and the first time I encountered Lisa was when Harry brought her to the Capitol as a Page. Senator Gast sponsored her, and I became familiar with her. After she graduated, I first hired her as an intern in my office, and then after she graduated from school, I hired her as my office manager.

Lisa has worked for me for the last two years. She has just done a great job. To me, my office is special because we have kind of a family atmosphere, and I'm the mean step-father, and I crack the whip and keep them all working hard. But they work very hard for me. I think they just do a great job, and the center of my office is my office manager because she is the one who has to keep everything flowing, and she has to make sure that all of the concerns and schedules and things are met regarding my personal schedule. So for me she has just been an irreplaceable employee.

Another thing I try to promote is our offices are at best pass-through because we can't pay the staff the type of money that they deserve, so I expect people to leave. So Lisa's going on to bigger and better things. I thoroughly will miss her. I had this tribute prepared for her, and I'd like to present it. If you'd give her a round of applause, I'd sure appreciate it.

Senator Jaye's statement is as follows:

As we are entering into the Lenten season, I wanted to identify for my colleagues the 13 items of fat and waste in the Fat Tuesday list for 1999. Corporate welfare, big union perks and judicial palaces are examples of over \$307 million in state government fat.

The first item is Judicial Pork. The judicial Taj Mahal Supreme Court Building, including \$15 million in underground parking structure, is costing the taxpayers \$87.8 million.

The second item is Detroit Pork. We have a state ice rink—\$2.4 million being built in Detroit. In my community, in my district of Sterling Heights, the taxpayers paid for an ice rink. Why must they also be compelled to have their state tax dollars then to build one in Detroit?

The third item is the Natural Resources Pork. We have a swimmers' itch control study at Michigan State University of \$85,000 a year. I talked to Senator Phil Arthurhultz, and he said that \$85,000 a year has been in for probably the last 14 years. How long does it take for people to understand the old adage, "You just take a shower after you get out of the lake and you don't get swimmers' itch." Or maybe we need to expand the take limits on the ducks because the duck droppings are the source of the swimmers' itch. I know that I might be called a scrooge or Mr. Grinch, but the judicial bureaucrat pork . . . Did you know the Judicial Tenure Commission had a Christmas dinner at the Whitney Restaurant in 1998, a five-star rated restaurant, \$2,300 at the taxpayers' expense?

Casino Pork: Your gas tax money, \$3 million, is being spent for a study of building a freeway ramp to the Riverfront casinos (for a study)—\$3 million—that money should be spent on roads and bridges but not to subsidize casino operations—it should be convenient to go gambling.

Airport Pork: \$4.3 million of your gas tax money to fund an additional Northwest Airlines terminal.

Minority Preference Pork: We have \$75,000 for the Department of Environmental Quality to have its own Equal Opportunity offices; wasteful duplication since the state Department of Civil Rights has a \$14 million budget with a 166 full-time employees.

Number eight is Juvenile Delinquent Pork: Traditional folk dance, clogging classes at the Adrian Training Academy. We should be teaching these juvenile delinquents, all right, the joys of busting rocks—making little rocks out of big rocks so they can help with the gravel procurement for our road department.

Nine is Corporate Welfare Pork. We have dumped \$20 million into an optical imaging system company that went bankrupt. That's the taxpayers' dollars.

Number ten is more Corporate Welfare Pork. Eighteen million dollars a year in special tax breaks for Kmart Corporation—just like Meijers gets special tax breaks. What about Montgomery Wards? What about Sears? What about all these other little businesses? I like Kmart. I shop at Kmart, but we shouldn't pick and choose and spend \$18 million of the taxpayers' dollars for just one influential company.

Legislative Pork: Right across from the Capitol we have a new House of Representatives building that's going up. It's going to cost us \$170 million. Well, the House of Representatives just received a new building in 1990; the old hotel was converted to the Olds Plaza for \$25.4 million, and this Capitol was renovated for \$58 million. We don't need to build another building for the comfort of state Representatives so that they all have a view of the Capitol.

Big Union Pork: Taxpayers reimburse the salaries of state employees \$1 million—\$1 million.

These unions should pay for their own union activities instead of forcing the taxpayers to pay for their union activities, to pay for items that are negotiated, like President's Day, a state holiday that hardly anybody in the private sector gets.

The last part is Welfare Pork. Believe it or not, the taxpayers pay for parking tickets for welfare recipients.

The total this year is \$307,345,115.00. To put this in concrete terms, we could build 307 miles of brand new roads or asphalt, three inches thick—about 1,000 miles.

We need to put the state of Michigan on a diet. Sure, some bureaucrats and special interests might get cranky if we take away their higher calorie dessert programs. These programs may be nice but aren't necessary, and we can use the money to cut taxes to build roads and have better classrooms and a better quality of life for Michigan.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Koivisto, Dingell, Byrum, North, Emmons, McCotter, Miller, McManus, Gast, Peters, Hoffman and Jaye introduced

Senate Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to recognize a right to hunt and take game and fish.

The joint resolution was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

Senate Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 1 and 6 of article II, to permit nonresidents who pay ad valorem property tax on real property located in a political subdivision the right to vote on local issues, tax limit increases, or bond issues.

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

Senator Young introduced

Senate Bill No. 321, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203).

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Jaye and Shugars introduced

Senate Bill No. 322, entitled

A bill to prohibit expenditures of state taxpayer money on public employee labor organization activities; and to prescribe penalties.

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

Senator Jaye introduced

Senate Bill No. 323, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1606 (MCL 324.1606), as added by 1995 PA 60.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Jaye and Shugars introduced

Senate Bill No. 324, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 1998 PA 532.

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

Senators Jaye, Goschka and Shugars introduced

Senate Bill No. 325, entitled

A bill to repeal 1993 PA 330, entitled "State real estate transfer tax act," (MCL 207.521 to 207.537).

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

Senators Jaye and Goschka introduced

Senate Bill No. 326, entitled

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

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

Senator Jaye introduced

Senate Bill No. 327, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.226) by adding section 11a.

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

Senator Jaye introduced

Senate Bill No. 328, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 6 (MCL 380.6), as amended by 1995 PA 289.

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

Senator Jaye introduced

Senate Bill No. 329, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 4 of chapter III (MCL 63.4), as added by 1998 PA 255.

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

Senator Jaye introduced

Senate Bill No. 330, entitled

A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 1 of chapter IV (MCL 84.1).

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

Senators Jaye, Goschka, North and Koivisto introduced

Senate Bill No. 331, 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 65a and 67a (MCL 791.265a and 791.267a), section 65a as amended by 1998 PA 315 and section 67a as added by 1996 PA 234.

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

Senator Byrum introduced

Senate Bill No. 332, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2968.

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

Senator Rogers introduced

Senate Bill No. 333, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3010.

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

Senator Rogers introduced

Senate Bill No. 334, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 1998 PA 510.

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

Senators Bullard, Gougeon, Hammerstrom, Cherry, Hart, Byrum, Sikkema, Murphy, Emerson, Emmons, Van Regenmorter and McCotter introduced

Senate Bill No. 335, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d and 710e (MCL 257.710d and 257.710e), section 710d as amended by 1990 PA 90 and section 710e as amended by 1991 PA 25.

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

Senator Bullard introduced

Senate Bill No. 336, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 358 (MCL 168.358), as amended by 1990 PA 7.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submits the following:

Meeting held on Tuesday, February 16, 1999, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Goschka (C), Gougeon and Emerson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Tuesday, February 16, 1999, at 1:30 p.m., Room 404, Capitol Building

Present: Senators Schwarz (C), Steil and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Consumer and Industry Services submits the following:

Meeting held on Tuesday, February 16, 1999, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Steil (C), Stille and Young

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held, Wednesday, February 17, 1999, 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Steil, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Young, Vaughn, DeBeaussaert and Emerson

Excused: Senator Koivisto

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, February 17, 1999, at 3:00 p.m., House Appropriations Room, Capitol Building

Present: Senators Bennett (C), Emmons, Stille, Peters and Leland

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Jobs Commission submits the following:

Meeting held on Wednesday, February 17, 1999, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Steil (C), Gougeon and Emerson

Scheduled Meetings

Education Committee - Wednesday, February 24, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Natural Resources and Environmental Affairs Committee - Tuesday, February 23, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:40 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, February 23, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.