

No. 48
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 29, 1997.

10:00 a.m.

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

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

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

Emmons—excused
Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

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

Senator Jim Berryman of the 17th District offered the following invocation:

I would like for us to just take a moment of silence in Father Cunningham's memory, a gentleman who was truly colorblind and truly bipartisan. He looked at individuals for what they had to contribute as men and women—nothing more, nothing less. He believed in people.

With Father Cunningham was always someone by his side, Eleanor Josaitis, the co-founder of Focus: HOPE, whom I had the opportunity to have a tour with just three weeks ago.

This prayer is not only for Father Cunningham, but also in your silent prayer, please remember Eleanor, that You give her the strength to carry on something that must be carried on not only for southeastern Michigan, but for the state of Michigan as an example for the country. This silent prayer goes to you, Father Cunningham, and to you, Eleanor, that your strength, your energy and your commitment carry on for many years to come.

Please let's just give a short moment of silence.

God bless and thank you for what you've done. Amen.

Motions and Communications

Senators Bullard and Stallings entered the Senate Chamber.

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

The motion prevailed.

Senator Miller's statement is as follows

I was so pleased to hear our colleague give that warm invocation this morning because let me just say, Madam President, it's been on my mind since this tragic happening on Memorial Day.

Madam Governor, today we're ending our week of legislative session here, but it's the beginning of saying our final goodbyes to a man who not only was a parish priest, but he was a man who reached out in a time of need and pulled this—not only southeast Michigan together in a trying time, but he pulled this state and made it an international focus through his organization and his efforts called Focus Hope. Today starts the visiting and our final goodbyes for Father Cunningham and I would like to say that this man—and I grew up as a Catholic and I know the role of a parish priest is to be there and administer the sacraments and listen to parishioners in need and offer some spiritual guidance—but this man was not only a parish pastor or leader of his community. He was a man who sought a lot of wisdom and had a great vision.

I hate to look back to decades ago and our state and our great city of Detroit made some headlines because of some ugly, ugly disastrous happenings. But, this man had a vision back in the 1968 to bring this city and bring this state back where a lot of government leaders didn't have that great vision. I'll tell you I had the privilege to meet him on a number of times, to have dinner with him and just to listen to him. He was a man who could show so much humbleness, yet so much vision and energy to make this city and to make this state a great place to be proud of.

We're going to miss him, Madam Governor. He was a man that gave a lot of people—we are all fortunate here that we have warm homes and have a great table of food, but we have many people in our cities and our state who lack some of these basic needs just to survive day-by-day. But, yet Father Cunningham gave these people the slightest hope that there was light at the end of the tunnel. I want to say that I'm proud that I knew him. I'm proud to say that he came from not only southeast Michigan, but he came from our great state and he led in example that Presidents Ford, Bush, Carter and finally, Bill Clinton honored this man and tried to see that his programs got expanded across this nation.

I think, finally, Joe Stroud said it best when Father Cunningham taught us how to find victory in an error when so many found only defeat and resignation. That summed it all up the best and I hope that now that our week is over that we will, like Senator Berryman said, take time out this weekend when we have so many other civic duties, to remember a man who tried to bring this state together and move it ahead for generations to come.

Senator Conroy's statement is as follows:

If I could have the attention of the body today, I would like you to know that one of our dear employees is leaving the ship. She is going to spend some time by herself, her family and I suspect some of it with those twins who are grandchildren of hers. She has been a terrific aide, a fiscal analyst and a policy helper to many of us her on this side of the aisle. Her name is Claudette Paritee. Would you stand up Claudette? Claudette is an attorney as well as someone who does very well in advising us and bringing to our attention certain items in the budget that may effect outcomes and we truly appreciate all of the service you have provided over these years. We hope that you enjoy yourself and we hope to see you out on the tennis court as well.

Senator Gougeon's statement is as follows:

I would request the membership to listen to me this morning, as I will be requesting a moment of silence for a true humanitarian from my area of the state, Bay City, who passed away recently and for who this body unanimously supported a memorial resolution yesterday. I only apologize that I did not have the opportunity to get up and speak for and on behalf of that resolution yesterday.

Bay City, Michigan, lost one of its greatest humanitarians this past week, when Nate Doan from our fair city died. Nate Doan worked in the Bay City Public School System for more than 45 years. But most people don't remember him for that. What they remember Nate Doan for is that for more than 50 years his first love was acting as Santa Claus during Christmas time.

Nate, with his wife Mary as Mrs. Claus, wove dreams for the young and old and as many as 17 different parties a day, over 200 appearances annually, for some 50 years for all the children here in the state of Michigan and particularly for children who are mentally or physically impaired. Early on, Nate attended a Santa school in New York state and in 1966 brought that Santa school to Bay City, Michigan. The school now resides in Midland, Michigan, where over 500 children visit the school each night during the Christmas season.

Nate loved children. They were special. All children were special, both for him and his wife Mary and their two sons. Nate leaves a legacy of love and memories to last a lifetime. I would request that members rise at this time and have a moment of silence for one of our state's greatest humanitarians, Nate Doan.

A moment of silence was observed in memory of Nate Doan.

Senator DeGrow moved that Senator Carl be temporarily excused from today's session.
The motion prevailed.

Senator DeGrow moved that Senators Cisky and Emmons be excused from today's session.
The motion prevailed.

Senator Carl entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 28:
House Bill Nos. 4306 4395

The Secretary announced the printing and placement in the members' files on Wednesday, May 28 of:
Senate Bill Nos. 526 527 528 529 530 531 532 533 534

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

Senator DeGrow moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4102

House Bill No. 4610

House Bill No. 4601

The motion prevailed.

The following bill was read a third time:

House Bill No. 4102, entitled

A bill to regulate the manufacturing and assembling of public playground equipment; and to provide penalties.

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. 272

Yeas—35

Bennett
Bouchard
Bullard
Byrum

Dingell
Dunaskiss
Gast
Geake

Miller
North
O'Brien
Peters

Smith, A.
Smith, V.
Stallings
Steil

Carl
Cherry
Conroy
DeBeaussaert
DeGrow

Gougeon
Hart
Hoffman
Koivisto
McManus

Posthumus
Rogers
Schuette
Schwarz
Shugars

Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Cisky

Emmons

Not Voting—1

Berryman

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Berryman's statement is as follows:

I did not vote on the previous vote on House Bill No. 4102, not because I don't believe in the concept, because I do. But I think Senator Van Regenmorter raised a very serious question, a very important question, because I know in my district we've had community involvement in building playground equipment at certain schools. He raised a question about liability. I thought it was a very good question. I didn't want to vote on a piece of legislation that may very well deter other volunteer groups from doing such programs because of liability. So, again, I want the record to show that it's not that I don't support the bill, but I thought the Senator asked a question and it should have been answered. It's one of those things, I guess, we'll see a piece of legislation that will follow up, another trailer, that will hopefully clarify the situation. But I could not vote on something that I wasn't sure what the outcome of the good Senator's question was.

The following bill was read a third time:

House Bill No. 4610, entitled

A bill to amend 1932 (1st Ex Sess) PA 40, entitled "An act to provide for the designation of depositories for public moneys; to prescribe the effect thereof on the liability for such deposits; to suspend the requirement of surety bonds from depositories of public moneys; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 2 and 4 (MCL 129.12 and 129.14) and by adding section 6.

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. 273

Yeas—36

Bennett
Berryman
Bouchard

DeGrow
Dingell
Dunaskiss

McManus
Miller
North

Shugars
Smith, A.
Smith, V.

Bullard
Byrum
Carl
Cherry
Conroy
DeBeaussaert

Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

Stallings
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Cisky

Emmons

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Senators Hart and Van Regenmorter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hart's statement is as follows:

This morning I stand before you for two purposes. First to introduce my friend, Christian Mageli, and his wife Nancy who is in the balcony. Christian is a resident of Dearborn, a father of two sons, a husband and a tireless advocate for victims of crime and the disabled.

On July 26, 1993, Christian was struck down by a 22-caliber hollow-point bullet. He was shot while on the job at a Detroit hospital, Henry Ford Hospital, if you will. A deranged person, determined to kill doctors, aimed at Christian's white coat and fired.

Christian was not down for long. Though he is a paraplegic, though he is in pain, though he has good reason to be angry, instead Christian has raised a powerful and positive voice. He's become a champion and advocate for those with disabilities and victims of crimes. In addition to serving on the Governor's Commission on Disability Concerns, he has become one of the most valued advisors that I have. Please rise and welcome this remarkable man and his family.

This morning I'm introducing legislation that provides additional penalties for crimes involving those who use threat or force or violence in certain areas designated as sanctuaries, including churches, schools, child care organizations, health care facilities and housing for seniors and vulnerable adults. Please, it'll provide additional penalties and I'm introducing it thanks to Christian.

Senator Van Regenmorter's statement is as follows:

I want to join my colleague, Senator Hart, in saying "thank you" to Christian Mageli. He also has been an advisor to me in the process of developing rights for the victims of crime. But he's been much more than an advisor. By his example and his powerful testimony, he has, I think, been a singularly outstanding advocate for those who are victims of crime. In spite of the horrible injuries that he suffered as a result of a crime, he has transcended his own injuries to speak out for those who can't speak for themselves. I think that's a wonderful fulfillment of a commitment that he made soon after that crime. So I want to join my friend and colleague and congratulate and honor my good friend Christian Mageli. Thank you, very much, Christian, for what you do.

The following bill was read a third time:

House Bill No. 4601, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan

agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending sections 3 and 7 (MCL 21.143 and 21.147), section 3 as amended by 1990 PA 8 and section 7 as amended by 1994 PA 44; and to repeal acts and parts of acts.

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. 274

Yeas—36

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

Nays—0

Excused—2

Cisky	Emmons
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of Senator Posthumus admittance to the Senate floor.

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

Senators Posthumus, O’Brien, North, Bouchard, Gougeon, Vaughn and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Posthumus’ statement is as follows:

This is actually a guest of the entire Senate. Tomorrow we have a retirement in the Senate; Jerry Ferguson, who many know of as affectionately known as the “phone guy,” is leaving us tomorrow. Jerry has been with us in the Legislative Service Bureau for 10 years; working on communications. Before that he was with Michigan Bell for 30 years, and whenever our phones were problematic, Jerry was right there to fix them. We just wanted to recognize him for all of the work that he’s done for us in the legislature, particularly for the Senate. His family is here with him today. We appreciate all of the time you have shared with us here in the Senate. We are going to miss Jerry and we wish him the best in his retirement.

Senator O'Brien's statement is as follows:

I guess it is that time of the year and I think probably if had I truly understood where we were going with our early-out bill, I probably would have voted "no". But every once in a while a little rain's got to fall, and today happens to be that day. A lady who is so very, very special to me who I've literally grown up with in this institution, has chosen to take the early out—and I speak of Mrs. Jody Vanderveen. She truly is a very, very special person and I really don't know what to say. My feelings run very deeply and I think anyone who has had the privilege and the opportunity to work with her, or interact with her and I myself, consider myself to be truly blessed. We found out a few years ago that there was a young lady looking for some part-time employment, and it turned out to be Jody. The only problem was she never left, and I obviously do not like to see nor do I want her to go. But, the offer is too good.

A great many things have gone on—we've raised families together, we've shared happiness, we've shared sorrow, we've been through a lot of campaigns. That is the campaign, and the interesting part about it, is that I don't want to make a fool of myself up here, but that's just about the way I feel. She does an impeccable job and has since the very first day she came to my office. It kind of hurts. We have a family in my office and I for one, know the people in my office are more a family than employees, and Jody is at the very top of that list. I almost need divorce papers; not to imply anything along those lines but that's about how reluctant I am.

As I see this lady who has worked for what she has wanted, very hard and done an impeccable job doing it. I am also pleased that she's been able to do that and reach that plateau that allows her the option to do as she sees fit, and that makes me most pleased. She is going to be missed, is an understatement. She's loved, we've cared for each other as well as Carla in my office; and I don't know what it is about my office but, everyone retires out of my office. Maybe that might say something about the kind of working conditions Jody has provided, because she runs the office.

I would like you to stand there and think that I am very important and I do all of the above, but Jody has run the office and so many more things that I can't even get into it. But she is leaving today and I certainly wish her all the happiness in the world. I don't think she's got it coming to her, I think she flat out deserves it. I will forever be there to provide and/or make sure that that happens no matter how long anything goes on. This a very, very special young lady. My son doesn't know quite what to do. She's had a great impact on that office and all of the employees who have gone through there.

Senator North's statement is as follows:

Had I voted against the enhanced retirement program for state employees—had I voted "no"—Jody Vanderveen would have been my "no" vote explanation.

Senator Bouchard's statement is as follows:

I don't know whether it's the rain out or if everyone's just trying to bail off this ship for a reason today, but I, too, have a sad announcement. A person that I think the whole Senate has come to know, who has been in my office as a staff member and previously as an intern, then was a Page through here and worked for all of us some time. He's been in a variety of posts in the Senate, is Paul Bukowski. Paul, stand up there. Everybody knows Paul. Paul has done some great work around the Senate and has become a good friend of mine, a good friend of our family and is one of those special young people who started here as a Page and grows here and we all get the opportunity to know him. I have enjoyed getting to know Paul as well as complementing him for his dedication and hard work. He hails from the great district of Senator Gougeon, the great city of Bay City. He contributes in a variety of ways. We will miss him. He's moving over to the House, so we won't fault him for that judgement. He is moving up and on and we appreciate all your work, Paul, and thank you for your time.

Senator Gougeon's statement is as follows:

I wanted to add to Senator Bouchard's comments about Paul Bukowski and his leaving. I wish him Godspeed. I had the opportunity of appointing Paul as a Page here on the Senate floor where he did an admirable job, he also served as an intern in our office. I want to say that the House will be very fortunate, because among Paul's skills, he is an expert at making coffee. We had some of the best coffee in our office in all the time that Paul served there. Paul, I wish you good luck and Godspeed in your new endeavors in the House.

Senator Vaughn's statement is as follows:

Joining this chorus of people announcing about employees that they have had the pleasure or that have served not only us, but our entire constituency, today marks the long-time reference to Joy Henkel. As most of you know, Joy is retiring and now will have more time to spend with her husband, Lou, her daughters and her grandchildren.

She has been an integral part of my staff for all these many years. You know her as having a friendly face and a friendly voice. Anytime you have dropped by my office, you know that she really stands out. She has worked for me more than 22 years, as I've said. We have shared the office—she has not worked for me. It is my sad duty to bid farewell to a person who has given so much, not only to me, but to the entire state of Michigan. Although her retiring is bittersweet for me, my entire staff, we extend best wishes to her and our gratitude for a job well done.

You know, it is written that “a gracious woman retaineth honor.” I think this depicts Joy Henkel more than anything I could say. Thank you, Joy, and thank you, my colleagues.

Senator Young’s statement is as follows:

I have the opportunity and I think the good Senator from the 29th District indicated the other day that I have a son who is not only very proficient in school, being valedictorian of his graduating class and receiving a number of awards, but he is also a very fine pitcher in the state of Michigan. He will be playing at Tiger Stadium at 10 o’clock on next Tuesday. It is for that reason that I wanted to get that into the record, as well as to ask to be excused so that I may attend the game.

Senator Young moved that he be excused from session on Tuesday, June 3.
The motion prevailed.

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

Senator Shugars introduced
Senate Bill No. 546, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8117 (MCL 600.8117). The bill was read a first and second time by title and referred to the Committee on Judiciary.

Committee Reports

The Committee on Appropriations reported
House Bill No. 4307, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O’Brien and Vaughn

Nays: None

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

The Committee on Appropriations reported
House Bill No. 4308, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O’Brien and Vaughn

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4310, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 6a, 11, 17b, 20, 20d, 20i, 24, 26, 31a, 36, 39, 41, 51a, 52, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 95, 99, 101, 104a, 107, 108, 111, 147, 151, 167, and 169a (MCL 388.1606, 388.1606a, 388.1611, 388.1617b, 388.1620, 388.1620d, 388.1620i, 388.1624, 388.1626, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1695, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1708, 388.1711, 388.1747, 388.1751, 388.1767, and 388.1769a), sections 6, 11, 17b, 20, 20d, 24, 31a, 36, 39, 41, 52, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 111, 147, and 167 as amended and sections 20i, 51a, 53a, 107, 108, and 169a as added by 1996 PA 300, sections 6a, 95, and 151 as amended by 1995 PA 130, and section 26 as amended by 1994 PA 283, and by adding sections 26a, 31b, 67, 68, 94a, 105a, 166d, and 166e; and to repeal acts and parts of acts.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

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 Appropriations submits the following:

Meeting held on Tuesday, May 27, 1997, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Tuesday, May, 27, 1997, at 9:00 a.m., Room 351, Capitol Building

Present: Senators Dunaskiss (C), Schuette, Rogers, Berryman and Byrum

Scheduled Meetings

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

Technology and Energy and House Public Utilities Committees - Tuesday, June 3, at 3:00 p.m., Rooms 425-427, Capitol Building (3-2417).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 10:52 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, June 3, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

