

No. 4
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, January 29, 1998.

10:00 a.m.

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

The roll was called by the 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
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

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

Senator Joel D. Gougeon of the 34th District offered the following invocation:

Our Father, on this special January morning we give You thanks for the new day. We give thanks for the opportunity to serve the people of this state. Guide us as we try to resolve the problems that face us today. Grant us wisdom to know what should be done and the compassion to give the best we have to offer. Help us to be ever mindful of the responsibility entrusted to us to keep this state unencumbered for the generation to follow in our footsteps.

Also, Father, this evening be with our Governor as he charts the course of this state for the coming year. We ask this blessing in Your Holy Name. Amen.

Motions and Communications

Senator Cherry entered the Senate Chamber.

Senator DeGrow moved that Senators Bullard, Jaye and Van Regenmorter be temporarily excused from today's session.

The motion prevailed.

Senator Miller entered the Senate Chamber.

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

The motion prevailed.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

December 10, 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 2:05 p.m. this date, administrative rule (97-12-1) for the Department of Environmental Quality, Land and Water Management Division, entitled "*Wetland Mitigation Banking*," effective 15 days hereafter.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, January 28:
House Bill Nos. 4846 4962 5475

Messages from the House

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

Senate Bill No. 181

The motion prevailed.

Third Reading of Bills

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

Senate Bill No. 805

House Bill No. 5223

The motion prevailed.

Senators Bullard and Van Regenmorter entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 846, entitled

A bill to amend 1996 PA 522, entitled “The Michigan biologic products institute transfer act,” by amending the title and section 3 (MCL 333.26333) and by adding sections 3a, 3b, and 6a.

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. 5

Yeas—34

Bennett
Berryman
Bouchard
Bullard
Byrum
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmortel
Vaughn

Nays—0

Excused—2

Jaye

Young

Not Voting—2

Cherry

Stallings

In The Chair: President

The Senate agreed to the title of the bill.

Senator Jaye entered the Senate Chamber.

Senator V. Smith moved that Senators Cherry and Stallings be temporarily excused from the balance of today's session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Young offered the following amendments:

1. Amend page 18, line 20, after “to” by striking out the balance of the line through “on-premises” on line 21 and inserting “any retail”.
 2. Amend page 18, line 22, after “and” by striking out “an on-premises” and inserting “any retail”.
 3. Amend page 18, line 23, after “period.” by inserting “The commission shall not sanction or penalize a retail licensee cited before the effective date of this act for a violation involving a purchase made by a retail licensee from a specially designated distributor as described in section 3a(8) of former 1933 (Ex Sess) PA 8.”.
 4. Amend page 19, line 1, after the first “the” by striking out “on-premises” and inserting “retail”.
- The amendments were not adopted, a majority of the members serving not voting therefor.

Senators Stallings and Cherry entered the Senate Chamber.

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. 6

Yeas—35

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

Nays—2

Shugars Smith, V.

Excused—1

Young

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 Young entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 757, entitled

A bill to prohibit a state employer from expending money received from the state to provide certain benefits to persons not employed by that state employer.

The question being on the passage of the bill,

Senator Berryman moved that Senators Cherry and V. Smith be temporarily excused from the balance of today's session.

The motion prevailed.

Senators Cherry and V. Smith entered the Senate Chamber.

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

Roll Call No. 7

Yeas—28

Bennett	Dingell	Hoffman	Posthumus
Bouchard	Dunaskiss	Jaye	Rogers
Bullard	Emmons	Koivisto	Schuetten
Byrum	Gast	McManus	Shugars
Cisky	Geake	Miller	Steil
DeBeaussaert	Gougeon	North	Stille
DeGrow	Hart	O'Brien	Van Regenmorter

Nays—10

Berryman	Peters	Smith, V.	Vaughn
Cherry	Schwarz	Stallings	Young
Conroy	Smith, A.		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Berryman, A. Smith, Young, Schwarz and V. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 757.

Senators Berryman, Young, Schwarz and V. Smith moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Berryman's first statement is as follows:

I rise to oppose passage of Senate Bill No. 757. We can have a philosophical debate on colleges or universities—because this is really what it is going after. There are three universities in the state that offer health care for unmarried couples—the difficulty, and again, we can have that philosophical debate on whether those universities should do well or not. I look at the larger argument in saying that the state of Michigan is interfering with a collective bargained agreement—an agreement between unions representing those universities. And now the state of Michigan is getting involved with those negotiations and saying, "This is no longer going to be a subject to negotiations." I believe that opens up a whole area of this Legislature—looking at something else that this Legislature or a future Legislature may not approve of—in a collective bargaining process and you'll go after that. I think that very clearly, in the state of Michigan, our universities are very autonomous. Let's just say that the state of Michigan has the right to determine what can be bargained and what cannot be bargained.

So, you can have your philosophical debate on going after and making a good political argument that we shouldn't be covering unwed couples. We could even have that debate. But this, again, goes far, far beyond that. If this passes and the Governor signs it into law, you are going to be taking away an agreement that three organizations have had and successfully bargained with those universities. If the universities feel that public pressure not to do that, then let those universities bargain that out of the agreement, not have the state of Michigan intercede and say, "Well, we're going to take that away from you." That won't be an issue any longer because we are going to say they can't do that.

This Legislature so often gets into the discussion of the "slippery slope." Well, that certainly is the case here because once you intercede and say this is one area that we don't like, so we are going to take it off the table, there will be another issue that someone in this Legislature doesn't like and there will be another issue that will be taken off the bargaining table, which is clearly interference with collective bargaining in the state of Michigan and certainly between these three universities.

Senator Berryman's second statement is as follows:

Again, I just wanted to bring up a very important point that has not been discussed yet. Each of the universities—there are three that we are talking about that have this as a negotiated piece in their health care for their employees. It is Wayne State University, University of Michigan and Michigan State University. There are—as far as I know and I have asked over and over again—other state employees who have this as a benefit in their contract. So we are talking about these three universities. Saying that, these three universities—University of Michigan with their Board of Regents, Michigan State University with their Board of Trustees and Wayne State University with their Board of Governors—every one of those boards is elected statewide by the people of the state of Michigan. The people of the state of Michigan have entrusted those negotiations and the things that go on at those universities in the hands of those elected officials. Again, if you have a problem with the university having this as a benefit in that package, the ones whom you should be talking to are the men and women who represent those three boards at those three universities. If the people of the state of Michigan have a problem with that issue being negotiated or being on the table, then that issue needs to be brought to the Board of Regents, Board of Governors or Trustees and dealt with at that level or at the next election, not coming to the Michigan Legislature and bypassing those elected officials, those individuals elected by the people of the state of Michigan. We aren't going to go over their heads. Most of those people are elected to those positions by more individuals voting for them than voted for anybody in this chamber. They are responsible to the people of the state of Michigan. If you want to change it, I say you stay within the system and go to the elected officials that okayed those contracts, not have this body supersede their powers and bypass those elected individuals on those particular boards.

Senator A. Smith's first statement, in which Senator Young concurred, is as follows:

I would like my "no" vote to read that in the Constitution of 1963, Article 8, Section 5, the people conferred Constitutional autonomy on the governing boards of the University of Michigan, Michigan State University and Wayne State University by providing that, "Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds."

I would argue that the language of the Constitution makes Senate Bill No. 757 unconstitutional and I would like to that my first statement on final passage added.

Senator A. Smith's second statement, in which Senator Young concurred, is as follows:

I rise to oppose Senate Bill No. 757. As Senator Berryman pointed out, this is a back door approach to doing what the Attorney General said the Legislature could not do. That was to regulate bargained agreements or a decision by the University of Michigan, Wayne State University and Michigan State University, that they would in fact recognize same-sex partners and insure them through the benefit programs of the institutions. This is a very nontraditional definition of state employee. Traditionally, "state employee" is considered to be an individual who bargains with the state through a union or a nonunion representative with the State Employer. These individuals bargain with their universities—with the autonomous Regents, Trustees and Governors of those three institutions.

When many people in this state and this country are concerned with the cost of health care and the fact that health care should be expanded—health care opportunities should be expanded—we in the Legislature, for some pretty narrow philosophical reasons, are attempting to limit access to health insurance when we limit access to private health care programs that are provided by institutions of higher education. When individuals become ill, if they cannot afford the health care through their own private pay process, then they are going to become the health care responsibility of the taxpayers of the state of Michigan. Again, when many citizens in the state and in the nation are concerned about expanding health care opportunities so that health care is in fact affordable, we here in the Legislature are proposing to limit those people who could be otherwise insured to a condition of noninsurance. I urge your defeat for Senate Bill No. 757.

Senator Young's statement is as follows:

I rise in hopes that we would recognize the importance of making sure that we respect not only those autonomous institutions, but give those institutions the ability that they have and currently should continue to have. That is, to make sure that they deliver and make sure that the purpose for which they were created, which is to educate our young people, is held sound and safe. Now recently I just left the room because I was hoping to get a fax because I heard the previous speaker indicate the perspective that was taken and an opinion that was rendered by our Attorney General and the state of Michigan. Having not had the opportunity to get the complete copy, I know for a fact that when the debate went through on this before, unfortunately, a lot of the debate and the action that was taken totally ignored that which is constitutionally sound. Now we can begin to argue all kinds of things about what we want our universities to do, but it just amazes me that when we talk about local control. We talk about making sure that those who are on the front line have the ability to provide what they were created to do. We totally ignore that. I wonder what happens from stage two? Today we are talking about same-sex partners. Will we be talking about next whether or not someone is fat and someone is short? Will we next be talking about whether or not someone actually lives here or does not live here? Are we going to begin to interfere completely with the service that ought to be delivered because we here, in fact, want to use something as a political way of trying to be re-elected? I do not think that is what we are here for. I think what we are here for is to not only uphold the Constitution, but to have the foresight, the ability, the creativeness and the vision to appreciate the fact that we do not live in, one, a perfect world and, number two, we live in a world in which we should be expounding that people have principles and that people are actually being held responsible and accountable for what it is that they are, in fact, charged to do.

Now, when we talk about our institutions, yes, we have several fine institutions here in the state of Michigan. I am going to mention the three that are most talked about within the state itself. That is Wayne State University, Michigan State University and the University of Michigan. Now each of these institutions have, in fact, negotiated with their employees a benefit package which has the foresight and vision to suggest that we either pay now or we are going to pay later. It has nothing to do with what persuasion you are. But for someone to have a health care need and that not be taken care of and then not have the resources to take care of it. It ultimately falls on the shoulders of all of us, the taxpayers.

So while you may be looking at something that you think is going to get you elected, you may be looking at something that you think is going to provide you a forum on what you think is going to get you elected. What you are, in fact, doing is creating a situation that is not going to be fiscally responsible. In fact, suggesting that we ought to begin then to not only divide the state, but to begin to pick at it in such a way that in its division it becomes dog eat dog—people against people, person against person—without realizing the importance of that which counts foremost. It is our institutions of higher education that prepare our young people to be productive, constructive citizens in the future. They do not come to a campus analyzing professors, whether or not they have same-sex relationships. Why are we trying to introduce something that not only is not constitutionally sound but, in fact, goes against the Attorney General's opinion. Regardless of how we fine-tooth it and separate it, in terms of whether this is an amendment to an appropriations bill or a bill itself, it speaks to something that will not constitutionally hold up.

Now let's step back and look to the practicality and reality of it all. We have employees who are doing their job who, in fact, need health benefits like each and every one of us do. We will not get into what our needs are, but health care needs are paramount to all the things that happen. We even tout education as a biggie, but if you are not healthy, you cannot study, you cannot learn and you cannot read. So the truth of the matter is that while we are trying to go after something which politically sounds good, we are going directly at teaching in our institutions a divided approach which does not assist us in the quality of life that we need here in the state of Michigan. Now, I do not think as we look at policy, we should set the groundwork for a divide and conquer strategy.

The point that I want to make—and I will not be long with it—is that we should not be interjecting subjective policy which is not for the good of the whole with regards to this particular issue. Individuals have a right within their own circumstance to do that which they believe makes them productive, constructive citizens. That is all we can ask. To take away a right, attempt to take away a right or to act like we can take away a right because I firmly believe it will not hold up, is doing nothing but dividing this state and is doing nothing to aid in assisting in that which needs to take place.

I would hope that we vote against this measure. I realize that we are in this year of 1998 and I realize that many of us are term limited. I realize that many of us are looking towards creating some kind of image for ourselves for the future, but let it not be on the backs of those who firmly believe and have come to a conclusion that it is important that all have health care benefits. In many cases, those health care benefits are being negotiated and we have no right to interfere with the negotiations between an employer and employee. I would like to see the day that anyone here would like to go into any one of our offices and make a determination on how we adhere to that relationship between our own employees and ourselves as the employer. I would hope we vote against this measure.

Senator Schwarz's statement, in which Senator V. Smith concurred, is as follows:

Some of the lifestyles of the 1990s are way past me. Article 8, Section 5 of the Michigan Constitution reads unambiguously, "Each board shall have general supervision of its institution and the control and direction of all expenditures from the institution's funds." If there is some ambiguous language there, I fail to see it. Like the game where scissors cuts paper, Constitution cuts statute. Vote "no."

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in support of Senate Bill No. 757 and wanted to make a couple of comments.

First, this bill has nothing to do with restricting access to health care. Rather, this is a bill that says squarely that taxpayers should only pay for health benefits to married spouses and their family members. This is a taxpayer responsibility and, frankly, a fiscal management initiative that Senator McManus and I have worked on for a number of years now. People who were not able to have taxpayers funding of health benefits still could purchase benefits a la carte, so to speak.

Also, I wanted to mention that we are doing exactly what the Attorney General said would be constitutional with this initiative. Attorney General Frank Kelley, when there is an opinion asked of him, when Senator McManus and I had an amendment to an appropriation bill, laid out a framework where if we had a broad public purpose, not simply university employees but rather state employees, it would be constitutional and would not infringe on any university autonomy matters. So we are taking, page for page, verbatim, what the Attorney General said would pass constitutional muster. We are doing what the Attorney General said on an issue like this and, frankly, what Senator McManus and I and Senator Rogers in his leadership role as head of the labor committee, are doing and suggesting with this initiative that taxpayers should only be paying for health benefits for married spouses. This is consistent with legislation that we've passed, statutes signed by the Governor, that recognizes marriage as a union between a man and a woman. So we're consistent with Michigan policy and statute and with the Attorney General. I'd urge adoption of this bill.

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

Senate Bill No. 757

The motion prevailed.

The following bill was read a third time:

House Bill No. 5120, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 4 (MCL 450.224), as amended by 1997 PA 139.

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. 8

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act authorizing the creation of professional service corporations; providing definitions; providing exceptions; providing the manner and method of creating such corporations; providing for individual liability of officers, employees and agents of such corporations in certain instances; authorizing certain investments of corporate funds; regulating the issuance and transfer of capital stock; providing forfeiture of corporate franchise in certain instances; and requiring identification as a corporation.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 816, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 1993 PA 22.

The question being on the passage of the bill,

Senator O’Brien offered the following amendment:

1. Amend page 3, line 8, after “(5)” by striking out “EXCEPT AS PROVIDED IN SUBSECTION (6),”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator O’Brien offered the following amendment:

1. Amend page 3, line 23, after “tion” by striking out “SHALL” and inserting “MAY”.

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 9

Yeas—26

Berryman	Dingell	Koivisto	Schwarz
Bullard	Dunaskiss	McManus	Shugars
Byrum	Emmons	North	Smith, A.
Cherry	Gast	Posthumus	Stille
Cisky	Geake	Rogers	Van Regenmorter
DeBeaussaert	Gougeon	Schuette	Young
DeGrow	Hoffman		

Nays—12

Bennett	Hart	O’Brien	Stallings
Bouchard	Jaye	Peters	Steil
Conroy	Miller	Smith, V.	Vaughn

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Jaye, under his constitutional right of protest (Art. 4 Sec. 18), protested against the passage of Senate Bill No. 816 and moved that he be permitted to submit, in writing, his reasons for voting “no” for inclusion in a subsequent Journal.

The motion prevailed.

The President pro tempore, Senator Schwarz, assumed the Chair.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 71

The motion prevailed.

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

Senate Resolution No. 127

The resolution consent calendar was adopted.

Senators Van Regenmorter, Stille, Gast, Hart, Dingell, Geake, McManus, Bouchard, Shugars, North, Byrum, DeGrow and Rogers offered the following resolution:

Senate Resolution No. 127.

A resolution commemorating April 19-25, 1998, as National Crime Victim's Rights Week and salute the participants in the Candlelight Vigil on Wednesday, April 22, 1998.

Whereas, The results of ongoing government efforts to decrease the crime rates with the goal of assuring peace of mind to the citizenry of our state and nation are at last becoming visible, as evidenced by the numerous reports demonstrating a 10-year low in the crime rate in cities across the nation. While continuing to monitor and promote the enforcement and creation of better laws to protect society, there must also be an emphasized focus on strengthening the network of victim resources that can assist victims of crime to heal; and

Whereas, Since the implementation of the Crime Victim's Rights Act in 1985 and the passage of the constitutional amendment in 1988, the net for crime victims has been widened and strengthened. The groups that have sprung up across the state and nation have clearly demonstrated the thoughtfulness of human nature to help his and her fellow citizen. The demonstration of this level of care makes one realize that victims of crime have indeed formed a community—one that cares for his and her fellow man and woman to go the extra mile to provide assistance; and

Whereas, The support groups that have arisen are many and sundried, ranging from volunteers coordinated by county sheriff offices to the motivated and concerned individuals in each county prosecutor's office that assists a victim of crime throughout the court process to the many support groups that have arisen across the state. The groups work in teams of two assisting victims of crime at the first moment a crime has occurred. Each of these groups will be honored and present at the Crime Victim's Rights Candlelight Vigil on April 22, 1998, in Lansing, Michigan; and

Whereas, The existence of these groups and the visibility of victims in the criminal justice process can be largely attributed to the crime victim's constitutional amendment, which was overwhelmingly approved by the voters of Michigan in 1988, now celebrating its tenth year in Michigan law. The amendment, without question, has had an impact on crime victims, affording a multitude of rights throughout the process, most important of which is that the victims are treated with fairness and respect for their dignity and privacy throughout the entire process; and

Whereas, The rights granted to victims have provided an awareness throughout our state, making the important statement that the system created to address the wrong done to a victim does in fact include the victim, a facet of the process that was sadly missing before the passage of the Crime Victim's Rights Act and constitutional amendment over a decade ago; and

Whereas, The exchange of information and level of public awareness are the focus of National Crime Victim's Rights Week and continues to serve as a driving force for changes in attitude and law in not only Michigan, but the entire country; now, therefore, be it

Resolved by the Senate, That we hereby commemorate April 19-25, 1998, as National Crime Victim's Rights Week and salute the participants in the Candlelight Vigil on Wednesday, April 22, 1998, at the State Capitol; and be it further

Resolved, That a copy of this resolution be transmitted to the coordinators of this event as evidence of our respect and best wishes.

Senators Steil, Dunaskiss, Young, Conroy and Hoffman were named co-sponsors of the resolution.

House Concurrent Resolution No. 80.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to prohibit the cloning of human beings.

Whereas, Rapid advancement in technology and science are bringing serious challenges to conventional thinking about humankind's ability to manipulate the most basic building blocks of life. As a result, we face critical decisions on central moral questions. The application of cloning technologies holds profound implications for our society and the entire world. The 1997 news of the cloned sheep in Scotland and the recent announcement by a Chicago scientist of plans to create a cloned human being demonstrate the urgency of addressing this issue; and

Whereas, In June 1997, the National Bioethics Advisory Commission issued a series of recommendations. This group of prominent scholars, scientists, and ethicists presented a unanimous finding that it is "...morally unacceptable for anyone to attempt to create a child" with the technology of cloning used to create the cloned sheep known as Dolly. The President has called for implementation of the commission's recommendation, particularly its call for the enactment of legislation to prohibit cloning of human life; and

Whereas, In response to the disturbing implications of creating human beings through cloning, nineteen European nations signed an agreement to prohibit the genetic reproduction of human beings. The international community expressed deep concerns over the moral issues and the scientific implications of possible effects on the character of the human species; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to prohibit the cloning of human beings; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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 Health Policy and Senior Citizens.

The motion prevailed.

Senators Conroy and Hoffman were named co-sponsors of the concurrent resolution.

Senators Koivisto, North, Hart, Berryman, McManus and Byrum offered the following concurrent resolution:

Senate Concurrent Resolution No. 59.

A concurrent resolution to call for increased support for training county veterans counselors.

Whereas, The Michigan Association of County Veterans Counselors (MACVC), a nonprofit veterans benefits corporation, is requesting that the state set aside money to defray the expenses associated with annual training; and

Whereas, MACVC has veterans benefits counselor locations throughout the state that receive financial support from their county boards of commissioners to cover the cost of providing needed services to the veteran and dependent population resident within their counties; and

Whereas, A large portion of the veterans and dependents rely solely on the financial programs afforded them under the Department of Veterans Affairs programs; and

Whereas, The Michigan Association of County Veterans Counselors, with the assistance of the National Association of County Veterans Counselors, has noticed that the federal revenue generated for veterans and dependents increases tremendously with increased knowledge; and

Whereas, MACVC has undertaken a comprehensive study to determine the annual expense associated with a four-day education program. The association has studied similar programs already in existence in other states, including Iowa and Arkansas; and

Whereas, Other educational programs for veterans counselors consist of several topics, including the following:

- A. Office management principles,
- B. Current state and federal programs available to veterans and dependents,
- C. Procedures to apply for state and federal programs,
- D. Waiver and appellate processes for veterans programs,
- E. Assistance in making referrals within the Department of Veterans Affairs system, and
- F. Competent knowledge of other federal programs such as Social Security, Medicare, Medicaid, and labor.

; and

Whereas, The MACVC is often the first point of contact for many veterans and dependents returning home from active duty. The counties in which the counselors work lost some support from changes to our tax structure through Proposal A in 1993; and

Whereas, MACVC and members have represented the veterans and dependents of the state of Michigan for over five decades. Michigan has always supported its veterans and their dependents who have sacrificed so much so that we might enjoy the freedom we have today as well as progressive education; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we call for increased support for training county veterans counselors.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Dunaskiss, Young and Conroy were named co-sponsors of the concurrent resolution.

Senators Koivisto, North, Hart, Berryman, McManus and Byrum offered the following resolution:

Senate Resolution No. 126.

A resolution to call for increased support for training county veterans counselors.

Whereas, The Michigan Association of County Veterans Counselors (MACVC), a nonprofit veterans benefits corporation, is requesting that the state set aside money to defray the expenses associated with annual training; and

Whereas, MACVC has veterans benefits counselor locations throughout the state that receive financial support from their county boards of commissioners to cover the cost of providing needed services to the veteran and dependent population resident within their counties; and

Whereas, A large portion of the veterans and dependents rely solely on the financial programs afforded them under the Department of Veterans Affairs programs; and

Whereas, The Michigan Association of County Veterans Counselors, with the assistance of the National Association of County Veterans Counselors, has noticed that the federal revenue generated for veterans and dependents increases tremendously with increased knowledge; and

Whereas, MACVC has undertaken a comprehensive study to determine the annual expense associated with a four-day education program. The association has studied similar programs already in existence in other states, including Iowa and Arkansas; and

Whereas, Other educational programs for veterans counselors consist of several topics, including the following:

A. Office management principles,

B. Current state and federal programs available to veterans and dependents,

C. Procedures to apply for state and federal programs,

D. Waiver and appellate processes for veterans programs,

E. Assistance in making referrals within the Department of Veterans Affairs system, and

F. Competent knowledge of other federal programs such as Social Security, Medicare, Medicaid, and labor.

; and

Whereas, The MACVC is often the first point of contact for many veterans and dependents returning home from active duty. The counties in which the counselors work lost some support from changes to our tax structure through Proposal A in 1993; and

Whereas, MACVC and members have represented the veterans and dependents of the state of Michigan for over five decades. Michigan has always supported its veterans and their dependents who have sacrificed so much so that we might enjoy the freedom we have today as well as progressive education; now, therefore, be it

Resolved by the Senate, That we call for increased support for training county veterans counselors.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Dunaskiss, Young and Conroy were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Peters, DeBeaussiaert, Vaughn, Berryman, Byrum, Stallings, Miller, Schuette, Hart, Schwarz and Conroy introduced

Senate Bill No. 857, entitled

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

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

Senators Cisky and North introduced

Senate Bill No. 858, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 737a (MCL 168.737a), as added by 1996 PA 461.

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

House Bill No. 4846, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 16245, 16247, and 16248 (MCL 333.16221, 333.16226, 333.16245, 333.16247, and 333.16248), sections 16221 and 16226 as amended by 1996 PA 594, section 16245 as amended by 1993 PA 87, and sections 16247 and 16248 as amended by 1993 PA 79, and by adding section 16274.

The House of Representatives has passed the bill.

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

House Bill No. 4962, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 430a. The House of Representatives has passed the bill.

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

House Bill No. 5475, entitled

A bill to prohibit the expenditure of state funds to clone a human being or to conduct or to support research on the cloning of human beings.

The House of Representatives has passed the bill.

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

Statements

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

The motion prevailed.

Senator Byrum’s statement is as follows:

This morning my Senate Democratic Caucus outlined their 1998 legislative agenda, acknowledging that we’ve had some key victories this past year. But we need to move forward into the future and set the tone for what Michigan will be dealing with in 1998 and beyond—further realizing that our constituents sent us to Lansing to participate in the Michigan Senate on behalf of all of Michigan citizens that good ideas are both in the Republican and the Democratic domain; that we are to work together in a bipartisan atmosphere to meet head first the challenges that are present in the state of Michigan. In doing that, we intend to engage in a debate to put forth solid ideas, solid amendments and not just sit idly on this side of the aisle and vote “no.” We will be participating and we will make a difference.

I highlighted several areas that we intend to focus on—education, crime, roads and consumer protection. That agenda is available and has been presented to the public and to the press, and we stand firm that we are willing and ready to work, offer new ideas and a vision for Michigan in the years to come.

Recess

Senator DeGrow moved that the Senate recess until 6:30 p.m.

The motion prevailed, the time being 11:19 a.m.

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

The President, Lieutenant Governor Binsfeld, resumed the Chair.

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

The motion prevailed.

Senator Van Regenmorter’s statement is as follows:

We, here in the Senate are strongly supporting small businesses in Michigan because they employ about 75 per cent of all those who are employed in this state. Today, one of those small businesses provided a cake for the Senate earlier today. That company is Bake N’ Cakes of Lansing, and I want to thank them for providing that cake for the Senate today.

Joint Convention

The Sergeant at Arms announced that a committee from the House of Representatives who, through their Chairperson, Representative Gire, reported that the House was ready to meet with the Senate in Joint Convention.

The President, Lieutenant Governor Binsfeld, announced that the hour had arrived for the meeting of the two Houses in Joint Convention.

Senator DeGrow moved that rule 3.902 be suspended to permit the House escort committee to use the center aisle. The motion prevailed, a majority of the members serving voting therefor.

Senator DeGrow moved that the Senate recess for the purpose of proceeding to the Hall of the House of Representatives for Joint Convention.

The motion prevailed, the time being 6:35 p.m.

(For proceedings in Joint Convention, see House Journal No. 7, p. 98.)

The Senate reconvened at the expiration of the recess at 8:05 p.m. and was called to order by the President pro tempore, Senator Schwarz.

The President pro tempore, Senator Schwarz, announced that the Senate had attended the Joint Convention in the Hall of the House of Representatives and had received the State of the State message by Governor Engler.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 808, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1011 (MCL 600.1011), as added by 1996 PA 388; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Cisky, Geake, Dingell, Peters and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5220, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8112 (MCL 600.8112).

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Cisky, Geake, Dingell, Peters and V. Smith

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, January 27, 1998, at 2:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Rogers

Scheduled Meetings

Education Committee - Tuesday, February 3, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-3760).

Families, Mental Health and Human Services Committee - Thursday, February 5, at 1:00 p.m., Room 100, Farnum Building (3-1777).

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

Natural Resources and Environmental Affairs Committee - Tuesday, February 3, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-7350).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 8:06 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, February 3, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

