

**No. 8**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Tuesday, February 9, 1999.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

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

Bennett—present  
Bullard—present  
Byrum—present  
Cherry—present  
DeBeaussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present  
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

Senator Walter H. North of the 37th District offered the following invocation:

Dear God, as we gather together today to conduct the peoples' business in this chamber, let us focus on the issue and what is best for the residents of the state. Let us avoid partisan bickering and focus instead on the common goal of improving the quality of life for the residents of this state. We ask this in Thy name. Amen.

### Motions and Communications

The following communications were received:  
Department of State

#### Administrative Rules Notices of Filing

January 8, 1999

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:15 p.m. this date, administrative rule (99-01-2) for the Department of Environmental Quality, Surface Water Quality Division, entitled "*Sewerage Systems*," effective 15 days hereafter.

January 20, 1999

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 3:00 p.m. this date, administrative rule (99-01-6) for the Department of Community Health, Health Legislation and Policy Development, entitled "*Communicable and Related Diseases*," effective 15 days hereafter.

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

The communications were referred to the Secretary for record.

The following communication was received:  
Department of Transportation

January 29, 1999

Public Act 1993, Number 69 titled "Michigan Heritage Routes," requires the Michigan Department of Transportation (MDOT) to report to the Governor those routes designated as Michigan Heritage Routes during the preceding year.

We are pleased to report the M-15 (Miles of Smiles) from Ortonville to Bay City, and M-79 (Chief Noonday Trail) from US-131 to M-43 west of Hastings have been designated as Michigan Heritage Routes. Local governmental agencies, businesses, homeowners, and MDOT have drawn together to preserve, enhance, and promote these routes as the finest examples and unique travel experiences in the state.

These additions brings the total number of designated Heritage Routes to eight. Included are: sections of US-41 in Keweenaw County, sections of M-123 in Chippewa and Luce Counties, the Mackinac Bridge, M-119 in Emmet County, M-125 in the City of Monroe, and M-25 (Center Street) in the City of Bay City.

The Heritage Route Program is a worthwhile endeavor to identify, protect, enhance, and promote unique state trucklines. We invite you to share our enthusiasm.

Sincerely,  
James R. DeSana  
Director

The communication was referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

February 2, 1999

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of the Riverside Correctional Institutions, Department of Corrections, February 1999.

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

The communication was referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Thursday, February 4 of:

<b>Senate Bill No.</b>	<b>126</b>													
<b>House Bill Nos.</b>	4112	4113	4114	4115	4116	4117	4118	4119	4120	4121	4122	4123	4124	4125
	4126	4127	4128	4129	4130	4131	4132	4133	4134	4135	4136	4137		

The Secretary announced the printing and placement in the members' files on Friday, February 5 of:

<b>Senate Bill Nos.</b>	173	184	185	186	187	188	189	190	191	192	193	194	195	196
	197	198	199	200	201	202	203	204	205	207	208	209	210	211
	212	213	214	215	216	218	219	220	221	222	223	224	225	226
	227	228	229	230	231	232	233	234	235	236	237	238	239	240
	241	242	243	244	245	246	247	248	249	250	251	252	253	254
	255	256	257	258										
<b>Senate Joint Resolutions</b>	<b>D</b>	<b>E</b>												
<b>House Bill Nos.</b>	4138	4139	4140	4141	4142	4143	4144	4145	4146	4147	4148	4149	4150	4151
	4152	4153	4154	4155	4156	4157	4158	4159	4160	4161	4162	4163	4164	4165
	4166													

The Secretary announced the printing and placement in the members' files on Monday, February 8 of:

<b>Senate Bill Nos.</b>	206	260	261	262	263	264	265	266	267	268	269	270	271	272
	273													
<b>Senate Joint Resolutions</b>	<b>F</b>	<b>G</b>												

Senators Emerson, Murphy, Young, Hart and Leland entered the Senate Chamber.

Senator Emerson moved that Senators V. Smith and Miller be temporarily excused from today's session. The motion prevailed.

Senator Rogers moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

**Senate Bill No. 198, entitled**

A bill to prohibit governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion.

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

Senator Rogers moved that the bill be referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

The motion prevailed.

Senator Miller entered the Senate Chamber.

Senator Rogers moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 138**

**Senate Bill No. 141**

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

**Messages from the Governor**

The following messages from the Governor were received and read:

February 4, 1999

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

**Board of Marriage and Family Therapy**

Mr. Joseph J.H. Horak, 2207 Sandstone Drive, Jenison, Michigan 49428, county of Ottawa, as a member representing professionals, succeeding Dr. Ira S. Rosenbaum of Mt. Pleasant, who has resigned, for a term expiring on June 30, 2002.

Dr. Tracey L. Stulberg, 611 Humphrey, Birmingham, Michigan 48009, county of Oakland, as a member representing professionals, succeeding Dr. Andrew D. Atwood of Grand Rapids, whose term has expired, for a term expiring on September 30, 2001.

February 4, 1999

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

**Board of Real Estate Appraisers**

Mr. John Gernaat, 10104 Blodgett Road, McBain, Michigan 49657, county of Missaukee, as a member representing the general public, succeeding Mr. David C. Smeltzer of Bear Lake, whose term has expired, for a term expiring on June 30, 2002.

February 4, 1999

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

**Collection Practices Advisory Board**

Ms. Debra A. Beffrey, 1604 Brockway, Saginaw, Michigan 48602, county of Saginaw, as a member representing professionals, succeeding herself, for a term expiring on June 30, 2002.

Mr. Russell Michmerhuizen, Jr., 2970 Creekview Drive, Zeeland, Michigan 49464, county of Ottawa, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2002.

Mr. Harley Krapohl, 1253 Chartwell Carriageway, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding Mr. Kim D. Bowyer of Russellville, who has resigned, for a term expiring on June 30, 1999.

February 4, 1999

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

**Michigan Board of Occupational Therapists**

Ms. Anita M. Berger, 7 Danvers Lane, Dearborn, Michigan 48120, county of Wayne, as a member representing the general public, succeeding Mr. Paul B. McCrath of Ludington, whose term has expired, for a term expiring on December 31, 2001.

February 4, 1999

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

**Michigan Onion Committee**

Mr. Glenn J. Leep, 389 118th Avenue, Martin, Michigan 49070, county of Allegan, as a member representing growers from District 1, succeeding Mr. James H. Palmbo of Zeeland, whose term has expired, for a term expiring on August 16, 2001.

Mr. James P. Shaw, 4114 22 Mile Road, Grant, Michigan 49327, county of Newaygo, as a member representing growers from District 1, succeeding himself, for a term expiring on August 16, 2001.

February 4, 1999

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

**State Board of Land Surveyors**

Dr. Sayed Rasoul Hashimi, 19415 Golfview Drive, Big Rapids, Michigan 49307, county of Mecosta, as a member representing professionals, succeeding himself, for a term expiring on March 31, 2002.

Ms. Diane Adams, 624 East Washington, Ionia, Michigan 48846, county of Ionia, as a member representing the general public, succeeding Ms. Patricia Anne Wojcik of East Lansing, whose term has expired, for a term expiring on March 31, 2001.

Ms. Carolyn S. Charters, 126 Springhill Road, Traverse City, Michigan 49686-8588, county of Grand Traverse, as a member representing the general public, succeeding Mr. Charles A. VanRiper, Jr., of Macomb, whose term has expired, for a term expiring on March 31, 2002.

February 5, 1999

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

**State Fire Safety Board**

Mr. Wladimir E. Boldyreff, 340 5th Street, Marysville, Michigan 48040, county of St. Clair, as a member representing engineers, succeeding himself, for a term expiring on July 15, 2001.

Mr. Joel M. Woods, 5259 Tyrol Lane, Harbor Springs, Michigan 49740, county of Emmet, as a member representing public assemblage, succeeding himself, for a term expiring on July 15, 2001.

Mr. Carlton D. Smith, 19203 Griggs, Detroit, Michigan 48221, county of Wayne, as a member representing Lower Peninsula fire departments, succeeding Mr. Robert P. Michalik of Detroit, whose term has expired, for a term expiring on July 15, 2001.

Mr. John Z. Ballew, 2207 Navarre Circle, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing architects, succeeding Mr. Harvey Levine of West Bloomfield, whose term has expired, for a term expiring on July 15, 2001.

Mr. William S. Nelson, 3518 Delaware, Troy, Michigan 48084, county of Oakland, as a member representing Lower Peninsula fire departments, succeeding Mr. Lawrence J. Liedel of Adrian, whose term has expired, for a term expiring on July 15, 2001.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

Senators Stille, Hammerstrom, Sikkema, Cherry, Vaughn, V. Smith, A. Smith and Van Regenmorter entered the Senate Chamber.

### General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Byrum as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendments, the following bill:

#### **Senate Bill No. 259, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 251, 267, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1251, 18.1267, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding sections 237a, 281a, 430, and 451a; and to repeal acts and parts of acts.

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

1. Amend page 3, line 12, by striking out all of subsection (3) and renumbering the remaining subsections.
2. Amend page 26, line 21, after "section" by striking out "115(6)" and inserting "115(5)".
3. Amend page 52, line 24, after "section" by striking out "115(6)" and inserting "115(5)".
4. Amend page 56, line 3, after the second "THE" by striking out "CLOSE" and inserting "LAST DAY".
5. Amend page 56, line 6, after "APPROPRIATED." by striking out the balance of the line through "SENTENCE." on line 10 and inserting "FOR WORK PROJECTS ESTABLISHED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE 48-MONTH TIME PERIOD DESCRIBED IN THIS SUBSECTION BEGINS ON THE LAST DAY OF THE FISCAL YEAR IN THE YEAR THE AMENDATORY ACT THAT ADDED THIS SECTION TAKES EFFECT."
6. Amend page 59, line 16, after "Before" by striking out "NOVEMBER 30" and inserting "FEBRUARY 1".

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

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

**Senate Bill No. 138, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as added by 1995 PA 223.

Substitute (S-1).

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

1. Amend page 3, following line 16, by inserting:

"(4) IF AN INDIVIDUAL WHO IS OTHERWISE ELIGIBLE FOR FAMILY INDEPENDENCE ASSISTANCE UNDER SUBSECTION (1) DOES NOT SUBMIT TO A SUBSTANCE ABUSE TEST REQUIRED BY THE DEPARTMENT, THE INDIVIDUAL IS NOT ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE ASSISTANCE.

(5) THE FAMILY INDEPENDENCE AGENCY SHALL IMPLEMENT ON A PILOT PROGRAM BASIS IN AT LEAST THREE COUNTIES, A SUBSTANCE ABUSE TESTING PROGRAM AUTHORIZED BY SUBSECTION (3), INCLUDING RANDOM SUBSTANCE ABUSE TESTING. IT IS THE INTENT OF THE LEGISLATURE THAT A STATEWIDE PROGRAM OF SUBSTANCE ABUSE TESTING, INCLUDING RANDOM SUBSTANCE ABUSE TESTING, BE IMPLEMENTED."

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

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

**Senate Bill No. 141, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

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

1. Amend page 2, line 18, after "THAN" by striking out "JULY 1, 2000" and inserting "OCTOBER 1, 2001".

2. Amend page 2, line 20, after "TEMPORARY" by striking out "AID" and inserting "ASSISTANCE".

3. Amend page 4, line 19, after "31," by striking out "2001" and inserting "2002".

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

**Senate Bill No. 259**

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

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 259, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 251, 267, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1251, 18.1267, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding sections 237a, 281a, 430, and 451a; 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. 12****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Resolutions**

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

**Senate Resolution No. 10**

The resolution consent calendar was adopted.

Senators Bennett, Sikkema, Peters, Byrum, Hammerstrom, Stille and Emmons offered the following resolution:

**Senate Resolution No. 10.**

A resolution to recognize the valuable contributions of Project Citizen to education and the development of active citizenship.

Whereas, Education and active citizenship are fundamental issues for all levels of government in a society founded on democratic principles. Informed public participation is the most effective method of governmental checks and balances; and

Whereas, Project Citizen is sponsored by the Center for Civic Education, the National Conference of State Legislatures, and the U.S. Department of Education; and

Whereas, The mission of Project Citizen is to educate middle school students about local and state government and foster civic duty at an early age through group research and oral presentation. Each class chooses an issue relevant in their community, which they will in turn research in depth, explore alternative solutions, select necessary changes, and produce a game plan for presenting their recommendations to the appropriate government body; and

Whereas, A state competition will be held at the Capitol Building in Lansing, Michigan, and will be judged by selected members of the State Legislature and education community during Michigan Week. One class will be selected to represent the state of Michigan at the national competition; now, therefore, be it

Resolved by the Senate, That we hereby recognize Project Citizen for its contribution to the education and development of Michigan's young citizens and future leaders; and be it further

Resolved, That copies of this resolution be transmitted to the organizers of Project Citizen, members of the Senate Committee on Education, and Governor John Engler as evidence of our support.

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

On which motion Senator V. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 13****Yeas—17**

Byrum	Hart	Murphy	Smith, V.
Cherry	Leland	Peters	Stille
DeBeaussaert	McCotter	Schwarz	Vaughn
Dingell	Miller	Smith, A.	Young
Emerson			

**Nays—16**

Bennett	Emmons	Hammerstrom	Shugars
Bullard	Gast	North	Sikkema
DeGrow	Goschka	Rogers	Steil
Dunaskiss	Gougeon	Schuette	Van Regenmorter

**Excused—0****Not Voting—4**

Hoffman	Jaye	Koivisto	McManus
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In The Chair: President

Senator Rogers moved to reconsider the vote by which the motion to print Senator Peters' statement in the Journal prevailed.

The motion prevailed.

Senator V. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 14****Yeas—18**

Bennett	Gast	McManus	Shugars
Bullard	Goschka	North	Sikkema
DeGrow	Gougeon	Rogers	Steil
Dunaskiss	Hammerstrom	Schuette	Van Regenmorter
Emmons	Jaye		



**Nays—17**

Byrum	Hart	Murphy	Smith, V.
Cherry	Leland	Peters	Stille
DeBeaussaert	McCotter	Schwarz	Vaughn
Dingell	Miller	Smith, A.	Young
Emerson			

**Excused—0****Not Voting—2**

Hoffman	Koivisto
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In The Chair: President

**Protests**

Senators Cherry and DeBeaussaert, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to reconsider the vote to allow Senator Peters' statement to be printed in the Journal.

Senator Cherry's statement is as follows:

I voted "no" on the motion to reconsider because it just seemed to me that the body had expressed itself, I think, in a fair way on the vote to allow the Senator from the 14th District's remarks to be printed in the Journal.

It seems to me to reconsider it begins to raise questions about how we proceed here in this body. We have traditionally, and I think with good cause, refrained from allowing members to attack other members personally. That, I think, serves no good purpose in this body to have that occur. But, what was at issue, Mr. President, was a question about a sharp political question directed at the Governor. It clearly focused on how the Governor utilized his good offices to be of assistance to Northwest Airlines. I think that's a legitimate question of political inquiry. It was not a personal attack. It clearly was not a political attack on any member, and it seems to me to simply reconsider a vote to allow this legitimate statement to be printed in the Journal—it raises questions on how we are going to proceed here on statements through the balance of the session. Are we simply not going to allow any negative statement to be printed or is it simply going to be confined to not allowing negative political statements about the chief executive to be printed? It seems to me that we ought not to reconsider, and that's why I voted "no." It would, I believe, be healthy for us all to allow legitimate political statements that refrain from personal attack be printed in the Journal.

Senator DeBeaussaert moved that he be permitted to submit, in writing, his reasons for voting "no" for inclusion in a subsequent Journal.

The motion prevailed.

The question being on the motion to print Senator Peters' statement in the Journal,

**Point of Order**

Senator Cherry raised the Point of Order inquiring as to whether a motion to print a statement in the Journal is debatable.

The President, Lieutenant Governor Posthumus, ruled that, although it has been both debatable and nondebatable in the past, the motion to print a statement in the Journal is a nondebatable motion.

The question being on the motion to print Senator Peters' statement in the Journal, Senator V. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

**Roll Call No. 15****Yeas—16**

Byrum	Emerson	Murphy	Smith, V.
Cherry	Hart	Peters	Stille
DeBeaussaert	Leland	Schwarz	Vaughn
Dingell	Miller	Smith, A.	Young

**Nays—20**

Bennett	Gast	Jaye	Schuette
Bullard	Goschka	McCotter	Shugars
DeGrow	Gougeon	McManus	Sikkema
Dunaskiss	Hammerstrom	North	Steil
Emmons	Hoffman	Rogers	Van Regenmorter

**Excused—0****Not Voting—1**

Koivisto

In The Chair: President

**Protest**

Senator Rogers, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion to print Senator Peters' statement in the Journal.

Senator Rogers' statement is as follows:

I don't know if I can say it any more eloquently than Senator Goschka did, but we can't stand up in a crowded theater and yell, "Fire." That is not a matter of free speech. In this Senate we have adopted a set of rules that said we should passionately disagree. We should argue to that very nth fiber of our being for something that we believe in. And, we ought to talk about somebody that we disagree with, but we ought not to talk about that person that we disagree with in disparaging terms. That's exactly what happened here today. If we let this go today, Mr. President, then the rules that we've adopted in this Senate mean nothing. And for a long, long time, long before we got here and, hopefully, long after we are gone, we can adopt a platform where we can civilly and passionately disagree without impugning the character of the individuals involved. If we allow this to be a platform for that; this is no longer a representative republic; this is no longer democracy. This becomes a personal political agenda for things that certainly will not be the better outcome for public and civic debate.

I again, Mr. President, argue strongly, and I would suggest that any member, both Republican and I would stand up and defend the Democrats if a Republican impugned the question, character and integrity of an individual. I would be just as passionate about that as I have about the Democrats doing that to someone being a Republican. I would argue again that our Senate Rules must be upheld, and I think today we did the right thing. He had the time at the microphone, but let's not put it down in ink to further disparage and cause a black mark on this institution forevermore.

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

The motion prevailed.

Senator Byrum's statement is as follows:

This is a sad day in this chamber, when a member of this body is not allowed to stand up and give a statement and have that statement be printed in the record of the Journal. Because we have set a very dangerous precedent today, it's with sadness that I stand and give my statement.

Now we turn it over to the independent and free press to report the recordings of what transpired here today, because it's only with a free and independent press that the people of this great state can understand that on this day, the 9th of February, 1999, that free speech was abandoned in the Michigan Senate Chamber.

Senator Goschka's statement is as follows:

I would like to say why I voted "no" to allowing the remarks from the Senator from Pontiac to be printed in the Journal.

Everyone should have the right to say what they believe, and everyone should have the right to express that—certainly, we have that right here. It's one thing to say what you believe, but it's quite another to disgrace this institution by printing something that impugns an individual's character. We don't have the right to just stand up here and impugn the good character of good people. We don't have that right—it's wrong. Civility must absolutely reign in this chamber. I believe that if the comments were civil, there would have been agreement certainly to print what one believes. But, when it is so blatantly impugning one's character, we ought not to do something like that at all.

This is not at all a denial of free speech. It's the denial of someone having the right to just wantonly out and impugn the good character of an individual. Whether we agree with someone politically or not is not the issue. Whether we belong to that party is not the issue. We need to stand up for Democrats and Republicans when their character is wrongly impugned.

Senator V. Smith's statement is as follows:

I think the previous vote points out the hypocrisy of what we've just done. We have a statement which was put in the record by the good Senator from the 33rd District, and his statement is about a statement that did not make the record. So, he has a statement in the record which has reference to nothing because it's not in the record. If we're going to have a democracy where free speech is the attitude and objective of a democratic democracy, what's wrong with debating that speech? The Senator from the 33rd District did the right thing. He objected to the statement, and he put his statement in the record as to why he objected. Anyone on the other side could have done the same; we wouldn't have had a problem with it. Now all of a sudden it's political, and because the majority vote rests on the other side of the aisle, they kept the statement out of the record. Now, we have the hypocrisy of having a statement in the record by the good Senator from the 33rd District about an issue that does not appear in the record. It makes no sense.

Senator Schuette's statement is as follows:

I just wanted to make a couple of comments on this whole issue of what is printed in the Journal and what is not and to make sure that we have clarity in that we're specific in how we use terms and what did or did not occur on the floor of the Senate.

Senator Peters is free to speak. No one issued an order of prior restraint that forbid the Senator from the 14th District to speak. No one censored his comments. This has been recorded on MGTV and by members of the press who copiously and accurately wrote down and recorded comments that all of us make from time to time.

There was an issue here on the floor as to what type of motivation was made or not made about the Governor. We went through that debate, and we decided that majority ruled in this instance, and that those comments, although they were uttered, aired, recorded, and I'm sure they will be said again, they will just simply not be printed in writing. So, this is not censorship. Freedom of speech was not denied. Rather, a rule of long precedential value was abided by. You can have a difference of opinion as to whether or not motivations were made or not made, but the point is, let's be clear of one thing, and hopefully, with certainty that freedom of speech was not denied. No one was forbidden to speak, and no one was having a pen of censorship in any way; rather, a rule in terms of what might be printed in ink—that was the point.

By unanimous consent the Senate returned to the order of

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

Senators Young, Murphy, Leland, V. Smith and Vaughn introduced

#### **Senate Bill No. 274, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8901 (MCL 324.8901) and by adding section 8902a.

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

Senators Young, Murphy, Leland, V. Smith and Vaughn introduced

#### **Senate Bill No. 275, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81c.

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

Senators Young, Murphy, Leland, V. Smith and Vaughn introduced

**Senate Bill No. 276, entitled**

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 11 to chapter 1 and section 65a to chapter 2.

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

Senators Sikkema, Hammerstrom and McManus introduced

**Senate Bill No. 277, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 15 (MCL 169.215), as amended by 1996 PA 590.

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

Senators Sikkema, Hammerstrom and McManus introduced

**Senate Bill No. 278, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by repealing section 49 (MCL 169.249).

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

Senators Sikkema and McManus introduced

**Senate Bill No. 279, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by repealing section 25a (MCL 169.225a).

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. 280, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40113b.

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

Senator Jaye introduced

**Senate Bill No. 281, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 504a.

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

Senators Stille, North, Bullard, Goschka and Dingell introduced

**Senate Bill No. 282, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520f (MCL 750.520f).

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

Senator Gast introduced

**Senate Bill No. 283, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 1998 PA 553.

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

Senator Gast introduced

**Senate Bill No. 284, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 1998 PA 553.

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

Senator Dingell introduced

**Senate Bill No. 285, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 1998 PA 339.

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

Senator Van Regenmorter introduced

**Senate Bill No. 286, entitled**

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending sections 1 and 4 (MCL 445.771 and 445.774).

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

Senator Van Regenmorter, Rogers, Steil and Bullard introduced

**Senate Bill No. 287, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 626c.

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

Senator V. Smith introduced

**Senate Bill No. 288, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as added by 1998 PA 317.

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

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 7, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

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, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

**Senate Bill No. 217, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as added by 1998 PA 317.

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, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, February 3, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 138, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as added by 1995 PA 223.

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.

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon and Jaye

Nays: Senator Vaughn

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

The Committee on Families, Mental Health, and Human Services reported

**Senate Bill No. 141, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom  
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon and Jaye

Nays: Senator Vaughn

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Thursday, February 4, 1999, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Jaye, Hart and Vaughn

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Tuesday, February 2, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Schuette, Rogers, Byrum, Leland and Dingell

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, February 3, 1999, at 2:00 p.m., Senate Appropriations Room, Capitol Building

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

Excused: Senator Hoffman

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Thursday, February 4, 1999, at 1:00 p.m., Room 810, Farnum Building

Present: Senators Bennett (C), Emmons and Leland

Excused: Senators Stille and Peters

**Scheduled Meetings**

Agriculture Appropriations Subcommittee - Tuesdays, February 23, March 2 and March 9, at 1:00 p.m., Room 405, Capitol Building (3-1725).

Judiciary Appropriations Subcommittee - Thursday, March 4, at 2:00 p.m., Room 100, Farnum Building and Wednesday, March 10, at 8:30 a.m., Room 210, Farnum Building (3-2413).

Judiciary Committee - Wednesday, February 10, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Transportation Appropriations Subcommittee - Wednesday, February 24, at 2:00 p.m., Branch County Courthouse, 31 Division Street, Coldwater and Wednesdays, March 3 and March 10, at 3:00 p.m., Room 100, Farnum Building, (3-2426).

**Scheduled Meeting Canceled**

Environmental Quality Appropriations Subcommittee - Wednesday, February 17, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7350).

**Scheduled Meetings Changed**

Education Committee, Joint Senate and House - Wednesday, February 10, at 11:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Environmental Quality Appropriations Subcommittee - Thursday, February 18, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 11:29 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, February 10, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

