

No. 34
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Senate Chamber, Lansing, Thursday, April 22, 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
Johnson—present
Koivisto—present
Leland—excused
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

Pastor Paul Castle of Countryside Free Methodist Church of Sandusky offered the following invocation:

Our Father in Heaven, thank You for the privilege of being here today and for the honor that each of us has to serve You and the people of Michigan in our various capacities.

I ask You to bless, protect and guide each member of this Senate today. Give them the wisdom to make right decisions and keep them from pride or complacency.

Help us to remember that You are the Father of every person, and with You there is no distinction between color, race, nationality, political party, social status or occupation. Forgive us for our self-centeredness that so often divides us. Please help us to love and listen to all people with a heart of wisdom.

And today, I ask for Your peace and Your healing presence on our brother and sister Americans in Colorado in their hurt and pain.

For Your answers to this prayer, I give You thanks! In Jesus name, I pray. Amen.

Senators Miller, Schwarz and Dunaskiss entered the Senate Chamber.

Motions and Communications

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

Senator Emerson moved that Senator Leland be excused from today's session. The motion prevailed.

Senator Rogers moved that rule 3.902 be suspended to allow the sons and daughters of the members and staff admittance to the Senate floor in observance of "Take Your Daughter To Work Day." The motion prevailed, a majority of the members serving voting therefor.

Senator Rogers moved that Senators Bullard, Schuette and Stille be temporarily excused from today's session. The motion prevailed.

Senators Schuette, Stille, Bullard and V. Smith entered the Senate Chamber.

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

The motion prevailed.

Senator A. Smith's statement is as follows:

It is "Take Your Daughter To Work Day," and there are a number of daughters with their parents or foster parents today in the Gallery and here on the floor. If you give me a few minutes, I would like to thank a number of people who have worked very hard to coordinate today. First, I would like to thank the legislative sponsors of today: Senator Bev Hammerstrom, Representatives Pan Godchaux, Rose Bogardus, and Belda Garza, and I had a little tiny role in this.

I would like to thank, in particular, the people who were responsible for the mock session and the orientation to the mock session that took place this morning. Jean Doss from Capitol Services, Inc. did an extraordinary job of explaining to the young people today how a bill becomes a law. I think they will probably remember that better than many of us who work in this process because it was very visual. It was very colorful. It was a kind of repetitive exercise that they will remember for quite awhile.

The Secretary of the Senate, Carol Viventi, her staff and Gary Randall, Clerk of the House, pulled together the mock session that we did this morning between 8:30 to 9:30 a.m. It was a terrific exercise for the children, and I thank you very much for your work.

The staff members who really worked with us and did the majority of the work to pull today together are Joan Cripe from Senator Hammerstrom's office, Chinita Hill from Representative Garza's office, Jennifer Hartke from Representative Bogardus' office and members of my staff, Kathreen James, Eilene Davis and Simone Strong, who carried the burden for me because I did not really participate in pulling this together. As most of us know, it does not happen from the legislators. If this day is successful for your daughters and your adopted daughters, you owe a real vote of thanks to the women whom I have just mentioned, and I hope everybody has a wonderful day.

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken on the Senate floor, including the center aisle.

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

Senator Murphy entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Monday, April 19 of:
Senate Bill Nos. 508 509 510 511 512 513 514 515 516 517 518 519

Third Reading of Bills

Senator Rogers moved that consideration of the following joint resolution and bills be postponed for today:

Senate Joint Resolution G

Senate Bill No. 287

Senate Bill No. 390

Senate Bill No. 300

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 374, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690), as amended by 1998 PA 239.

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. 134

Yeas—36

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

Nays—1

Jaye

Excused—1

Leland

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4318, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 1 (MCL 445.111), as amended by 1998 PA 126.

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. 135**Yeas—36**

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

Nays—1

Jaye

Excused—1

Leland

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.

The following bill was read a third time:

Senate Bill No. 53, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

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. 136**Yeas—20**

Bennett	Emmons	McCotter	Schuetter
DeGrow	Gast	McManus	Schwarz
Dingell	Gougeon	Miller	Shugars
Dunaskiss	Jaye	North	Steil
Emerson	Koivisto	Rogers	Stille

Nays—17

Bullard	Hammerstrom	Murphy	Smith, V.
Byrum	Hart	Peters	Van Regenmorter
Cherry	Hoffman	Sikkema	Vaughn
DeBeaussaert	Johnson	Smith, A.	Young
Goschka			

Excused—1

Leland

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 57, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending sections 5, 7, 10, 10a, 17, 19, and 55 (MCL 257.1805, 257.1807, 257.1810, 257.1810a, 257.1817, 257.1819, and 257.1855), section 7 as amended by 1992 PA 227, section 10 as amended by 1996 PA 191, section 10a as added by 1990 PA 322, and section 55 as amended by 1991 PA 184.

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. 137**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	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons			

Nays—0**Excused—1**

Leland

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:36 a.m.

10:43 a.m.

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

During the recess, Senator Goschka introduced and presented a Special Tribute to Jason Richardson of Arthur Hill High School, Michigan Mr. Basketball 1999; John Paine, Principal; Dave Slaggert, Coach; and Kent Howenstine, Athletic Director.

Messrs. Richardson and Slaggert responded briefly.

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 North as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 468, entitled

A bill to amend 1968 PA 289, entitled "An act to authorize circuit court judges to grant immunity to witnesses upon application of the prosecuting attorneys; to prescribe the procedures therefor; and to prescribe penalties for refusal to testify and for giving false testimony," by amending the title and sections 1, 2, and 3 (MCL 780.701, 780.702, and 780.703) and by adding section 2a.

Senate Bill No. 469, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

Senate Bill No. 470, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 125, 157, 446, 453, and 461 (MCL 750.125, 750.157, 750.446, 750.453, and 750.461); and to repeal acts and parts of acts.

Senate Bill No. 471, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).

The bills were placed on the order of Third Reading of Bills.

Resolutions

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

Senate Resolution No. 45

Senate Resolution No. 46

Senate Resolution No. 47

The resolution consent calendar was adopted.

Senators A. Smith, Miller, Schwarz, Vaughn, Byrum, McManus, North, McCotter, Cherry, Peters, Leland, V. Smith, Koivisto, Dingell, Emerson, DeBeaussaert, Young, Hart, Rogers, Gast, Steil, Goschka, DeGrow, Sikkema, Bennett, Johnson, Hammerstrom, Shugars, Van Regenmorter and Jaye offered the following resolution:

Senate Resolution No. 45.

A resolution to honor Eastern Michigan University on the occasion of its 1999 Commencement Proceedings in the year of its Sesquicentennial Celebration.

Whereas, Community leaders in Ypsilanti, committed to making this city the site for the state of Michigan's first normal school, made a proposal to the Legislature that they would provide the sum of \$13,500, six acres of land as a temporary site for the new school, and \$700 a year for the first five years to pay a principal's salary; and

Whereas, This proposal was approved by the Michigan Legislature in 1849, and the small town of Ypsilanti became home to the ninth teachers' college in North America but the first in what was still considered to be the American frontier; and

Whereas, Michigan State Normal School, on the old Chicago Road, became the state's first school dedicated to training teachers and opened its doors in 1852 with four faculty members promising to provide a *good common school education* for the first class of 122 students; and

Whereas, Michigan State Normal School has had a notable history of being **first**. It was the first tax-supported college in Michigan to be open to both men and women, being co-ed from its inception; the first teachers' college in the United States to become a four-year institution in 1897; the first state teachers' college in the United States to establish training for teachers of persons with disabilities in 1915; the first state teachers' college in the United States to have a social center when McKenny Union was established in 1931; and the first teacher training institution to organize a curriculum for library services in 1940; and

Whereas, Michigan State Normal School, which was renamed Michigan State Normal College in 1899, became Eastern Michigan College in 1956 and finally was designated Eastern Michigan University in 1959; and

Whereas, In its first year, Michigan State Normal School offered two programs of study: a classical course and an English course. Today, Eastern Michigan University offers more than 200 degree programs; and

Whereas, Since its inception 150 years ago, Eastern Michigan University has helped to shape the way Michigan and America learns. Their College of Education was established in 1959, and today, Eastern Michigan University is the country's leading producer of K-12 educational personnel. With its focus on assessing learning and removing institutional barriers to learning Eastern has garnered national attention as a leader in this field; and

Whereas, At its first commencement, Michigan State Normal School had three graduates. Today, Eastern Michigan University will confer degrees on 2,400 spring and summer graduates: 1,750 receiving undergraduate degrees, more than 650 receiving master's degrees, and four receiving doctoral degrees; and

Whereas, This institution of higher education has never lost sight of its mission: to provide a *good common school education*. It has never faltered in its quest for excellence or its dedication to service. Eastern Michigan University has made a difference in the lives of those individuals who received an education on its campus, and it has helped to shape the history and character of Michigan; now, therefore, be it

Resolved by the Senate, That tribute be accorded to Eastern Michigan University as it celebrates its Sesquicentennial Year; and be it further

Resolved, That a copy of this resolution be transmitted to Eastern Michigan University as evidence of our admiration and esteem.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator Shugars offered the following resolution:

Senate Resolution No. 46.

A resolution to express support for efforts to increase public awareness of the severe health risks related to obesity, encourage people to make responsible lifestyle changes, and commemorate July 1999 as Obesity Awareness Month.

Whereas, One of the most significant public health issues facing Michigan and our country is the problem of obesity. This problem leads to a host of grave conditions, including hypertension, Type 2 diabetes, cardiovascular disease, respiratory complications, and osteoarthritis. Public health officials across the country are especially concerned over the increased rates of obesity among young people; and

Whereas, Apart from the immeasurable costs to the quality of people's lives, obesity exacts an enormous financial toll on our society. Each year, billions of dollars are lost directly and indirectly through lost productivity and costs of care. All of these costs, both human and economic, are especially frustrating due to the fact that a great portion of the problems created by obesity are preventable; and

Whereas, Traditional strategies of better nutrition and exercise have been accompanied by research that recommends that people spend less time in front of their televisions and increase their physical activity; and

Whereas, There needs to be an increase in public awareness of the fact that even relatively easy behavioral changes can save lives and money for our state. This is clearly an area where prevention offers significant rewards; now, therefore, be it

Resolved by the Senate, That we express support for efforts to increase public awareness of the responsible lifestyle changes and designate July 1999 as Obesity Awareness Month; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Community Health.

Senator Shugars offered the following resolution:

Senate Resolution No. 47.

A resolution honoring the Michigan Hospice Organization as it recognizes 20 years of service to families facing terminal illness.

Whereas, The Michigan Hospice Organization was officially founded in 1979 to address the rights of individuals who were dying and the needs of their families and friends. Founders of hospice saw the concept as a means of bringing together consumer, provider, and professional groups in a united effort to help patients and their families; and

Whereas, The Michigan Hospice Organization was officially incorporated in August 1979 and was entirely composed of volunteers, still an integral component of hospice care today. The mission of hospice care was to provide quality of life to individuals while dying, allowing them to "live until they died" and allowing those individuals to remain at home if at all possible; and

Whereas, In the early 1980s, hospice became a licensed provider group in Michigan with reimbursement by Medicare and Medicaid. Shortly thereafter, insurance companies, recognizing the benefits of hospice care for patients, began reimbursement for hospice care; and

Whereas, As the Michigan Hospice Organization celebrates its 20th anniversary at its Spring Leadership Conference this month, the organization can be proud to have served over 23,000 patients this past year, delivered over 1 million hours of care to the dying, provided bereavement services to family and friends of the deceased in every county in Michigan, and officially counted over 8,000 volunteers as well as the many staff members of the 85 hospice programs in Michigan. The seemingly tireless efforts of those in the hospice community have not gone unnoticed; care delivered to the citizens of Michigan is constantly rated by families and patients to be near the 100 percent satisfaction level; now, therefore, be it

Resolved by the Senate, That we congratulate the Michigan Hospice Organization for its 20 years of service to Michigan citizens and commend the hospice community for all their past efforts and their commitment to end of life care in this state; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Hospice Organization.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Jaye, Goschka and McCotter offered the following concurrent resolution:

Senate Concurrent Resolution No. 10.

A concurrent resolution to express support for the recognition of the Republic of China on Taiwan.

Whereas, Michigan enjoys strong bonds of friendship with the Republic of China on Taiwan. Numerous cultural, commercial, and educational ventures have brought our people together and fostered mutual respect. The Republic of China on Taiwan has earned great admiration for its success in its free-market economy and its democratic form of government; and

Whereas, Respect for the people of the Republic of China on Taiwan is widespread across our country. American citizens support the inclusion of the island nation among the community of nations in the United Nations, as well as diplomatic recognition from Washington; and

Whereas, Over the years, the Republic of China on Taiwan's difficult relationship with the mainland has led to tensions. The United States has had to examine its role and put concerns into action in this key area of the world. With the recent change in the jurisdiction of Hong Kong, many people have expressed renewed apprehension for the stability of a delicate situation between the mainland and the Republic of China on Taiwan. With the history of friendship between the United States and the Republic of China on Taiwan, it is appropriate to affirm the rights of these 22 million people to full diplomatic recognition; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express support for the recognition of the Republic of China on Taiwan; and be it further

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

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

Senator Schwarz was named co-sponsor of the concurrent resolution.

Senators Jaye, Goschka and McCotter offered the following concurrent resolution:

Senate Concurrent Resolution No. 11.

A concurrent resolution to urge the administration to press the People's Republic of China to acknowledge and respect the culture and sovereignty of Taiwan.

Whereas, For fifty years, the estrangement between China and Taiwan has been a source of tension in the world. The communist system on the mainland has operated in stark contrast to the governmental, commercial, and social progress of Taiwan. In the past few years, there have been discussions on the possibility of China and Taiwan reuniting; and

Whereas, With the strong and separate identities of China and Taiwan, there is a long way for talks to go before differences can begin to be resolved. A key to improving the relations between China and Taiwan is China coming to accept the culture, uniqueness, and sovereignty of Taiwan. The threats of the past have only served to threaten peace in the world and widen the gulf between two cultures with sharply different outlooks, values, and aspirations. If common ground is to be established, it can only happen with a genuine acceptance of Taiwan as an equal in the international community; and

Whereas, There is much to be gained by a more respectful and harmonious relationship between Taiwan and the most populous country on earth. China can greatly reduce tensions in the world by accepting Taiwan's character and identity. From that point, options for continued progress can grow and flourish to meet the wishes of the people of both Taiwan and China; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the administration to press the People's Republic of China to acknowledge and respect the culture and sovereignty of Taiwan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President and the United States Secretary of State.

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

Senator Schwarz was named co-sponsor of the concurrent resolution.

Senator Shugars offered the following concurrent resolution:

Senate Concurrent Resolution No. 12.

A concurrent resolution to express support for efforts to increase public awareness of the severe health risks related to obesity and to encourage people to make responsible lifestyle changes.

Whereas, One of the most significant public health issues facing Michigan and our country is the problem of obesity. This problem leads to a host of grave conditions, including hypertension, type two diabetes, cardiovascular disease, respiratory complications, and osteoarthritis. Public health officials across the country are especially concerned over the increased rates of obesity among young people; and

Whereas, Apart from the immeasurable costs to the quality of people's lives, obesity exacts an enormous financial toll on our society. Each year, billions of dollars are lost directly and indirectly, through lost productivity and costs of care. All of these costs, both human and economic, are especially frustrating due to the fact that a great portion of the problems created by obesity are preventable; and

Whereas, Traditional strategies of better nutrition and exercise have been accompanied by research that recommends that people spend less time in front of their televisions and increase their physical activity; and

Whereas, There needs to be an increase in public awareness of the fact that even relatively easy behavioral changes can save lives and money for our state. This is clearly an area where prevention offers significant rewards; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express support for efforts to increase public awareness of the severe health risks related to obesity and to encourage people to make responsible lifestyle changes; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Community Health.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Rogers 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 Rogers moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

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

The motion prevailed.

Senator North's statement is as follows:

I am sad to report that last Saturday the wife of a former predecessor to you, Senator Schwarz, Senator Tom Schwiegert, who was President pro tempore of the Senate back in the late '60s, died. Ironically enough, the day before that I had been with former Governor Milliken and Representative Scott Shackleton in a ribbon cutting ceremony for Senator Schwiegert in which he donated his books and political correspondence to North Central Michigan College in Petoskey. But I do want my colleagues to be aware of the passing of Mrs. Schwiegert.

By unanimous consent the Senate proceeded to the order of

Statements

Senators A. Smith, Shugars, McManus, Jaye and McCotter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator A. Smith's statement is as follows:

Not only is this "Take Your Daughter To Work Day," but this is "Earth Day." On "Earth Day" 1999, it's fitting to examine how far Michigan has come and how far we have left to go in protecting this state's environment.

Few states have as much beauty to protect as Michigan. We are surrounded by four of the world's largest lakes with 20 percent of the world's surface fresh water. This is the state with the most public land of any state east of the Mississippi River, the state that took the lead in the country in banning PCBs and DDT, limiting phosphorus pollution of our waters and passing strong wetlands laws and the second state to enact a bottle deposit. That hard work has paid off. Levels of PCBs are down over 80 percent since the early 1970s. Michigan has the highest rate of return for deposit containers for any state and some of the least roadside litter, and we have more room for families to enjoy the fishing, hunting and camping than any other state our size.

But in the 1990s, state government has turned its back on the environment. We are now the state that is taking the lead in fighting the EPA's proposed rules to clean up soot and smog in our skies, fighting the EPA's environmental justice policies, proposing rollbacks of polluter liability for contamination cleanup and a law to protect the secrecy rights of polluters. These efforts, too, have had results. In just three years, from 1996 to 1999, the EPA projects a 61 percent increase in the amount of toxic waste generated in Michigan. Over 12 percent of our garbage is imported, wasting valuable landfill space and discouraging Michigan citizens from recycling. A county prosecutor and the Attorney General have sued our DEQ over its failure to enforce wetland laws, and the EPA is now auditing the program. In the summer of 1998, Michigan exceeded the new federal Clean Air Act smog standards on 123 occasions, compared with only 91 occasions in 1997.

We can do more, and we will do more. I am determined to play my part in restoring and advancing Michigan's environmental leadership. That's why I will fight to make pollution prevention the centerpiece of our environmental laws. I authored legislation creating a new \$5 million low-interest loan program to help small businesses prevent pollution through toxic-use reduction. With the support and the help of my Republican colleagues on the Appropriations Committee, that became a part of the Clean Michigan Initiative.

This week I'm introducing legislation to enable students from our higher education institutions to work with professionals to provide free pollution prevention audits to small- and medium-sized businesses.

Senator Shugars' statement is as follows:

A week ago, we decided to attend the concert last night in Grand Rapids, a Marilyn Manson concert, and I wanted to share with my colleagues and staff and the rest of the public what I witnessed. If I may have your attention because I think this is a very serious, very serious issue in light of what happened in Littleton, Colorado.

I want to share with you my observations, and I only have five minutes, and I'm not going to go as vile as this entertainer got last night with his message because of today's daughter and son day.

My observation before this Nashville—and I won't give the whole name—started, these young people looked very normal coming into the stadium. They were very well-behaved. There were a few who were dressed differently than you and I would dress—more like a Marilyn Manson would dress. But that really surprised me. During the warmup, I was kind of surprised. I kind of say, "Well, this isn't that bad. These are normal kids having fun."

But I'll tell you as soon as Marilyn Manson raised up on the stage on a cross dressed as Satan with Satan wings, all things changed. These normal kids changed, and they started having the goat's head, and they started doing all these things. It was just—you had to be there to see it.

And as he goes through and times when he pulled his pants down so the rear could be seen. Some of the things that really hit me hard was when he got up, and he acted like Adolph Hitler, and he promoted hatred, and he promoted killing. He dressed like a police officer. He had a police hat on, and he had somebody behind with a shotgun shot him. And he fell down, and he died.

Those things hit me pretty hard.

When he got up, and he said, "We hate love. We love hate." And then he'd give the microphone to the audience, and they'd start chanting back and forth and back and forth, and then he'd go to another song.

Then he shared with us this dream he had the night before. He had this dream. He said he was drowning in sea of liquor, and he came to the beach. The beach was full of cocaine, an island of cocaine, and the palm trees were marijuana, and the skies were LSD. Two police officers came to him and arrested him and did oral sex to him. At the end of that climax, he looked up, and Jesus came down from the skies and said that God is not longer spelled G-O-D. God is D-R-U-G-S. And behind him, the letters D-R-U-G-S were blinking, and I'll tell you—the lighting, the sound was awesome. It was a 10. And these D-R-U-G-S, and they're going like crazy about drugs, "I hate drugs, but drugs love me!" And he goes on and on and on.

And there was more, but I don't have time to share it all with you. I'd share it with you individually, but what was incredible—at the end, he took the microphone and went around and banged the stage, went up to the drums and tore the drums down, and then he died.

Now, before he did all that, he said, "We're all dead now." So killing yourself is okay. And then when he fell down, dying, the lights went on, it was quiet—and these children, these young people became normal again and just got up. There was no whistling. There was no yelling. There was no screaming. There was nothing, and they just left the stadium.

It was incredible to see what he could do to these children.

Senator McManus' statement is as follows:

I'd like to speak as one who, at this point, represents the farming community. Although I have a lot of other interests in life, I was born and raised into that part of the world and part of the group that really love the land—those who, over a period of years in this United States, have got the greatest productivity and agriculture of any nation in the world, to where one farmer today feeds 287 people.

Do we as a consuming public appreciate this productivity, the sweat and the concern of these people on the part of the land, or do we say who needs farmers; we get our food from the supermarket? I would ask this in the future.

Farmers have been the best caretakers of the land for thousands and thousands of years. Who's going to farm this land in the future? We have very few farmers today under the age of 35 because the economic opportunities are so much greater in other parts of the economy. Why should anyone who works in agriculture, with the same college degree make less money than anyone who works in the bank, the insurance company, or even in the Legislature for that matter? It's a serious, serious proposition.

Why do we import food into the United States? Now, I can understand coffee, and I can understand bananas; it happens that we can't grow those products in this country. But if you look at the statistics today, you will find that the agriculture exports from the United States are plummeting, plummeting because the way the dollar is handled and the economic system, and secondly because no one gives a darn. In fact, I believe most consumers don't really give a rip whether it's imported from China or we grow it here. Consequently, in Michigan the whole apple industry is being put out of business because of imports of Chinese apple concentrate and competition from West Coast apple suppliers who are put out of business by the Chinese apple industry, and no one in Washington seems to really care.

Farmers are the best caretakers of the earth. They've been doing so for thousands of years. Take a look at the soil conservation districts that have now changed their name to conservation districts that handle the conservation of soil, water and air. On this "Earth Day" we should support our farmers, our food processors, and our foresters. Let's support conservationists who plant trees, not those who burn up a lot of paper talking about it. Let's support also those who plant windbreaks, sod waterways, cover crops, and all those things we developed over the years. The earth is a fantastic place; farmers love it; they've been taking care of it. In this Journal today, I'd like to go on record as supporting our agriculture industry on this "Earth Day."

Senator Jaye's statement is as follows:

Today on "Earth Day," Thursday, April 22, with celebrations and events around America, I've introduced some legislation, market-based legislation, that would exempt car battery trade-ins from the state sales tax.

Senate Bill No. 532 would exempt battery trade-ins from the sales tax and make it easier and less costly for people to bring in their old batteries. Disposing of car batteries properly helps the environment, is market-based, taxpayer and environmentally friendly. The state of Michigan's 6 percent sales tax is not a deposit tax. Having a tax on car batteries extorts money from car owners. When drivers are faced with the costs of replacement batteries, they shouldn't be gouged by the state of Michigan with an unfair tax. People shouldn't be discouraged from recycling. They should get that tax back along with their deposit when they return the old battery.

Car batteries contain toxic lead and acid, that if not properly recycled, contaminates soil and ground water. The majority of states have laws that encourage recycling of car batteries. The average cost of a car battery is \$50, plus people are charged the \$5 deposit fee. There is also a deposit on radiator cores and that's subject to the sales tax. Remanufactured parts are also subject to the sales tax. On average a person buys 18 car batteries in a lifetime, and the average family owns two cars; batteries last around five years. If we change Michigan law to base a sales tax on the actual cost of the batteries, not the deposit, the state would lose approximately \$800,000 in revenue. If we don't want to support this environmentally conscious measure, the proceeds from this unfair sales tax on deposits, battery deposits, should go for local recycling programs—not the general fund.

I know the tax man wants to keep his hand in your pocket. Now it's also in your home and in your car. But keeping the tax man out from under the hoods of Michigan's automobiles will help ensure that old batteries end up in the right hands, recycling hands and not in the landfills.

Senator McCotter's statement is as follows:

I just wanted to explain that I've been asked by my staff and others why my one and one-half-year-old daughter, Emilia, was not here at "Take Your Daughter To Work Day." I want the record to reflect that I did broach the subject with her, but she did not want her appearance with me on the floor to be perceived as an implied endorsement of my agenda.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Schwarz, Rogers, Hart, Dingell, Gougeon, McManus, Stille, A. Smith, Vaughn, Hammerstrom, Emerson, Shugars, Goschka, Emmons and Johnson introduced

Senate Bill No. 537, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 22229 (MCL 333.22229), as amended by 1993 PA 88.

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

Senators Steil, McManus, McCotter, Stille, Sikkema, Shugars, Johnson, Jaye and Goschka introduced **Senate Bill No. 538, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 1994 PA 189.

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

Committee Reports

The Committee on Judiciary reported

House Bill No. 4345, 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 bill 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 and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, April 21, 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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submits the following:

Meeting held on Tuesday, April 20, 1999, at 3:15 p.m., Senate Appropriations Room, Capitol Building

Present: Senators North (C) and A. Smith

Excused: Senator Hoffman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submits the following:

Meeting held on Wednesday, April 21, 1999, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Goschka and Vaughn

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 11:21 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, April 27, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.