

No. 26
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, March 25, 1997.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J. H. Schwarz.

The roll was called by the Assistant Secretary of the Senate, who announced that a quorum was not present.

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

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

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

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

Father, for millions of Christians around the world this is Holy Week. For all of us this is the first week of spring. For us it is also the week before spring break, with much work to be finished. How ever we look at this day, let us approach it with anticipation, joy and the sense that we can, with consideration to all, accomplish the tasks that lie ahead. Give us strength, wisdom and humility to do what is right and just for those we serve, so at the end of this day we will have fulfilled our mission and can rest knowing You would say, "Well done, good and faithful servant." Amen.

Motions and Communications

Recess

Senator DeGrow moved that the Senate recess until 10:15 a.m.

The motion prevailed, the time being 10:03 a.m.

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

During the recess Senators Conroy, A. Smith, V. Smith, Young, Hoffman, Cisky, Stallings, McManus and Shugars entered the Senate Chamber.

A quorum of the Senate was present.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 20:

House Bill Nos. 4017 4076 4101 4102 4191 4213 4242 4243 4277 4324 4352 4357 4413 4464

The Secretary announced the printing and placement in the members' files on Monday, March 24 of:

Senate Bill Nos. 307 308 309 310 311 312 313 314 315 316 317 318 319 320
321 322

House Bill Nos. 4510 4511 4512 4513 4514 4515 4516 4517 4518 4519 4520 4521 4522 4523
4524 4525 4526 4527 4528 4529 4530 4531 4532 4533 4534 4535 4536 4537
4538 4539 4540 4541

House Joint Resolutions O P

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

The motion prevailed.

Senators Carl, Geake, Bouchard, Miller, Rogers, Bennett, Dunaskiss, Posthumus, Schuette, Gast, Van Regenmorter and Bullard entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bouchard, Schuette, Shugars and Rogers introduced

Senate Bill No. 323, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending section 6 (MCL 432.206) and by adding section 8a.

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

Senators O'Brien, Vaughn, V. Smith, Stallings, Cherry and A. Smith introduced

Senate Bill No. 324, entitled

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon;

to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,” by amending section 22 (MCL 423.22).

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

Senators Schwarz and Byrum introduced

Senate Bill No. 325, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 416b.

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

Senators Schwarz and Byrum introduced

Senate Bill No. 326, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406j.

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

Senators Schwarz and Byrum introduced

Senate Bill No. 327, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21053c.

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

Senators Schwarz, Byrum, Shugars and O’Brien introduced

Senate Bill No. 328, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17017 and 17517.

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. 4017, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 2 and 698 (MCL 257.2 and 257.698), section 698 as amended by 1994 PA 101.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4076, entitled

A bill to amend 1974 PA 300, entitled “Motor vehicle service and repair act,” (MCL 257.1301 to 257.1340) by adding section 18a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4101, entitled

A bill to amend 1982 PA 249, entitled “An act to establish the state children’s trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,” by amending section 1 (MCL 21.171).

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 Families, Mental Health and Human Services.

House Bill No. 4102, entitled

A bill to regulate the manufacturing and assembling of public playground equipment; and to provide penalties.
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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 4191, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 274 (MCL 206.274), as amended by 1996 PA 484.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4213, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4242, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16903 (MCL 324.16901 and 324.16903), section 16901 as amended by 1995 PA 268, and by adding sections 16903a and 16908a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4243, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504a, 506, 514a, and 516 (MCL 380.504a, 380.506, 380.514a, and 380.516), sections 504a and 514a as amended by 1995 PA 289, section 506 as added by 1993 PA 362, and section 516 as added by 1994 PA 416.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4277, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 50b.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

House Bill No. 4324, entitled

A bill to amend 1978 PA 325, entitled "An act to provide for a suggestion awards program; and to prescribe the duties of the department of civil service," by amending the title and sections 1, 2, 3, and 4 (MCL 38.1161, 38.1162, 38.1163, and 38.1164).

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4352, entitled

A bill to authorize the state administrative board to convey certain state owned property in Genesee county; to prescribe conditions for the conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4357, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 4413, entitled

A bill to amend 1846 RS 12, entitled "Of certain state officers," (MCL 14.28 to 14.35) by adding section 29a. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 4464, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 861 (MCL 380.861) and by adding section 861a. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Education.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 21

The motion prevailed.

Senators Stille and Emmons entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 171, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1998; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendment:

1. Amend page 10, following line 4, by inserting:

"Sec. 318. From the funds appropriated in section 101 for indigent defense, no funds, nor any derivative of such funds, shall be used by any legal entity in an attempt to disenfranchise, or otherwise challenge, limit, or impede, the ability to U.S. military personnel to vote by absentee ballot in any election had in this state."

The question being on the adoption of the amendment,

Senator Van Regenmorter moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senators Shugars and Van Regenmorter offered the following amendment:

1. Amend page 10, following line 4, by inserting:

"Sec. 317. No funds appropriated under section 101 for indigent defense shall be used in any way to bring suit or provide any other form of legal assistance for the purpose of the following:

(a) Securing or funding any item, benefit, program, or service furnished for the purpose of obtaining or providing or for the purpose of assisting in the obtaining or providing of an abortion.

(b) Compelling any individual, institution, organization, government, or governmental body to provide, fund, or legalize any item, benefit, program, or service for the purpose of obtaining or providing or the purpose of assisting in obtaining or providing an abortion.

(c) Asserting or advocating a legal right to obtain or provide, or to assist in obtaining or providing, or to receive assistance in obtaining or providing an abortion.

(d) For purposes of this section, "abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. Abortion does not include the use or prescription of a drug or device intended as a contraceptive."

The amendment was adopted, a majority of the members serving voting therefor.

Protest

Senator V. Smith, under his constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senators Shugars and Van Regenmorter to Senate Bill No. 171.

Senator V. Smith's statement is as follows:

I don't understand this body. This amendment just passed overwhelmingly. Is anybody paying attention? We had a Senator get up and put language on money used for criminal, indigent defense. That's to defend criminal cases in the Circuit Courts in this state. It has nothing to do with abortion. It has no reference to abortion. It's probably unconstitutional as a deterrent for the state having the responsibility by Supreme Court edict to provide criminal defense. And to see this pass? To see it pass overwhelmingly? Is anybody paying any attention? Are you so fixated by the Right to Life lobby that anything that has its name stamped on it, you just automatically press your green button? It's more ridiculousness and irresponsibility on behalf of this body and it's just absolutely absurd. That's why I voted "no" and I intend to vote again "no" on the passage of this bill with this crazy language in it.

Senator A. Smith offered the following amendment:

1. Amend page 10, following line 4, by inserting:

"Sec. 319. The department shall receive and retain copies of all reports funded from section 101 appropriations.".

The amendment was adopted, a majority of the members serving voting therefor.

Senator DeGrow offered the following amendment:

1. Amend page 2, following line 13, after "Backlog" by striking out "reduction" and inserting "prevention program".
- The amendment was adopted, a majority of the members serving voting therefor.

Senator Van Regenmorter offered the following amendment:

1. Amend page 10, following line 4, by inserting:

"Sec. 318. From the funds appropriated in section 101 for indigent defense, no funds, nor any derivative of such funds, shall be used by any legal entity in an attempt to disenfranchise, or otherwise challenge, limit, or impede, the ability of U.S. military personnel to vote by absentee ballot in any election held in this state.".

The amendment was adopted, a majority of the members serving voting therefor.

Senator DeGrow offered the following amendment:

1. Amend page 4, line 1, by striking out "\$5,444,400" and inserting "\$55,444,400".

The amendment was adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Van Regenmorter.

The question being on the adoption of the amendment,

Senator Van Regenmorter withdrew the amendment.

Senator Van Regenmorter offered the following amendment:

1. Amend page 10, following line 4, by inserting:

"Sec. 320. Pursuant to section 241 of the revised judicature act of 1961, as amended, nothing contained or provided for in this budget shall be construed to prevent the adoption or prohibit the enactment of a multiple-line budget for future judicial branch appropriations.".

The amendment was adopted, a majority of the members serving 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. 70

Yeas—33

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

Nays—5Carl
O'Brien

Smith, V.

Stallings

Vaughn

Excused—0**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators V. Smith, Stallings, O'Brien and Vaughn, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 171.

Senator V. Smith's statement, in which Senators Stallings, O'Brien and Vaughn concurred, is as follows:

I voted "no" on Senate Bill No. 171 because it is a Judiciary budget and normally one that I would support, but my colleagues placed an amendment on the indigent defense money affecting abortion services. It's totally unrelated. It's totally irresponsible and it has no place in this particular legislation. Since that's the way the majority feels, then fine, they can feel that way, but I don't have to support that mess. Therefore I voted "no."

The following bill was read a third time:

Senate Bill No. 169, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The question being on the passage of the bill,

Senator Conroy offered the following amendment:

1. Amend page 15, following line 11, by inserting:

"Sec. 219. The department shall receive and retain copies of all reports funded from section 101 appropriations."

The amendment was adopted, a majority of the members serving voting therefor.

Senator Bouchard offered the following amendments:

1. Amend page 21, line 11, after "services" by inserting "that shall state specifically the compelling reason for family reunification".
2. Amend page 21, line 17, after "services" by inserting "that shall state specifically the compelling reason for family reunification".

The amendments were adopted, a majority of the members serving voting therefor.

Senator Cherry offered the following amendment:

1. Amend page 15, following line 11, by inserting:

"Sec. 220. (1) At least 14 days prior to entering into any personal service contracts or contracts with independent contractors in an amount in excess of \$5,000.00, the department shall notify the members of the senate and house appropriations committees of the proposed contract. The notification shall include the proposed total dollar amount of the contract, the primary source of funding, the duration of the contract, the type of service, the name of the entity with which the state is entering into the contract (vendor), whether the vendor is an early retiree or the business vendor's owners are early retirees, whether the contract was competitively bid, and the standard under which the contract was approved.

(2) The department shall report before the fifteenth of each month to the members of the senate and house appropriations committees and the fiscal agencies the following information for each contract for services approved by the department appointing authority or preauthorized by the state personnel director:

- (a) The name of the individual or entity with whom the state agency is contracting.
- (b) The dollar amount, source of financing for the contract, the duration of the contract and the standard under which the contract was approved.
- (c) Whether the contract was competitively bid.
- (d) The name of any individual providing contractual services to the state, whether as a special personal service employee or as the employee of an independent contractor who has retired under sections 19a and 19f of 1943 PA 240, MCL 38.19a and 38.19f.

(3) Within 60 days after book closing for FY 1996-97, the department shall file a report with the members of the senate and house appropriations committees which includes:

- (a) The total expenditures for contractual services approved by the department for FY 1996-97.
- (b) The total expenditures from the state's accounting system coded as contractual services for FY 1996-97.
- (c) The number of full time classified positions that correspond to the expenditures for contractual personal services. This shall be calculated by using the state accounting system total expenditure for contractual services and dividing the total expenditures by the average salary including fringes for the average state employee.”.

The question being on the adoption of the amendment,

Senator Cherry requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 71

Yeas—15

Berryman	DeBeaussaert	Miller	Stallings
Byrum	Dingell	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
Conroy	Koivisto	Smith, V.	

Nays—22

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
Cisky	Gougeon	Schuetz	Van Regenmorter
DeGrow	Hoffman		

Excused—0

Not Voting—1

O'Brien

In The Chair: Schwarz

Senator V. Smith offered the following amendment:

1. Amend page 30, following line 12, by inserting:

“Sec. 624. The family independence agency shall permit a recipient to perform non-campaign-related volunteer work in the offices of the executive, judicial, and legislative branches of state government to meet his or her qualifying work activities under the federal food stamp program. Each family independence agency county office shall compile

and maintain a list of legislative and executive branch offices willing to accept volunteers. This list shall be made available to public assistance clients to assist them in selecting their social contract activity.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Conroy offered the following amendments:

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

“State restricted-budget stabilization funds 11,769,700”.

2. Amend page 3, line 18, by striking out “\$68,704,800” and inserting “\$56,935,100” and adjusting all subtotals, totals and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Conroy requested the yeas and nays.

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

The amendments were adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 72

Yeas—21

Bennett	DeBeaussaert	Miller	Smith, V.
Berryman	Dingell	North	Stallings
Byrum	Gougeon	O’Brien	Stille
Cherry	Hart	Peters	Vaughn
Cisky	Koivisto	Smith, A.	Young
Conroy			

Nays—17

Bouchard	Emmons	McManus	Schwarz
Bullard	Gast	Posthumus	Shugars
Carl	Geake	Rogers	Steil
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss			

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved to reconsider the vote by which the amendment was adopted.

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

Roll Call No. 73

Yeas—19

Bennett	DeGrow	North	Shugars
Bouchard	Dunaskiss	Posthumus	Steil
Bullard	Gast	Rogers	Stille
Carl	Geake	Schuette	Van Regenmorter
Cisky	McManus	Schwarz	

Nays—19

Berryman	Dingell	Koivisto	Smith, V.
Byrum	Emmons	Miller	Stallings
Cherry	Gougeon	O'Brien	Vaughn
Conroy	Hart	Peters	Young
DeBeaussaert	Hoffman	Smith, A.	

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator Berryman offered the following amendment:

1. Amend page 30, following line 12, by inserting:

“Sec. 624. The family independence shall seek a waiver under Public Law 104-193 to allow persons in danger of losing their food stamp benefits due to failure to meet the work requirement, to continue to receive food stamps in areas of high unemployment.”.

The question being on the adoption of the amendment,

Senator Conroy requested the yeas and nays.

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

The question being on the adoption of the amendment,

Senator DeGrow moved that further consideration of amendment be postponed temporarily.

The motion prevailed.

Senator DeGrow moved that rule 3.311 be suspended to permit reconsideration of the vote by which the amendment offered by Senator Conroy was adopted.

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 serving voting therefor, as follows:

Roll Call No. 74**Yeas—21**

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Shugars
Bullard	Geake	Posthumus	Steil
Carl	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuetz	Van Regenmorter
Dunaskiss			

Nays—17

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O'Brien	Stallings
Cherry	Hart	Peters	Vaughn
Cisky	Koivisto	Smith, A.	Young
Conroy			

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved to reconsider the vote by which the amendment offered by Senator Conroy was adopted.
 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 serving voting therefor, as follows:

Roll Call No. 75**Yeas—21**

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Shugars
Bullard	Geake	Posthumus	Steil
Carl	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss			

Nays—17

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O'Brien	Stallings
Cherry	Hart	Peters	Vaughn
Cisky	Koivisto	Smith, A.	Young
Conroy			

Excused—0**Not Voting—0**

In The Chair: Schwarz

The question being on the adoption of the amendment,

Point of Order

Senator DeGrow raised the Point of Order that the amendment was not in order because it would allocate funds from the Budget Stabilization Fund (BSF) without amending the act authorizing the BSF.

The President pro tempore, Senator Schwarz, ruled that the amendment was not germane because it amends another act by reference.

Senator V. Smith appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

The decision of the Chair stood as the judgment of the Senate, a majority of the members present voting therefor.

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Berryman.

The question being on the adoption of the amendment, the yeas and nays having been ordered,

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 76**Yeas—18**

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O'Brien	Stallings
Cherry	Gougeon	Peters	Vaughn
Cisky	Hart	Smith, A.	Young
Conroy	Koivisto		

Nays—20

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuetten	Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator Conroy offered the following amendment:

1. Amend page 3, line 18, by striking out “\$68,704,800” and inserting “\$56,935,100” and adjusting all subtotals, totals and section 201 accordingly.

The question being on the adoption of the amendment,

Senator Conroy requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 77**Yeas—17**

Berryman	DeBeaussiaert	Miller	Smith, V.
Byrum	Dingell	O’Brien	Stallings
Cherry	Hart	Peters	Vaughn
Cisky	Koivisto	Smith, A.	Young
Conroy			

Nays—21

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Shugars
Bullard	Geake	Posthumus	Steil
Carl	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuetten	Van Regenmorter
Dunaskiss			

Excused—0**Not Voting—0**

In The Chair: Schwarz

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. 78**Yeas—36**

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

Nays—2

Berryman	Carl
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Excused—0**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Berryman and Carl, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 169.

Senator Berryman moved that the statements he made during the discussion of the amendments he offered and amendments offered by Senator Conroy be printed as reasons for voting “no.”

The motion prevailed.

Senator Berryman’s first statement is as follows:

This is the amendment that would require FIA to ask for the food stamp waivers so this state can have flexibility in dealing with individuals who are on assistance who live in high unemployment areas or are living in areas where there are more individuals than there are jobs available. It does not mandate that it be used. What we are asking for is that this state ought to have the flexibility, the tools at its disposal, to deal with high unemployment areas.

Some people will think that this is another southeastern Michigan amendment—that more people in southeastern Michigan are going to be affected by this than anywhere else around the state of Michigan. That is not true. The majority of people who will be affected by not having that flexibility to deal with individuals receiving food stamps, under this waiver program, are in northwestern Michigan, northern Michigan and in the UP. More individuals in the UP, than in southeastern Michigan.

I do not know why Michigan, other than wanting to have the hard nose approach to welfare reform, would not want to request from the federal government department of agriculture these waivers that would allow us the flexibility to deal with those areas. I think the only answer is that you can go back and say: “You know, we are tough on welfare and either they are going to do what we want them to do or the heck with them and no food stamps whatsoever.” Well, there is also a reasonable and compassionate way to deal with the welfare/food stamp issue. I do not think people who are on assistance should be penalized because they happen to live in an area that has not seen the economic good times that other parts of the state have seen.

If it was such a bad idea, then why have over 40 states already requested such waivers to have the flexibility to deal with this situation. It is a good amendment. It is one that humanely deals with the welfare issue and if you think you’re

going to try to pin this on a hard nose approach to southeastern Michigan, you are looking in the wrong direction. You are hurting individuals who, through no fault of their own, have not been able to be a part of this economic recovery and I would urge its adoption.

Senator Berryman's second statement is as follows:

In response to the Senator from the 9th District, when he says that this is a hodge podge approach in treating areas of the state differently than others, let's get real here. Economically it's alright. Economically you can discriminate against areas of the state. You can offer tax incentives to some areas that other areas don't get; we do it all the time. But when it comes to welfare, when it comes to taking care of individuals through no fault of their own, who happen to live in an area of high unemployment, it's okay to get tough with those individuals. It's okay to take away their ability to get food. We're not talking about any kind of a mandate. This is just asking the federal government for the flexibility of this administration to deal area by area on their economic standing in this state. It's okay to beat up on these people, because they are welfare recipients, they are on assistance. My God, if we hit the lottery we are going to take some of their money away. It's okay to do that because they got money from the state, and it's okay to beat up on these people. We are not talking about tax breaks for cars for these individuals. We are talking about giving these people food stamps that they can survive on.

What happens to these individuals if you take every opportunity away from them to go out and get food? The bottom line is, when you are hungry you are going to do things that you normally wouldn't do. You are forcing them to do that because you are taking away their very ability to get basic food. It is federal dollars that are out there. The federal government said we can ask for it if you only want to ask for them. You're not taking money away from other state departments. These are our federal dollars in Washington that we have the right to ask for, to come back and help the citizens of this state. But because they are on assistance and because it's tied with the word welfare, you can beat up on them. Someday that's going to come back to haunt you. These individuals who you want to take away their food, are going to end up in county jail because they've got to find some way to eat. It's okay to stand up here and talk about zero taxes for individuals in renaissance zones, no tax, no single business tax, no property tax, no state income tax. Zero, if you come in and have something to provide for this area. But someone who lives in the U.P. who can't get a job because there isn't a job available, we're going to kick them off assistance and that's okay because they are on welfare and politically it's still popular to beat up on the poor.

Senator Berryman's third statement is as follows:

To respond to the Senator from the 9th District, I'm not sure of the comments that were made other than mine, but I never brought into the discussion orphans, families and foster care and all the things you want to throw onto this and divert attention from what you are doing. I will say it very plainly—we are talking about individuals 18 to 50 years old. The operative word here is, they are individuals that bleed the same as you and I do and get hungry the same as you and I do. Because they are so popular to beat up on politically, we can take that only avenue for food away from those individuals, other than the food lines they may get in. Which goes back to our communities having to come up and supply food kitchens. This just comes down to dealing with individuals. You're right Senator, it is not about families; it's about men and women through no fault of their own, live in an area where they can't get a job. So as much as I am concerned about families, I want to get down to the individual. That man, that woman, between 18 and 50 who can't get that job. If you don't vote for this, you're the one who is going to take food stamps out of their hands and their ability to eat. When they have to revert to some other recourse so they can have something in their stomach, remember that Senator.

Senator Berryman's fourth statement is as follows:

I support the Conroy amendment. I would like my colleagues on the other side of the aisle to look full circle here. Through your policies we have taken away educational opportunities for many individuals. You have just eliminated the opportunities for these individuals to even have money for food. One hundred percent cut-off. Just eliminate those individuals. It is O.K. No economic opportunities for these individuals, the ones you just cut-off from food stamps, already live in an area where they cannot get a job. Even if they wanted one, there are none available. What do you think those individuals are going to turn to when they have no educational opportunities, no economic opportunities. You have taken away their food. What do you think they are going to turn to? You darn well better have more police on the streets.

Senator Berryman's fifth statement is as follows:

There are some good things in the FIA budget. There is the starting of some funding from the Binsfeld Commission dealing with children, so I think there are some advances that we are making when it comes to dealing with people in this state. But this bill still falls severely short of taking care of a lot of people in the state of Michigan. I don't think there is any group in the state of Michigan that can be knowingly and purposely left behind.

Senator Carl's statement is as follows:

I voted "no" on Senate Bill No. 169 because I think welfare reform has not gone far enough in my judgement. The fact is that we continue to reward teenagers and other single mothers for giving birth out of wedlock, even though at least one other state has stopped this cycle by capping ADC benefits. The message to welfare recipients should be: now that you are on welfare, we'll continue to assist your present family, but if you can't get your boyfriend or preferably husband to support the next one, we won't either. So until we start to practice tough love in this regard, I will vote "no" on these budgets. Meanwhile, I am going to be introducing a senate bill to cap ADC benefits, in an attempt to discourage unwed mothers from having babies if they can't support them.

The following bill was read a third time:

Senate Bill No. 170, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the Michigan biologic products institute, the executive office, and the legislative branch for the fiscal year ending September 30, 1998; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1998; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 90, following line 21, by inserting:

"Sec. 930. The department of treasury shall establish a separate account for the funds related to the Michigan higher education facilities authority."

The question being on the adoption of the amendment,

Point of Order

Senator V. Smith raised the Point of Order that the bill was not germane because section 958 in the boilerplate language deals with revenue sharing and should be implemented by amending the Revenue Sharing Act. Therefore, the bill was amending by reference.

The President pro tempore, Senator Schwarz, ruled that the bill was germane.

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

The motion prevailed.

The question being on the adoption of the amendment,

The amendment was adopted, a majority of the members serving voting therefor.

Senator A. Smith offered the following amendments:

1. Amend page 21, following line 6, by inserting:

"Budget stabilization fund..... \$ 20,000,000".

2. Amend page 21, line 7, by striking out "\$20,000,000" and inserting "\$0".

3. Amend page 23, following line 7, by inserting:

"Budget stabilization fund..... \$ 3,400,000".

4. Amend page 23, line 20, by striking out "\$16,436,500" and inserting "\$13,036,500" and adjusting all subtotals, totals and section 201 accordingly.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator V. Smith offered the following amendment:

1. Amend page 92, line 15, by striking out all of section 958.

The question being on the adoption of the amendment,

Senator Cherry entered the Senate Chamber.

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 79**Yeas—16**

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Koivisto

Miller
O'Brien
Peters
Smith, A.

Smith, V.
Stallings
Vaughn
Young

Nays—22

Bennett
Bouchard
Bullard
Carl
Cisky
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator Cherry offered the following amendment:

1. Amend page 45, following line 22, by inserting:

“Sec. 215. (1) At least 14 days prior to entering into any personal service contracts or contracts with independent contractors in an amount in excess of \$5,000.00, the department shall notify the members of the senate and house appropriations committees of the proposed contract. The notification shall include the proposed total dollar amount of the contract, the primary source of funding, the duration of the contract, the type of service, the name of the entity with which the state is entering into the contract (vendor), whether the vendor is an early retiree or the business vendor's owners are early retirees, whether the contract was competitively bid, and the standard under which the contract was approved.

(2) The department shall report before the fifteenth of each month to the members of the senate and house appropriations committees and the fiscal agencies the following information for each contract for services approved by the department appointing authority or preauthorized by the state personnel director:

(a) The name of the individual or entity with whom the state agency is contracting.

(b) The dollar amount, source of financing for the contract, the duration of the contract and the standard under which the contract was approved.

(c) Whether the contract was competitively bid.

(d) The name of any individual providing contractual services to the state, whether as a special personal service employee or as the employee of an independent contractor who has retired under sections 19a and 19f of 1943 PA 240, MCL 38.19a and 38.19f.

(3) Within 60 days after book closing for FY 1996-97, the department shall file a report with the members of the senate and house appropriations committees which includes:

(a) The total expenditures for contractual services approved by the department for FY 1996-97.

(b) The total expenditures from the state's accounting system coded as contractual services for FY 1996-97.

(c) The number of full time classified positions that correspond to the expenditures for contractual personal services. This shall be calculated by using the state accounting system total expenditure for contractual services and dividing the total expenditures by the average salary including fringes for the average state employee.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 80**Yeas—16**

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Koivisto

Miller
O'Brien
Peters
Smith, A.

Smith, V.
Stallings
Vaughn
Young

Nays—22

Bennett
Bouchard
Bullard
Carl
Cisky
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator A. Smith offered the following amendment:

1. Amend page 69, following line 14, by inserting:

“Sec. 759. The office of services to the aging and area agencies on aging shall establish and maintain an open and competitive bid process for purchasing in-home services by October 15, 1997.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 81**Yeas—15**

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Miller

O'Brien
Peters
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Nays—23

Bennett
Bouchard
Bullard
Carl
Cisky
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

Koivisto
McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Bennett offered the following amendment:

1. Amend page 53, following line 21, by inserting:

“Sec. 606. The department of treasury and the legislative auditor general shall conduct performance audits and make investigations of the disposition of all state funds received by county road commissions or county boards of commissioners, as applicable, and cities and villages for transportation purposes to determine compliance with the terms and conditions of 1951 PA 51, MCL 247.651 to 247.675. County road commissions or county boards of commissioners, as applicable, and cities and villages shall make available to the legislative auditor general and the department of treasury the pertinent records for the audit.”.

The question being on the adoption of the amendment,

Senator Shugars requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 82

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Cherry

In The Chair: Schwarz

Senator Dingell offered the following amendment:

1. Amend page 76, following line 18, by inserting:

“Sec. 819. From the funds appropriated in section 101 to the department of state, the department shall only purchase signs manufactured by the department of corrections. Signs designating the location of branch offices shall not contain the name of any state official except the governor.”.

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

Senator Hoffman offered the following amendment:

1. Amend page 92, following line 22, by inserting:

“Sec. 958a. Local units of government which receive revenue sharing funds and which distribute property tax statements and/or income tax forms shall not include, as part of the property tax statements or income tax forms external address, the social security number of the recipient and/or recipients.”.

The question being on the adoption of the amendment,

Senator V. Smith moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senators Gougeon and Emmons offered the following amendments:

1. Amend page 68, line 18, after “services.” by inserting “However, funds traditionally used for senior access and assessment shall not be used to expand the care management program.”.

2. Amend page 69, following line 14, by inserting:

“Sec. 759. The office of services to the aging shall award contracts and distribute funds only to those projects that are cost effective, meet minimum operational standards, and serve the greatest number of eligible people.

Sec. 760. The office of services to the aging shall provide that funds appropriated under this act shall be awarded on a local level in accordance with locally determined needs.

Sec. 761. The office of services to the aging shall provide that local service providers are not excluded from the award of access and assessment funds for outreach, information and referral, client assessment, case coordination, and care management.”.

The amendments were adopted, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Hoffman.

The question being on the adoption of the amendment,

Senator Hoffman withdrew the amendment.

Senator Hoffman offered the following amendment:

1. Amend page 92, following line 22, by inserting:

“Sec. 958a. Local units of government which receive revenue sharing funds and which distribute property tax statements and/or income tax forms shall not visibly include, as part of the property tax statements or income tax forms external address, the social security number of the recipient and/or recipients.”.

The amendment was adopted, a majority of the members serving 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. 83

Yeas—37

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	Schuetz	Vaughn
DeBeaussiaert	Koivisto	Schwarz	Young
DeGrow			

Nays—1

Carl

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

General Orders

Senator Gougeon 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 pro tempore, Senator Schwarz, designated Senator Gougeon as Chairperson.

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

Senate Bill No. 277, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 8 (MCL 830.418), as amended by 1994 PA 252.

The bill 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. 167, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 21, line 16, by striking out all of section 207.

2. Amend page 23, following line 20, by inserting:

"Sec. 1202. The department shall evaluate existing household hazardous waste collection centers in the state. The department shall report to the senate and house of representatives appropriations committees and the senate and house fiscal agencies by March 1, 1998 on the potential to provide greater coordination and expansion of household hazardous waste collection from these facilities.

WASTE MANAGEMENT

Sec. 1301. The director of the department shall submit a report on the design and implementation of a statewide used oil collection system to the senate and house of representatives appropriations committees and the senate and house fiscal agencies by March 1, 1998. This report shall be in collaboration with the department of management and budget, department of transportation, department of state police, and department of natural resources."

3. Amend page 24, line 19, after "reports" by striking out "and memoranda".

4. Amend page 27, following line 11, by inserting:

"Sec. 703. If legislation is not enacted that provides for sewage sludge land application fees, the \$650,000.00 for the sewage sludge land application program in section 101 shall not be expended."

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 a substitute therefor, the following bill:

Senate Bill No. 168, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 1997 and the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 19, line 22, by striking out all of section 207.
2. Amend page 22, line 11, after "reports" by striking out "and memoranda".
3. Amend page 28, following line 6, by inserting:

"WILDLIFE MANAGEMENT"

Sec. 1201. Of the funds appropriated in section 101, the department shall coordinate a task force with representatives from the wildlife and forestry divisions, the department of environmental quality waste management division, the department of transportation, the county road commissions, the department of state police, MIOsha, the department of community health, and the legislature to address funding and efficient disposal of dead animals on Michigan roads. The department shall report to the senate and house of representatives appropriations subcommittees on natural resources by December 31, 1997 on the findings of the task force."

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 a substitute therefor, the following bill:

Senate Bill No. 172, entitled

A bill to make appropriations for the department of military affairs for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Substitute (S-1).

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

1. Amend page 4, following line 15, by inserting:
"Michigan Vietnam veterans memorial monument fund \$ 25,000".

2. Amend page 4, line 18, by striking out "\$3,195,800" and inserting "\$3,220,800" and adjusting all subtotals, totals and section 201 accordingly.

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 a substitute therefor, the following bill:

Senate Bill No. 173, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Substitute (S-1).

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

1. Amend page 12, line 9, by striking out "11.0" and inserting "16.0".
2. Amend page 12, line 9, by striking out "790,600" and inserting "1,400,000".
3. Amend page 12, line 20, by striking out "\$790,600" and inserting "\$1,400,000" and adjusting all subtotals, totals and section 201 accordingly.

4. Amend page 28, following line 10, by inserting:

"MOTOR CARRIER ENFORCEMENT"

Sec. 1301. The appropriation in section 101 for school bus inspections shall be used by the department of state police to inspect each school bus and pupil transportation vehicle annually, as required under 1949 PA 300, MCL 257.715a and 1990 PA 187, MCL 257.1839."

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 a substitute therefor, the following bill:

Senate Bill No. 166, entitled

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income

received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Substitute (S-1).

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

1. Amend page 20, line 10, after "training" by striking out "partnership act" and inserting "programs".
2. Amend page 20, line 18, by striking out "10,200,000" and inserting "10,500,000".
3. Amend page 21, line 24, by striking out "\$68,036,900" and inserting "\$68,336,900" and adjusting all subtotals, totals and section 201 accordingly.

4. Amend page 28, following line 4, by inserting:

"Sec. 209. The department shall receive and retain copies of all reports funded from section 101 appropriations.

Sec. 210. (1) The directors of the departments of consumer and industry services and Michigan jobs commission shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the departments.

(2) The directors shall strongly encourage firms with which the departments contract to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both."

5. Amend page 55, line 17, by striking out all of section 412 and inserting:

"Sec. 412. The \$452,900.00 appropriated in section 101 for precollege programs in engineering and the sciences shall be provided in the form of a grant to the Detroit precollege engineering programs, incorporated."

6. Amend page 62, following line 5, by inserting:

"Sec. 430. Of the funds appropriated in section 101 for economic development job training grants, the department shall not use these funds to finance the startup or in any way subsidize any private distributor of liquor products in Michigan.

Sec. 431. The money appropriated in section 101 to the department of Michigan jobs commission for the council on career preparation standards shall not be spent unless the council includes at least 1 member who is a licensed practicing professional counselor."

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.

Point of Order

During the Committee of the Whole, Senator V. Smith raised the Point of Order that Senate Bill No. 167 was not germane because section 101 includes a \$650,000.00 funding source that does not exist and is contingent on legislative action.

The Chairperson, Senator Gougeon, ruled that the bill was germane because the bill was not amending by reference. Senator V. Smith appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Committee of the Whole,

The decision of the Chair stood as the judgment of the Committee of the Whole, a majority of the members present voting therefor.

Committee Reports

The Committee on Agriculture and Forestry reported

Senate Concurrent Resolution No. 14.

A concurrent resolution to express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

(For text of resolution, see Senate Journal No. 17, p. 185.)

With the recommendation that the concurrent resolution be adopted.

Walter H. North
Chairperson

To Report Out:

Yeas: Senators North, Gougeon, McManus, Byrum and Berryman

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Forestry submits the following:

Meeting held on Wednesday, March 19, 1997, at 1:30 p.m., Room 110, Farnum Building

Present: Senators North, Gougeon, McManus, Byrum and Berryman

Scheduled Meeting

Trial Court Assessment Commission - Friday, April 18, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 2:42 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 26, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

