

No. 20
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, March 10, 1998.

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 Secretary of the Senate, who announced that a quorum was not present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeausaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

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

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

Senator Joe Young, Jr., of the 1st District offered the following invocation:

There are many things that come before us for which we have to make decisions. There are many things that You call upon us to do ourselves. Please bless this body so that we may merge the two and do good for the people of Michigan. Amen.

Motions and Communications

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:03 a.m.

10:21 a.m.

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

During the recess Senators Miller, Bullard, McManus, Schuette, Bouchard, Gougeon, Rogers, Steil, Cisky, Geake, Gast, Hoffman, Bennett, Stille, Dunaskiss and Van Regenmorter entered the Senate Chamber.

A quorum of the Senate was present.

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

Senate Bill No. 942

Senate Bill No. 943

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

The following communication was received:
Office of the Auditor General

March 5, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including the Provisions of the Single Audit Act, of State-Funded Judicial Operations, October 1, 1994 through September 30, 1996.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 5:
House Bill Nos. 4345 5583 5584

The Secretary announced the printing and placement in the members' files on Thursday, March 5 of:
Senate Bill Nos. 957 958 959 960 961

The Secretary announced the printing and placement in the members' files on Friday, March 6 of:
House Bill Nos. 5619 5620 5621 5622 5623 5624

The Secretary announced the printing and placement in the members' files on Monday, March 9 of:
Senate Bill Nos. 992 993 994 995 996
House Bill Nos. 5625 5626 5627 5628 5629 5630 5631 5632 5633 5634 5635

Senators North, Emmons, Jaye and Posthumus entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received and read:

March 5, 1998

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

Michigan Potato Industry Commission

Mr. D. Larry Johnson, 8250 Spring Road, NW, Stanton, Michigan 48888-9773, county of Montcalm, as a member representing processors, succeeding himself, for a term expiring on July 1, 2000.

Mr. Donn L. Kranz, 1875 Timberview, Grand Rapids, Michigan 49505, county of Kent, as a member representing retailers, succeeding himself, for a term expiring on July 1, 2000.

Mr. Thomas Paul Bishop, 736 East Newberg Road, Pinconning, Michigan 48650, county of Bay, as a member representing growers in District 5, succeeding himself, for a term expiring on July 1, 2000.

March 5, 1998

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

Michigan Women's Commission

Ms. Anne B. Norlander, 746 Country Club Drive, Battle Creek, Michigan 49015, county of Calhoun, as a member representing the general public, succeeding Ms. Barbara Burr Gattorn of Grosse Pointe, whose term has expired, for a term expiring on July 15, 1999.

March 5, 1998

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

State Transportation Commission

Mr. Jack L. Gingrass, 1500 E. Grand Boulevard Circle, Iron Mountain, Michigan 49801, county of Dickinson, as a member representing the general public, succeeding himself, for a term expiring on December 21, 2000.

Mr. Lowell Jackson, 12205 East Kinnikinick Road, Northport, Michigan 49670, county of Leelanau, as a member representing the general public, succeeding Mr. Robert M. Andrews of Traverse City, whose term has expired, for a term expiring on December 21, 2000.

March 6, 1998

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

Michigan Onion Committee

Mr. Steven Fredrick Hoeksema, 6589 Lierman Road, Imlay City, Michigan 48444, county of Lapeer, as a member representing growers from District 5, succeeding himself, for a term expiring on August 16, 1999.

Mr. Bruce Jay Klammer, 4507 100th Street, Byron Center, Michigan 49315, county of Kent, as a member representing growers from District 2, succeeding himself, for a term expiring on August 16, 1999.

Mr. Brian G. Willbrandt, 51401 Decatur Road, Decatur, Michigan 49045, county of Van Buren, as a member representing growers from District 3, succeeding himself, for a term expiring on August 16, 2000.

Mr. Michael J. DuRussel, 4682 Esch Road, Manchester, Michigan 48158-9710, county of Washtenaw, as a member representing growers from District 4, succeeding Mr. David H. Iott of Parma, whose term has expired, for a term expiring on August 16, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 361

Senate Bill No. 371

Senate Bill No. 373

Senate Bill No. 377

Senate Bill No. 381

Senate Bill No. 384

Senate Bill No. 386

Senate Bill No. 387

Senate Bill No. 388

Senate Bill No. 400

The motion prevailed.

Senate Bill No. 714, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance. Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 92

Yeas—37

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 747, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8132 (MCL 600.8132). The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 834, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8138 (MCL 600.8138). The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

Senate Bill No. 789

Senate Bill No. 256

Senate Bill No. 830

Senate Bill No. 865

Senate Bill No. 897

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 894, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending the title and sections 103, 207, 211, 217, 220, and 221 (MCL 338.3103, 338.3207, 338.3211, 338.3217, 338.3220, and 338.3221), the title as amended by 1990 PA 2 and sections 103, 207, and 220 as amended and section 221 as added by 1993 PA 55.

The question being on the passage of the bill,

Senator A. Smith offered the following substitute:

Substitute (S-1).

The question being on the adoption of the substitute,

Senator V. Smith requested the yeas and nays.

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

Point of Order

Senator Shugars raised the Point of Order that the substitute offered by Senator A. Smith to Senate Bill No. 894 contained language that changed the intent of the original bill.

The President pro tempore, Senator Schwarz, ruled that pursuant to Article 4, Section 24 of the State Constitution, the substitute was not germane.

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 10, following line 26, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5561 of the 89th Legislature is enacted into law."

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. 93

Yeas—18

Berryman
Byrum

DeBeaussaert
Dingell

Miller
O'Brien

Smith, A.
Smith, V.

Cherry
Cisky
Conroy

Hart
Koivisto
McManus

Peters
Schwarz

Vaughn
Young

Nays—19

Bennett
Bouchard
Bullard
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman

Jaye
North
Posthumus
Rogers
Schuette

Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—1

Stallings

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. 94

Yeas—37

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 895, entitled

A bill to amend 1988 PA 440, entitled “Asbestos workers accreditation act,” by amending sections 2, 11, 13, and 14 (MCL 338.3402, 338.3411, 338.3413, and 338.3414), as amended by 1995 PA 127.

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. 95

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 896, entitled

A bill to amend 1995 PA 127, entitled “An act to amend the title and sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 15 of Act No. 440 of the Public Acts of 1988, entitled “An act to provide for the accreditation of persons who perform asbestos-related work in schools and school buildings; to prescribe the powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees,” being sections 338.3402, 338.3403, 338.3404, 338.3405, 338.3406, 338.3407, 338.3409, 338.3410, 338.3411, 338.3412, 338.3413, 338.3414, and 338.3415 of the Michigan Compiled Laws; to add section 15a; and to repeal acts and parts of acts,” by amending enacting section 2.

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. 96

Yeas—37

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O’Brien	Steil
Cherry	Gougeon	Peters	Stille

Cisky
Conroy
DeBeaussaert
DeGrow

Hart
Hoffman
Jaye

Posthumus
Rogers
Schuette

Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5115, entitled

A bill to amend 1867 PA 83, entitled “An act to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records,” by amending section 2 (MCL 35.32).

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. 97

Yeas—37

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Koivisto
McManus
Miller
North
O’Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

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. 898, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282a.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 2, line 16, by striking out all of subsection (4) and inserting:

"(4) THIS SECTION DOES NOT LIMIT ANY RIGHTS A PUPIL HAS UNDER STATE OR FEDERAL SPECIAL EDUCATION LAW."

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. 98

Yeas—36

Bennett
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—1

Berryman

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Berryman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 898 and moved that the statements he made during the discussion of the bill be printed as his reason for voting "no."

The motion prevailed.

Senator Berryman's first statement is as follows:

I rise in opposition to the bill strictly not to the intent of what I think the sponsor of the bill would like to see. That is, every child who is passed one grade to the next is certainly as competent to go on to the next grade. I think this happens with most school districts around the state.

My opposition is that once again the state of Michigan is mandating to our local school districts a procedure they must follow. We've even changed the title to say "locally adopted policy" to give it that local flavor, but it's not—it's one more time that the state is imposing its will over local school boards.

Now, if there are certain school districts in the state of Michigan that are having a problem with advancing kids that are not ready to go to the next grade, then we ought to deal with that individual school district—not have a blanket order across the state of Michigan and say that every school district within the state of Michigan shall adopt this policy, a policy, by the year 2002-2003. I can't find yet where there is a penalty clause if you don't adopt it, but I'm sure, down the road, that if a school district does not do that, then I'm sure there is going to be a penalty clause that says: "We will withhold certain number of school-aid dollars out of your foundation grant if you do not do what the state tells you to do." When we revised the school code in the state of Michigan, we gave the schools what we call general powers. It seems to be that we wanted to give them that authority which they have the authority to do now, and I contend that there are many, many school districts across the state that now have a promotion policy already in place.

But, I think this is more of a political response from the Governor's State of the State and I think, from the President. Where I think politicians stand up and pontificate on something that they think will sound good to the public to stop social promotion. I don't agree with social promotion. But, I do believe very strongly in my locally elected school boards to have the intelligence to make those decisions themselves, to put those in policy themselves, and again, I know I've talked to many of my school districts that they already have those policies in place. Why do we need another state mandate? You can name it anything you want— "locally adopted policy." It is still a mandate of the state of Michigan. It's going away from the general powers act we've given them to once again impose the will of the state and I think that's wrong.

Senator Berryman's second statement is as follows:

Well again, I just wanted to clarify my position a little bit. I'll probably be the only "no vote" here, and I wanted to make sure my colleagues understand that I certainly approve and support the idea of making sure that every child that is promoted has the ability to be able to complete and compete with other students in the next grade level. My opposition is not to that intent. My opposition is to the state micro managing our local school boards. That is the reason I do not support this bill.

Again, when we pass such legislation we get from this body, where we represent the state of Michigan, it gives the general impression to the public that every school district in the state is doing this and failing our kids. I don't agree with that assumption. There are many, many, many fine school districts across this state that are doing an exemplary job of educating our children all the way up and down the line—educating our kids so that they can compete with anybody at any university from any country across the world. Too often these kinds of bills focus in on what's wrong. If we can identify those school districts that are not upholding that standard, we ought to go in and work with those individual school districts, not pass a bill that mandates that every school district across the state propose and promote and pass a locally adopted policy. We'll fight the contention that these are locally adopted policies—yes, they are locally adopted, but through the mandate of the state of Michigan. That is my opposition and I refuse to go along with the idea that when we pass these, that every school district is failing our kids—they're not.

If you want to run your local school board, then what you ought to do is run for the school board and not micro manage it here from Lansing.

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

The motion prevailed.

Senator Conroy's statement is as follows:

Notwithstanding the previous speaker's comments, I believe this to be a good bill. I think we need to create the condition in which these children will know how to read. I remember the Senator from Bay City saying, "Well, I remember when we had 45 kids in a class and they learned to read." That's true. In Utah they do that today, and they learn how to read, but those kids come to school with a whole lot less baggage than what some of our children are coming with. Any time I'm at a school, and I'm in a school once week 39 weeks out of the year, I always get to the kindergarten teacher to ask here or him how are these kids prepared? If they're kids, how were they prepared when they came to school. Well, about half of them knew how to write their name and the other half didn't. I asked how long does it take to get that child to be conversant with the other half and the teacher usually says February or March. So, it's a four or five month process bringing those children up to speed and because we have different families today presenting the children at the schoolhouse door than we did when Senator Emmons and I were graduating from high school. I think this is an excellent step forward. There are some school boards that have 35 kids in their classes and those kids are just struggling and struggling, and by the time they get to the fourth grade they can't read, and by the time they get to the sixth grade they're in trouble, and by the time they're in eighth grade and they're 15 or 16, they're ready for the local jail or the boys' school, so we have to invest at the early ages to make sure that our kids succeed.

Years ago, you didn't need to have an education to be well. I think it was designed like that. They didn't want too many bright people because you only needed about 10% of them to run the country, to run the city and to run the state. You needed the 90 percent to get out there and use a shovel and put the parts on the car.

Well, today the people who put the parts on the car have to be able to run a computer. You can go a half a block and not see one person working other than a person on a computer directing that line to color that car the proper color. We have a whole new kind of child that we're trying to develop and we just can't do that by pushing him along without having attained achievement. But, I think that Senator Berryman is right, at least in the part that we need to prepare these children at an earlier time so that they can be successful.

Most of us who produced kids don't produce kids that can't read and can't compute and can't compete. But, there is a tremendous number of our citizenry out there that do that. They, themselves, are at risk. The boards are at risk. They were socially promoted or kicked out or had a bad experience in the school system. You folks were kind enough to agree to the low class size that we are instituting around the state in maybe 33 school districts. Clearly, Port Huron and Flint have been leaders in this movement. This is working—it's making certain that these kids can read and compute. I have nothing but good words for this Senator Emmons. I think you're on the right track. It's something we ought to do, and sometimes local leadership is not as aware as to what is really transpiring in those classrooms as they should be, but I can tell you in my classrooms, there is order, there is focus, there is attention, there is student achievement going on that did not occur five years ago. I see it on a daily basis and that's because we made them do that. This state—you sat here and said Flint, Michigan has to reduce its class size. You said that, and that local school district did agree with this, but we passed that by law. I think this body does have a right and should be in the leadership to make sure no one fails. If we could all have children like Senator A. Smith's, who's sitting here on the Senate floor today, a junior in college, a terrific student; Senator Joe Young, Jr.'s, child, and many of you as well..., Senator Willis Bullard's (if he's listening) children.

This is an extremely important bill, maybe the most important bill that we will deal with this year. I'm glad that there is federal leadership—the President has initiated this as a goal. The Governor has included that in his State of the State and we certainly ought to include it in our thrust to make certain that youngsters have a better start than maybe, what their parents are giving them.

Senator DeBeaussiaert's statement is as follows:

I too rise in support of this bill. As the chair of the Education Committee has indicated, this bill has changed significantly in the process, and has, I think, been improved along the way. I think it recognizes the fact that all students have the potential to succeed if they are given the appropriate tools for success.

What Senate Bill No. 898 is really about is setting standards, so that there are clear expectations for what children ought to be achieving as they move through their school, in each individual school district. There are some who looked at this as a bill that seeks to hold students back in the process, to keep them retained in their current class. I'm supporting this bill because I think it clarifies that our goal ought to be raising the bar, raising the standards, and then giving every child in the state the resources and the opportunity to achieve those goals.

By providing clearer expectations for students, for parents, and for educators, we are saying that every child has value, and that every child has a right to the opportunity to reach their full potential. We know that there are problems when children are held back a grade. They are more likely to have further problems down the line, and my hope is that this bill will not result in more children being held back, but rather that we will identify at an earlier point in time, those students that are at risk of failure, and then find a way, through the amendments that were adopted, of involving the parents and developing a specific plan that will help that child move forward, to reverse the trend they are on, to reach the level of expectations that we think is appropriate for a student of that grade, and give them the opportunity to advance throughout the rest of their career in school and beyond.

We know that when there is a sickness or a disease that is identified early, that appropriate medical treatment and intervention can lead to a complete and quick recovery, and that is really the model that we are following here. We know that every child who is at risk of failure ought to be able to expect early identification of the problem, the appropriate intervention, a quick improvement, and a full recovery so that they can reach their full potential. I think that is what this bill, with the improvements that we have made, is about, and that is why I'm supporting it.

Senators Conroy, DeBeaussiaert, Stille, Hart, Miller, Peters, North, McManus, Schuette, Jaye, Rogers, Steil, Shugars, Bullard, A. Smith, Gougeon, Byrum, Vaughn, Cherry, Young and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 898

The motion prevailed.

General Orders

Senator DeGrow 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 Rogers 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. 862, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21528. 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. 942, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i. Substitute (S-1).

The Senate agreed to the substitute 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:

House Bill No. 4289, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200, 201, 204, 204a, 207, 209, and 211a (MCL 750.200, 750.201, 750.204, 750.204a, 750.207, 750.209, and 750.211a) and by adding section 209a; and to repeal acts and parts of acts.

Substitute (S-1).

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

Resolutions

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

Senate Resolution No. 71

Senate Resolution No. 134

The motion prevailed.

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

Senate Resolution No. 153

The resolution consent calendar was adopted.

Senator Bouchard offered the following resolution:

Senate Resolution No. 153.

A resolution to congratulate Albert Fracassa, the Birmingham Brother Rice High School football coach who was recently named the third NFL High School Coach of the Year.

Whereas, Albert Fracassa's leadership abilities has inspired and influenced young men not only in the game of football, but in the pursuits of personal character and spirituality. Coach Fracassa was a second father to many of his players, teaching them the importance of strong values and unity as a team; and

Whereas, Coach Albert Fracassa with tremendous heart, courage, and determination has led the Brother Rice High School football teams to great success in his 29 years, with a record of 229-51-2, State Championships in 1974, 1977, 1980, 1983 and 1990; Catholic League Champions in 1963, 1971, 1974, 1977, 1978, 1980, 1981, 1983 and 1986; ranked 8th in the country by USA Today in 1983; and ranked 6th in the country in 1987 for Outstanding Football Program in the U.S.A. And ranked in the top 10 teams in the state the last 13 of 15 years, which stands as a testimony to his tremendous effectiveness as a coach and motivator; and

Whereas, Albert Fracassa, as a result of his expertise and talent, has received honors such as Coach of the Year numerous times for numerous reasons, Michigan High School Football Coach of the Year, Michigan High School Football Coaches Association Hall of Fame, Head Coach of first All-Star Game in Michigan, Oakland County Vince Lombardi "Block of Granite Award" for Coach of the Year, and Regional Coach of the Year 11 times; and

Whereas, In addition, Coach Fracassa has received honors such as the Man of the Year Award from St. Bede's Mens Club, March of Dimes Sportsman of the Year Award, Italian American of the Year Award, Catholic High School League Ed Lauer Person of the Year Award, and Catholic Hall of Fame and MHAA Hall of Fame; and

Whereas, Through relentless dedication and undying devotion to his players and the game, Albert Fracassa attended Super Bowl XXXII in San Diego, California, as the NFL's guest where he was presented with his award; now, therefore, be it

Resolved by the Senate, That members of this legislative body congratulate and honor Coach Albert Fracassa for a lifetime of achievements and a job well done; and be it further

Resolved, That a copy of this resolution be transmitted to Albert Fracassa as a reminder of his tremendous accomplishment as a football coach by being named the NFL High School Coach of the Year.

Senators Young, Stille and Shugars were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 52.

A concurrent resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling pertains to certain recipients.

The question being on the adoption of the concurrent resolution,

Senator Emmons offered the following substitute:

A concurrent resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling pertains to certain recipients.

Whereas, Our country has made significant strides in revamping our system of welfare. Through landmark federal legislation and the leadership and cooperation of the states, disincentives have been replaced by workfare opportunities to help people gain self-sufficiency; and

Whereas, The application of the Fair Labor Standards Act to recipients who are placed in jobs, whether in subsidized or unsubsidized work, is proper. Further, welfare recipients ought not be used to supplant existing workers. However, welfare recipients who are receiving training such as planned work experience, job shadowing, mentoring, and cooperative education activities and are not receiving monetary compensation are not employees of the state. They are beneficiaries who are being introduced to the world of work; and

Whereas, The new federal provisions on assistance require those able to work to move to employment and/or training. However, this effort is hampered by a recent ruling by federal labor officials. In April 1997, the United States Department of Labor ruled that a host of labor laws, regulations, and taxes apply to welfare recipients as well as to other employees. This policy is a major blow to welfare reform efforts; and

Whereas, The Department of Labor ruling is harmful to recipients who do not receive compensation for their participation in training programs or community service. It would be much more realistic and fairer to extend an exemption to these people for a period of time not to exceed one year; and

Whereas, Subjecting welfare/workfare employment to the same laws and regulations as other employees is counterproductive to the ultimate aims of encouraging all people to seek work and encouraging employers to provide meaningful opportunities for these men and women. The requirements of the Fair Labor Standards Act, Social Security taxes, unemployment insurance benefits, and prevailing wage provisions will not open more doors to people needing work. Instead, these provisions make it much easier for recipients and employers alike to abandon a partnership that holds great promise for our nation. There are clearly other means to protect these workfare participants without jeopardizing the advances we are making in replacing welfare with work; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling affects recipients who do not receive compensation for their participation in training programs or community service projects. We urge that the ruling be modified to permit these recipients with an exemption for a period of time not to exceed one year; and be it further

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

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

Senate Resolution No. 112.

A resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling pertains to certain recipients.

The question being on the adoption of the resolution,

Senator Emmons offered the following substitute:

A resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling pertains to certain recipients.

Whereas, Our country has made significant strides in revamping our system of welfare. Through landmark federal legislation and the leadership and cooperation of the states, disincentives have been replaced by workfare opportunities to help people gain self-sufficiency; and

Whereas, The application of the Fair Labor Standards Act to recipients who are placed in jobs, whether in subsidized or unsubsidized work, is proper. Further, welfare recipients ought not be used to supplant existing workers. However, welfare recipients who are receiving training such as planned work experience, job shadowing, mentoring, and cooperative education activities and are not receiving monetary compensation are not employees of the state. They are beneficiaries who are being introduced to the world of work; and

Whereas, The new federal provisions on assistance require those able to work to move to employment and/or training. However, this effort is hampered by a recent ruling by federal labor officials. In April 1997, the United States Department of Labor ruled that a host of labor laws, regulations, and taxes apply to welfare recipients as well as to other employees. This policy is a major blow to welfare reform efforts; and

Whereas, The Department of Labor ruling is harmful to recipients who do not receive compensation for their participation in training programs or community service. It would be much more realistic and fairer to extend an exemption to these people for a period of time not to exceed one year; and

Whereas, Subjecting welfare/workfare employment to the same laws and regulations as other employees is counterproductive to the ultimate aims of encouraging all people to seek work and encouraging employers to provide meaningful opportunities for these men and women. The requirements of the Fair Labor Standards Act, Social Security taxes, unemployment insurance benefits, and prevailing wage provisions will not open more doors to people needing work. Instead, these provisions make it much easier for recipients and employers alike to abandon a partnership that holds great promise for our nation. There are clearly other means to protect these workfare participants without jeopardizing the advances we are making in replacing welfare with work; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling affects recipients who do not receive compensation for their participation in training programs or community service projects. We urge that the ruling be modified to permit these recipients with an exemption for a period of time not to exceed one year; and be it further

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

The substitute was adopted.

The resolution, as substituted, was adopted.

Senators North, Koivisto, Berryman, McManus, Bouchard, Stille, DeGrow and Bullard offered the following concurrent resolution:

Senate Concurrent Resolution No. 73.

A concurrent resolution to memorialize the Congress of the United States to reject all moves to include Lake Champlain as one of the Great Lakes.

Whereas, The Congress of the United States has passed the National Sea Grant College Program Reauthorization Act of 1998 to fund a host of important initiatives. A significant component of this legislation is support for university studies of problems facing the ecology of the Great Lakes; and

Whereas, During the consideration of S. 927, the measure was amended to designate Lake Champlain as one of the Great Lakes for purposes of eligibility for research funding. Prior to this amendment to the National Sea Grant College Program Reauthorization Act of 1998, the National Sea Grant College Program had been expressly dedicated to ocean, coastal, and Great Lakes research; and

Whereas, To extend Great Lake status to Lake Champlain is clearly a case of creative geography. Lake Champlain, which lies between New York and Vermont, is far smaller than even the smallest of the Great Lakes and is in a far different setting. Apart from the stretch in geography, however, this move to include Lake Champlain as one of the Great Lakes represents a possible dilution of already limited funding; and

Whereas, United States Representative Fred Upton has introduced a bill, H.R. 3260, to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes. Enactment of this bill or one similar to it is needed to correct an obvious and potentially harmful mistake; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to reject all moves to include Lake Champlain as one of the Great Lakes; and be it further

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

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

Senators DeBeaussaert, Young, Cherry and Shugars were named co-sponsors of the concurrent resolution.

Senators Stille, Bouchard, Hoffman, Bennett, North, DeGrow, Shugars, Gougeon, Bullard, Emmons and Posthumus offered the following resolution:

Senate Resolution No. 152.

A resolution to memorialize the Congress of the United States to reject all moves to include Lake Champlain as one of the Great Lakes.

Whereas, The Congress of the United States has passed the National Sea Grant College Program Reauthorization Act of 1998 to fund a host of important initiatives. A significant component of this legislation is support for university studies of problems facing the ecology of the Great Lakes; and

Whereas, During the consideration of S. 927, the measure was amended to designate Lake Champlain as one of the Great Lakes for purposes of eligibility for research funding. Prior to this amendment to the National Sea Grant College Program Reauthorization Act of 1998, the National Sea Grant College Program had been expressly dedicated to ocean, coastal, and Great Lakes research; and

Whereas, To extend Great Lake status to Lake Champlain is clearly a case of creative geography. Lake Champlain, which lies between New York and Vermont, is far smaller than even the smallest of the Great Lakes and is in a far different setting. Apart from the stretch in geography, however, this move to include Lake Champlain as one of the Great Lakes represents a possible dilution of already limited funding; and

Whereas, United States Representative Fred Upton has introduced a bill, H.R. 3260, to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes. Enactment of this bill or one similar to it is needed to correct an obvious and potentially harmful mistake; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to reject all moves to include Lake Champlain as one of the Great Lakes; and be it further

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

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

Senators DeBeaussaert, Young, Cherry and Shugars were named co-sponsors of the resolution.

Senators North and Jaye offered the following resolution:

Senate Resolution No. 154.

A resolution to urge the United States Department of Interior and the Fish and Wildlife Service to expand the boundaries for the late season Canada Goose hunt.

Whereas, The federal Migratory Bird Treaty Act governs the conditions of hunting of several species, including the Canada Goose. Under this act, hunting seasons and boundaries must be approved by the federal government through the United States Secretary of the Interior and the Fish and Wildlife Service; and

Whereas, In addition to the regular hunting season for the Canada Goose, there is a late season hunt. This special season is from early January to early February, but it is restricted to hunting only in southern Michigan; and

Whereas, In recent years, the Canada Goose population has become so large in some areas of Michigan that they have become a nuisance and even a health problem in certain locales. This problem seems to be increasing significantly. While the extra season provides a means to handle the situation in southern Michigan, areas in the northern part of our state also face problems from too many of these geese; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Interior and the Fish and Wildlife Service to expand the boundaries for the late season Canada Goose hunt; and be it further

Resolved, That copies of this resolution be transmitted to the United States Fish and Wildlife Service and the Secretary of the Interior.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be referred to the Committee on Hunting, Fishing and Forestry.

The motion prevailed.

Senators Gougeon, Rogers, Cisky, Steil, Bennett, Stille, Geake, Bouchard, Gast, Schwarz, Hoffman, DeGrow, Dunaskiss, Bullard, Schuette, North, Emmons, McManus and Jaye offered the following resolution:

Senate Resolution No. 155.

A resolution to memorialize the President of the United States and the Congress of the United States to take immediate and necessary action to return Wojtek Tokarczyk to his aunt and uncle, Walter and Teresa Tokarczyk of Alger, who have formally adopted him and to provide for him to become a citizen of the United States of America.

Whereas, Current laws governing foreign-child adoptions and immigration are complex and necessary to provide certain safeguards. Included in those safeguards is the stipulation that a person entering the United States of America on a Visitor's Visa cannot be enrolled in a public school; and

Whereas, Wojtek Tokarczyk spent nearly two years as a member of the family of Walter and Teresa Tokarczyk, Michigan residents from the city of Alger. His adoptive parents, Walter and Teresa Tokarczyk, had enrolled him at Ogemaw Heights High School. Wojtek Tokarczyk was not allowed to re-enter this country following a 1997 Christmas visit to his native Poland; and

Whereas, Using the seldom-used method commonly known as Private Relief Legislation, the Congress can act swiftly to allow Wojtek Tokarczyk to re-enter the United States of America, and be legally adopted by his aunt and uncle, Walter and Teresa Tokarczyk; and

Whereas, Wojtek Tokarczyk has become a boy without a country. This is not an instance where the Immigration and Naturalization Service has acted to protect the resources of this nation from an undesirable illegal alien. He is missed dearly by his family, his soccer teammates and friends, and the community at large. Wojtek is also missed by the local fire department where he served as a volunteer firefighter. This is a matter of family values and a sense of community. The prompt return of Wojtek Tokarczyk would be one small victory for the American notion that families are our most important resource and that close-knit communities still exist; now, therefore, be it

Resolved by the Senate, That we memorialize the President of the United States and the Congress of the United States to take immediate and necessary action to provide for United States citizenship for Wojtek Tokarczyk; and be it further

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

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

Introduction and Referral of Bills

Senator Van Regenmorter introduced

Senate Bill No. 1001, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending section 68b of chapter X (MCL 710.68b), as amended by 1994 PA 373.

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

Senator Young introduced

Senate Bill No. 1002, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

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

Senator Young introduced

Senate Bill No. 1003, 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 bill was read a first and second time by title and referred to the Committee on Finance.

Senator Young introduced

Senate Bill No. 1004, entitled

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

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

Senator Young introduced

Senate Bill No. 1005, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 510a.

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

Senator Young introduced

Senate Bill No. 1006, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11521a and part 170; and to repeal acts and parts of acts.

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

Senator Bouchard introduced

Senate Bill No. 1007, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 839.

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

Senator Bouchard introduced

Senate Bill No. 1008, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 1 (MCL 691.1401), as amended by 1986 PA 175.

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

House Bill No. 4345, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 1986 PA 58.

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. 5583, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 20c and 24a (MCL 259.20c and 259.24a), as added by 1996 PA 370, and by adding chapter IA and section 20d.

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. 5584, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 86a and 89 (MCL 259.86a and 259.89), section 86a as added and section 89 as amended by 1996 PA 370.

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.

Statements

Senators Bouchard, DeBeaussaert, Emmons and Dingell asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bouchard's statement is as follows:

I rise to speak on an issue which has rather recently been hotly discussed and debated in my neck of the woods, and that is—the movement of a television show on Channel 4, from one time slot to another. Specifically the Jerry Springer Show. In fact, it has been moved to 4:00 p.m., when many young people are coming home from school. What the discussion revolves around, is that the most appropriate programming to be on when many children are home alone, with both parents by necessity; oftentimes working. The question rises obviously that the parents have an important role in encouraging their young people not to turn that on. But nonetheless, it certainly makes it more available and more tempting and raises many questions. So, I would encourage and support the group of individuals who have been urging Channel 4 to reconsider the decision. A group of women who are mentors, have encouraged Channel 4 to change that decision as well, and are concerned on the impact it will have on the young women who they are attempting to mentor.

Recently, over this weekend, a constituent in my district; a man who I have a great deal of respect for came to light—it came to light internally, as an employee of the station urged them not to do that. But, nonetheless they moved ahead anyway. Subsequently, he came out and said that he was disappointed or ashamed of it—some such terminology. I just wanted to add to him—Mike Wendland of Channel 4, my support for his courage and integrity of raising an issue about what is appropriate. What is shown to young people at a time slot when they're most likely going to be around without any type of supervision, raises a very clear question I think. We do everything we can as a society and as policy makers to seek to protect young people from physical kinds of threats; such as smoking and other substance abuse questions, and yet we freely expose them to other kinds of threats. In this particular case, a developmental threat and that is them seeing and potentially believing that the behavior displayed on that show and other similar like shows is both appropriate and common, and it is neither. I stand to rise to add my voice to the support of those who have asked Channel 4 to reconsider the decision to specifically support the women mentors in the city of Detroit, to specifically support Mike Wendland an integrity filled reporter from Channel 4—to encourage them that other better time slots could be found if they indeed wish to still air this; which I find to have no social, intellectual or entertaining redeeming value—apparently some do. I would encourage them to find a better slot and remove it from the ready available accessibility of our young people.

Senator DeBeaussaert's statement is as follows:

Earlier today the Senate gave its approval to Senate Bill No. 898; an important bill that I think will help to set clear standards for school children in Michigan and provide a process through involvement of parents and educators to make sure that every child has the opportunity to reach their full potential by achieving those standards. I believe that every school district and every school child in the state can meet those standards with the right kind of assistance and support—we have an example of that in my local community. Ten years ago, at the Ardmore Elementary School in the Lakeview school system, only a very small number—13 out of 420 students achieved the level of fitness to receive the Presidential Physical Fitness Award, which I am sure we've all heard about. It means that the student has achieved the 85 percentile of activity in a certain level of physical fitness and they have to receive that 85 percentile or above, in five specific areas, to receive the Presidential Physical Fitness Award. The people in the Ardmore Elementary School District thought that wasn't good enough—13 out of 420; so they set about the task of putting together a process of involving parents and goal setting planning.

Through a process of thousands of hours of activity and parental support and involvement, Ardmore can now boast that more than 200 students reach or exceed that benchmark level of activity. In fact, for the fifth straight year, Ardmore has been named one of the top physical fitness champion schools in Michigan by the Presidents Council on Physical Fitness. Eighty-seven percent of the students in that school now exceed the 50th percentile and 48% have achieved that award—a far cry from the day 10 years ago, when only 13 out of 420 students reached that level. I think it gives us an example of the kinds of things that can be done when we set clear standards, and we go about the business of clearly making sure that students achieve those levels by involving all of the community resources; the parents, the educators and others involved in those local schools. So, I want to thank Ardmore Elementary for showing us the way to physical fitness, but I think that same motto can be used in academic achievement as well. I also want to thank them, because

as part of their celebration last week, for having been named for the fifth straight year, they had a week long celebration in which they helped to raise funds and those funds were presented to the Shriner's organization for their Children's Hospital. I want to thank them for that activity as well.

Senator Emmons' statement is as follows:

Senate Bill No. 898 is a beginning of a process that I hope continues for a long time. We need to set goals, then we need to have a plan to achieve them and then we have successful students under this plan. We are concentrating on the very early elementary grades now but with the hope that process will continue. I did want to bring to the body's attention that the very largest school district in Michigan—the Detroit Public Schools—has been embarked on this process for two years and actually now have in place exit skills, attendance records for successful students. If indeed it can be done in a district that large, we should all be able to set goals to make our children successful. This is a beginning process. We only laid out an outline. Now the real work begins at the local level.

Senator Dingell's statement is as follows:

I've introduced Senate Bill No. 996 to deal with something that I feel is quite important. For some while I've been looking at the criminal justice process and how police fit into this and how they protect us from bad guys. I've introduced Senate Bill No. 996 to protect police officers from unfair discipline processes by their management. I introduced the bill because police officers should be entitled to the same kind of protections that criminals are.

It's a startling fact that criminals, when they do the wrong thing, are entitled to more protections than police officers who are accused of, perhaps doing the wrong thing, but usually they haven't done anything wrong. It's imperative that we give our crime fighters the same kind of protections that bad guys have. The Law Enforcement Officers' Bill of Rights would apply to only internal investigations, disciplinary investigations, and would not apply to criminal investigations because the police officers already have these kinds of protections there.

Because of the tremendous responsibilities that come as a part of being a police officer, they're usually held to a much higher standard of conduct, personally and professionally, than other persons are. Sometimes higher visibility persons such as these are subject to false accusations. There are instances of police officers given disciplinary dismissal from their jobs without due process and without any kind of explanation whatsoever. This is wrong. Senate Bill No. 996 would ensure that law enforcement officers are notified of an investigation when it's going on and what kind of disciplinary action would be expected under it. It would ensure that law enforcement officers are notified of the alleged violation and the source of the complaint. Law enforcement officers, unless on duty, would have the right to engage in political activity. They could have access to counsel, which sometimes they're denied as a part of these investigations.

They have a tough job, police officers do. I think they deserve these kinds of rights out of fundamental fairness, if their own police department management doesn't give it to them on their own. They have a tough job. Let's take care of them. This won't protect bad cops from retribution of the sort that they deserve. It will protect good cops from being wrongly treated.

Committee Reports

The Committee on Gaming and Casino Oversight reported

Senate Bill No. 947, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 43b.

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

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Rogers and Schuette

Nays: Senators V. Smith and Koivisto

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

The Committee on Gaming and Casino Oversight reported

Senate Bill No. 948, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.226) by adding section 11a.

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

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Rogers and Schuette

Nays: Senators V. Smith and Koivisto

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

The Committee on Gaming and Casino Oversight reported

Senate Bill No. 949, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 10c.

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

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Rogers and Schuette

Nays: Senators V. Smith and Koivisto

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

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submits the following:

Meeting held on Wednesday, March 4, 1998, at 2:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Rogers, Schuette, V. Smith and Koivisto

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 942, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

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

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

Joel Gougeon
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard, Geake and Peters

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 943, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

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

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

Joel Gougeon
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard and Geake

Nays: Senator Peters

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 945, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57j.

With the recommendation that the bill pass.

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

Joel Gougeon
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, March 5, 1998, at 8:00 a.m., Room 100, Farnum Building

Present: Senators Gougeon (C), Bouchard, Geake and Peters

Excused: Senator V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submits the following:

Meeting held on Wednesday, March 4, 1998, at 12:30 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Cisky (C), Hoffman and Vaughn

COMMITTEE ATTENDANCE REPORT

The Joint Task Force on Revenue Sharing submits the following:

Meeting held on Wednesday, March 4, 1998, at 1:00 p.m., House Appropriations Room, Capitol Building

Present: Senators Steil (C), Gast and V. Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Wednesday, March 4, 1998, at 1:08 p.m., Room 210, Farnum Building

Present: Senators Schuette (C), Jaye, O'Brien and Peters

Excused: Senator Shugars

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submits the following:

Meeting held on Wednesday, March 4, 1998, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), DeGrow and Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on School Aid (K-12) and Department of Education submits the following:

Meeting held on Wednesday, March 4, 1998, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators DeGrow (C), Schwarz and Conroy

COMMITTEE ATTENDANCE REPORT

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

Joint meeting held on Thursday, March 5, 1998, at 1:00 p.m., Room 300, Capitol Building

Present: Senators Gougeon (C), Geake, V. Smith and Peters

Excused: Senator Bouchard

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Friday, March 6, 1998, at 10:00 a.m., Albion College, Baldwin Hall Ballroom, Hannah Street, Albion, Michigan

Present: Senators Schwarz (C) and Cisky

Excused: Senator Koivisto

Scheduled Meetings

Campaign Finance Special Committee (HCR 34) - Thursday, March 12, at 2:00 p.m., Room 424, Capitol Building (3-1707).

Capital Outlay Joint Subcommittee - Thursday, March 12, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Health Appropriations Subcommittee - Wednesday, March 11, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1707).

Families, Mental Health and Human Services Committee - Thursday, March 12, at 1:00 p.m., Room 100, Farnum Building (3-1777).

Financial Services Committee - Wednesday, March 11, at 2:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Scheduled Meeting Canceled

Corrections Appropriation Subcommittee - Wednesday, March 11, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1760).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 11:56 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.