

No. 26
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, March 24, 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 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

Father Thomas McNamara of Sacred Heart Catholic Church of Mt. Pleasant offered the following invocation:

Father in Heaven, we thank You this day for the many blessings You have given us as a people and as residents of the beautiful state of Michigan. With gratitude we rejoice in that freedom which each of us has been given in this nation and state.

We thank You for those gathered here today who have accepted roles of leadership in our state, members of the Michigan State Senate. Bless them as they continue to be of service to the citizens of Michigan. We ask You to bless and guide the Governor and the Lieutenant Governor of Michigan and all who make up this chamber of our Legislature. We entrust all of them to You, Father; You, who are the supreme lawgiver. For 161 years we have placed our state in Your loving trust and providence. In return, You have blessed us abundantly. May our fidelity to You never waiver as we ask Your continued guidance and blessings on our state. Be the constant companion of all lawmakers as they strive to serve and improve life for all of our citizens; may they use Your law of love as their guide in all they say and do.

As members here discuss legislation and as they decide issues affecting many millions of people, may their reverence for truth and their faith in You be their guiding principle. We ask all of this of You, Father, and we praise You this day. Through Christ, our Lord. Amen.

Motions and Communications

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

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

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. 907

Senate Bill No. 910

Senate Bill No. 911

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

Senator DeGrow moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 4454

The motion prevailed.

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

The motion prevailed.

Recess

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

The motion prevailed, the time being 10:07 a.m.

10:48 a.m.

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

During the recess, Senators Van Regenmorter, Hoffman, V. Smith, Cisky, Stille, McManus, North, Gast, Dunaskiss, Bullard, Bennett, Jaye, Bouchard, Geake and Gougeon entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 19:

House Bill Nos. 4366 4368 4369 4779 4780 4781 5399 5534 5576

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, March 19, for his approval the following bills:

Enrolled Senate Bill No. 370 at 3:44 p.m.
Enrolled Senate Bill No. 385 at 3:46 p.m.
Enrolled Senate Bill No. 389 at 3:48 p.m.
Enrolled Senate Bill No. 614 at 3:50 p.m.
Enrolled Senate Bill No. 747 at 3:52 p.m.
Enrolled Senate Bill No. 758 at 3:54 p.m.
Enrolled Senate Bill No. 759 at 3:56 p.m.
Enrolled Senate Bill No. 775 at 3:58 p.m.
Enrolled Senate Bill No. 834 at 4:00 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, March 19 of:
Senate Bill Nos. 1027 1028

The Secretary announced the printing and placement in the members' files on Friday, March 20 of:
Senate Bill Nos. 1014 1015 1016 1017 1018 1020 1021 1022 1023 1024
House Bill Nos. 5704 5705 5706

The Secretary announced the printing and placement in the members' files on Monday, March 23 of:
Senate Bill Nos. 1025 1026
House Bill Nos. 5707 5708 5709 5710

Messages from the Governor

The following messages from the Governor were received and read:

March 20, 1998

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

Michigan Public School Employees' Retirement Board

Mr. W. Howard Morris, 20480 Picadilly, Detroit, Michigan 48221, county of Wayne, as a member representing persons with experience in investments, for a term expiring on March 30, 2000.

Mr. Michael R. Meyer, 12192 North Lakeshore Drive, LaSalle, Michigan 48145, county of Monroe, as a member representing community college administrators and trustees, for a term expiring on March 30, 2000.

March 23, 1998

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

Grape and Wine Industry Council

Mr. Edward L. O'Keefe III, 10719 Center Road, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing wine makers, succeeding himself, for a term expiring on October 9, 1999.

Mr. Mark B. Johnson, 1444 Braebury Way, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing wine makers, succeeding himself, for a term expiring on October 9, 1999.

March 23, 1998

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

Michigan Strategic Fund Board of Directors

Mr. C. Michael Kojanian, 601 Orchard Ridge, Bloomfield Hills, Michigan 48304, county of Oakland, as a member representing the Senate Majority Leader, succeeding Mr. David A. Brandon of Plymouth, who has resigned, for a term expiring on December 31, 1999.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senator Rogers entered the Senate Chamber.

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

Senate Bill No. 362

Senate Bill No. 200

Senate Bill No. 97

House Bill No. 4289

The motion prevailed.

Senator Posthumus entered the Senate Chamber.

Senate Bill No. 732, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 1 (MCL 331.531), as amended by 1992 PA 215.

(For text of amendment, see Senate Journal No. 25, p. 418.)

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

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

Roll Call No. 125

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

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

The motion prevailed.

Senator Bouchard's statement is as follows:

It's with great personal pride that I have the opportunity to introduce some friends and associates to my colleagues in the Senate, the Troy Community Coalition from the great city of Troy. For those of you in communities who have not yet had the opportunity to create a coalition, which is an united effort to deal with substance abuse, this is certainly something you may want to chat with them about, how they created their entities, the successes they have had, and the work they have been able to accomplish by working together.

Recently, this Troy Community Coalition has begun to expand the effort out into other communities surrounding them under the premise that we need to work in a cooperative manner across regional and geographic lines. They have gone to coalitions and healthy communities across part of Oakland County. They were picked as the Outstanding Coalition of the Year by the Community of Anti-drug Coalitions of America. This coalition group from my district is in our balcony today was picked as the best coalition in America for fighting these kinds of fights, and I think we know it's more important than ever given some of the unfortunate statistics we've seen as it relates to teen use of drugs, the increase of certain kinds of usages among different ages, and I think it's especially important that we come together with certain types of techniques. They have done that. They have been successful.

They have also been recognized by the Michigan Office of Drug Control Policy and have designed a program of exemplary prevention recognized for this first place program from the Michigan Municipal League, the Michigan Cable Association, as well as the Michigan Chiefs of Police. I guess to use the phrase "the results are in" can be used. They have been successful, and it's through their personal sacrifice and personal efforts—many are volunteers, they are recognized here in the balcony today. Mr. President, I would ask that we welcome them with their Executive Director, Mary Ann Solberg. Please congratulate them, and I know that they will be happy to offer their expertise to any of the members on how they could replicate this great success in your communities.

By unanimous consent the Senate proceeded to the order of

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 Dunaskiss 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 with a substitute therefor, the following bill:

Senate Bill No. 909, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-1).

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

1. Amend page 57, line 20, after "priations" by inserting "of state funds".

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. 908, entitled

A bill to make appropriations for the department of community health and certain state purposes related to aging, mental health, public health, and medical services for the fiscal years ending September 30, 1998 and September 30, 1999; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for 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 2, line 4, by striking out "1,705.0" and inserting "1,478.0".
2. Amend page 4, line 16, by striking out "\$1,279,500,200" and inserting "\$1,276,893,800".
3. Amend page 4, line 18, by striking out "157,407,400" and inserting "160,013,800".
4. Amend page 5, line 11, by striking out "1,705.0" and inserting "1,478.0".
5. Amend page 5, line 15, by striking out "193.0" and inserting "180.0".
6. Amend page 5, line 18, by striking out "163.0" and inserting "130.0".
7. Amend page 5, line 21, by striking out "444.0" and inserting "350.0".
8. Amend page 5, line 24, by striking out "250.0" and inserting "210.0".
9. Amend page 6, line 1, by striking out "103.0" and inserting "118.0".
10. Amend page 6, line 4, by striking out "242.0" and inserting "210.0".
11. Amend page 6, line 7, by striking out "100.0" and inserting "70.0".
12. Amend page 6, line 16, by striking out "95,000" and inserting "959,000".
13. Amend page 6, line 21, by striking out "959,000" and inserting "95,000" and adjusting subtotals, totals, and section 201 accordingly.
14. Amend page 27, following line 17, by inserting:

"Sec. 229. The department shall receive and retain copies of all reports funded from the appropriations in part 1.

Sec. 230. (1) The department shall create a task force to study the use of methylphenidate (ritalin) in students in Michigan schools.

(2) The task force shall be comprised of individuals from each of the following groups:

(a) One representative from the department of community health.

(b) One representative from the department of education.

(c) Two physicians.

(d) Two parents.

(e) Two teachers.

(f) Two from any of the following groups: psychologists, psychiatrists, school counselors, social workers, and school nurses.

(3) The department shall report on the findings of the task force by April 15, 1999 to the senate and house subcommittees on community health and the senate and house fiscal agencies."
15. Amend page 28, following line 19, by inserting:

"Sec. 311. The department shall make application for funding under the medicare rural hospital flexibility program for planning, network development and critical access hospital designation activities."
16. Amend page 36, following line 2, by inserting:

"Sec. 416. From the amounts appropriated in section 104 for pilot projects in prevention for adults and children, the department shall allocate funds to be bid for a pilot project to evaluate the use of ritalin in schoolchildren and programs that focus on the reduction of ritalin use in schoolchildren."

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. 907, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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:

Senate Bill No. 910, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (S-1).

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

1. Amend page 17, following line 21, by inserting:

"Sec. 212. The department shall receive and retain copies of all reports funded from the appropriations in part 1."

2. Amend page 18, line 27, after “schools” by inserting “by one of the recipients for this purpose funded in FY 1996-97”.

3. Amend page 23, line 6, after “state.” by inserting “Upon knowledge of or recognition by an intermediate school district that a child in the district is deaf or hard of hearing or blind or visually impaired, the intermediate school district shall provide to the parents of the child the literature distributed by the Michigan school for the deaf and blind to intermediate school districts under this section.”.

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. 911, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1999; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, and officers.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator DeGrow moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 957

Senate Bill No. 944

The motion prevailed.

The following bill was announced:

Senate Bill No. 957, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 10c. (This bill defeated on March 19 and the motion made to reconsider the vote postponed. See Senate Journal No. 25, p. 423.)

The question being on the motion to reconsider the vote by which the bill was defeated,

The motion prevailed.

The question being on the passage of the bill.

Senators Bouchard and Steil offered the following amendments:

1. Amend page 1, line 3, after “ASSISTANCE.” by inserting “THE SYSTEM SHALL CONSIST OF TAKING THE THUMB IMAGE OF THE INDIVIDUAL AT THE TIME OF APPLICATION. THE THUMB IMAGE SHALL NOT BE USED IN A PROSECUTION OTHER THAN WELFARE FRAUD OR A WELFARE RELATED CRIME. THE FAMILY INDEPENDENCE AGENCY SHALL NOT FINGERPRINT AN INDIVIDUAL APPLYING FOR CASH ASSISTANCE.”.

2. Amend page 1, line 4, after “FRAUD.” by striking out the balance of the section and inserting “BY PREVENTING A SINGLE INDIVIDUAL FROM RECEIVING DUPLICATE CASH ASSISTANCE BENEFITS. AN INDIVIDUAL MAY PETITION THE FAMILY INDEPENDENCE AGENCY TO HAVE HIS OR HER THUMB IMAGE REMOVED FROM THE AGENCY’S FILE IF THE INDIVIDUAL HAS NOT RECEIVED CASH ASSISTANCE IN THE PREVIOUS 3 YEARS.”.

The amendments were 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. 126

Yeas—20

Bennett
Bouchard
Bullard
Cisky
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon

Hoffman
Jaye
McManus
Posthumus
Rogers

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Nays—17

Berryman	Dingell	North	Smith, A.
Byrum	Hart	O'Brien	Smith, V.
Cherry	Koivisto	Peters	Vaughn
Conroy	Miller	Schuetz	Young
DeBeaussiaert			

Excused—0**Not Voting—1**

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Berryman, Peters, Conroy, A. Smith, DeBeaussiaert, V. Smith, Dingell, Cherry and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 957.

Senators Berryman, Peters, V. Smith and Cherry moved that the statements they made during the discussion of the amendments and bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Berryman’s first statement, in which Senator Conroy concurred, is as follows:

I rise in opposition to the amendment. I just don’t think there are many ways that you can improve this bill, and this amendment certainly does not do that. I don’t care if you call it a fingerprint or a thumbprint, or you do it with their toe. It’s still fingerprinting, and it still fingerprints everyone who has never committed a crime. I mean, you have to look at what the objection is here. The objection has been not going after people who abuse the system, but classing a group of individuals who because they apply for cash assistance in this case—and what is beyond that, I’m not sure; but in this particular case, cash assistance—but because you apply, automatically you’re a suspect of fraud. That is what’s so objectionable. Everybody who applies, as a condition for eligibility, they will be fingerprinted. Again, don’t forget the thumbprint—whether it’s thumbprint or fingerprint, it’s the same thing.

On your desks was passed out, I think, a very, very good letter that was written by the Michigan Catholic Conference that I think outlines the objection they have that many people around this state have. This amendment does put an individual strictly because of economic class or because someone is temporarily out of a job and needing assistance, you’re going to subject them to fingerprinting or thumbprinting. That is what is so objectionable. Someone who has never committed a crime is going to be subjected to this.

I have no problem because I haven’t committed a crime, and I don’t have a problem with that. But I hate being grouped into a position of because of the economic status that I’m in, I’m going to be lumped into that group and automatically thought of as committing fraud. I don’t mind going after somebody where there is probable cause that that individual is committing fraud and committing a crime. But to do it solely on the basis of economic status, the only crime—and it’s not a crime—is one of being poor. That’s wrong.

This amendment does not make this bill any better. Unless the bill can be drastically improved, and I’m not sure how that can happen, the amendment needs to be turned down, and the bill needs to be turned down and not subject innocent people. Their right to privacy, their years and years and years of being law-abiding citizens, and now all of a sudden because they need assistance, they seem to be classed as individuals who more than likely will commit fraud. So we’re going to thumbprint them ahead of time. That’s a horrible assumption and one that is certainly inaccurate. Go after the abusers and leave all the innocent citizens alone. Leave the individuals alone who have never committed a crime other than asking for and needing state help.

Senator Berryman's second statement, in which Senator Conroy concurred, is as follows:

Again and in response to the good Senator from the 34th District, I think there is as it has been stated a big difference between the fingerprinting of teachers in caring for our children and this issue. The amendment, which hasn't been talked about, also says that an individual who has been fingerprinted, or I guess thumbprinted—we've gone from asking them to give us the finger to give us the thumb—you have an individual who needed assistance. And when the state came to that assistance, you want to thumbprint them. They've done absolutely nothing wrong. They do nothing wrong the short time they're on assistance, and still, not one year, not two years, but two years after they're off assistance, then and only then, they may petition the Family Independence Agency to have his or her thumb image removed from the Agency's file. Three years of being a taxpayer and never did anything wrong to begin with; never did anything wrong while they were on assistance. Then maybe after three years you can petition FIA to have your thumbprint removed.

As the Michigan Catholic Conference stated in their letter, they said, "The bills are being considered by the Senate to change the focus away from providing families with the helping hand to stigmatizing them once again. Where the reforms of 1995 promoted human dignity, in this case, Senate Bill No. 957, is a direct attack on human dignity." That is what this is all about; giving someone the credit—they've never done anything wrong—to a little bit of human dignity.

Let me just say one other thing. You want to focus and continually focus on welfare and welfare and welfare and welfare. It's about more than that. It is about an invasion of one's privacy—the invasion of one's privacy of an individual who has never done anything wrong. That is, Mr. President, exactly what scares the heck out of people across this state; that government can be so intrusive, so big that even though you've never done anything wrong, we're going to strip one more right away from you—that right to privacy.

This amendment does not help it. Government, with this amendment in this bill, still goes too far.

Senator Berryman's third statement, in which Senator Conroy concurred, is as follows:

I would urge my colleagues to do as we did last Thursday and that is reject this legislation. I hope some of my colleagues that voted for it have had time to think and talk to their people back in their district. We can talk as we have talked on this bill of what someone that supports it thinks the bill is going to do. So, we have the right to talk about what we think the bill will also do; I just don't happen to agree with the supporters of this legislation. I don't believe your press releases, that it's another welfare reform—it's not a reform. I think it is not about good policy. It's about politics. Before I got home last Thursday after that vote, there was already a press release that gave you credit for being efficient. There was a press release in my district stating how out of touch I was with the people in my district for that vote. I was a little amazed when they said I was voting with the minority. The bill failed, and I voted against it, so I think I was voting with the majority. When you see that fast of a response on a press release, it does tell me that it is more about politics than it is about good policy. I think the editorial in The Free Press on Saturday said it very, very well. It says, "You can argue that such Senate action would be meaningless because the House will never pass the bill. Therefore, it is purely an exercise in cheap symbolism. But sometimes though, you have to challenge cheap symbolism just because its so clearly at the expense of the state's poor."

Senator Peters' statement, in which Senators Conroy, A. Smith and DeBeaussaert concurred, is as follows:

I don't believe the recent amendment that passed does anything to improve this bill. I think the bill is still flawed in a couple key aspects, and I believe that we should all vote to defeat it.

If we're interested in good public policy, I hope that all of us ask two questions when looking at this bill. One, is it cost effective and two, if it is cost effective, do the benefits outweigh any invasion of personal privacy? I think that the bill fails on both of those counts.

First of all, let's look at the idea of cost. As was mentioned by previous speakers, the FIA has no idea what this program would cost except that it would be expensive, perhaps \$2 million dollars or more in order to implement. They also have no idea as to what kind of money it's going to save. We have heard some numbers being kicked around by some of my colleagues of \$10 million up to \$32 million. If you look at the experience of other counties and other states that have had some sort of fingerprinting laws in effect, you'll find that their experience has shown that they catch very few instances of fraud. In fact, they haven't been able to document any actual instances of fraud. I'll quote a couple of those. One is in Los Angeles County which has instituted such an imaging program, and of their 59,000 cases, they found 11 actual matches out of 59,000. Even of those 11 matches, it is unknown if any of those were actual cases of fraud. So they may have had zero out of 59,000 cases. I don't know where you're going to get \$10 to \$32 million out of those two or three individuals that may indeed be guilty of it. Another example of it is in Alameda County, also in California, that after processing about 10,000 cases, found less than 20 matches, and none of those 20 matches have been instances of fraudulent behavior according to a recent study reported in the Oakland Tribune. So again, no instances of fraud were found despite testing and fingerprinting a large part of the population. They found no fraud. So here we have an example of a large expenditure of public money and very questionable benefits.

So that then brings back the second question, what about the invasion of personal privacy? We have no benefits. We're probably not going to save any money. In fact we're going to be spending what we should be spending on children, instead of fingerprinting. There is still a very large potential for abuse. Although the amendment that we just passed talks about using the information for very specific purposes, again, the example that California shows that unauthorized use of the confidential data is a problem. According to a recent letter by a group of computer professionals dealing with the issue in San Francisco, the department of social service employees have violated department policy in the past and have shared this vital data. Data once collected and rendered into a digital format is easily duplicated, shared, and stored. Unless there is an overriding public need, according to these individuals, this data should simply not be collected because of its potential for misuse.

In spite of what I've said about fingerprinting and printing certain individuals as a result of public safety, this issue does not deal with public safety. Public safety is not involved. This is about stigmatizing individuals who are coming to the Department of Family Independence Agency looking for help, looking for a way to feed their children. Unless there is some overriding reason in order to institute this policy which we have received absolutely zero information, in fact, the only data that is available counters every statement made by the other side. There is no way we can support this bill. We should be about finding ways to provide resources to those families who need help and not about finding ways to further stigmatize individuals who are crying out for help.

Senator V. Smith's first statement is as follows:

It's really nice to see the chairman get his dander up; it's too bad he doesn't have his facts straight. I'm just amazed that he's got facts at all because when we were in committee and when we asked for some facts, we couldn't get any. We couldn't find out how much it's going to cost to conduct this fingerprinting for every recipient. We couldn't find out to what extent of fraud deals with identification. We asked that question; we did get that figure of 19,000 fraud cases, and then we find out that 92 percent of them are not related to identification, but to reporting. I'm just amazed that now this is about getting rid of fraud. What happened in the state of New York which had 43 cases out of 148,502 or, in the county of Los Angeles, when they got 104 cases out of 350,000.

So, what's fingerprinting going to cost? I don't know, and the department wouldn't tell us what fingerprinting would cost. They're not quite sure. They think it's over \$2 million. Where did this \$32 million figure come from? If they only found 34 people double-dipping in New York and 100 people double-dipping in Los Angeles—where did this \$34 million that they're asking for come from? They won't even tell us how much it's going to cost to do this job, but now, all of a sudden there is a \$32 million savings.

Senator V. Smith's second statement is as follows:

I'm just amazed that all of these members of the other party are here to support fingerprinting when at the committee level we asked very basic questions like what amount of fraud does this address, we didn't get any information. The department didn't come forward with what percentage of fraud is related to identification. The only information we were able to obtain was that most of the fraud in the ADC system is on income reporting which doesn't have anything to do with identification or fingerprinting.

The other side continues not to address how much this is going to cost. The department rushed this thing through; they rushed it through a committee hearing of one day, and when we posed questions, I got a response from the department the next day which I appreciated, but their response was not as complete as I would have liked it to be. It still didn't try to address any of the questions dealing with costs. It still didn't document any of questions dealing "What is the extent of the problem?" If you don't know what the extent of the problem is, and you don't know how much it costs, why are you so supportive on this floor, when you could have waited one more week or two more weeks and had the department require and put forth the right information? Why are you relying on the committee chairman to bring up newspaper reports talking about one situation or another or making references to other states when you did not even require the department that he oversees and reports to his policy committee to bring in adequate information that some of us asked for while the committee was trying to have deliberations? You are a day late and a dollar short—you should at least be willing to give us basic information on the program before you try to put it here to have it passed. We didn't get that information. We still don't have that information, and I see you're still trying to pass it.

Senator Dingell's statement is as follows:

My earlier disposition was to vote "yea" on this bill, but today, we heard the kind of discussion that was prevented by procedural artifice last week. We're going to have people who are flat on their back in nursing homes getting fingerprinted? Come on now. How can you defend that to your constituents? I can't defend it to mine. I don't like welfare fraud, but I am not going to stand for that and my constituents aren't either—I voted "no."

Senator Cherry's first statement, in which Senator Hart concurred, is as follows:

I want to hone here on this amendment for a second. I've heard two arguments promoting the amendment. The first one being that it is less intrusive than the version of the bill that's before us now; that if we adopt this amendment, we make it more acceptable. To somehow say that less intrusion is more acceptable than more intrusion, I think is debatable. It doesn't matter if you throw the bedroom door open all the way or part of the way—you still get to look

inside. I think this amendment perhaps makes it less intrusive, but the act of intruding period—is intrusive. I think my colleagues have raise that point. I have also heard the argument that this amendment is appropriate because what's the issue here is not fingerprinting, but thumb scanning. I think it is only an issue of technology—that what we used to have to do with an ink pad can now be done simply with a digital computer read, and the act is the same; you are still taking prints and just using a different technology to do it. The technology doesn't make it any less intrusive. You are still, for all intents and purposes, fingerprinting. I don't care if you do it from some snazzy way that doesn't get your fingers all mucky—it is still a fingerprint. I would urge that we not adopt the amendment.

Senator Cherry's second statement, in which Senator Hart concurred, is as follows:

It's simply a question of you are who you say you are. On the surface it doesn't sound very offensive. But I recall not so long ago, we passed legislation that says when you filed as a candidate for public office, you had to submit a birth certificate or a passport to prove that you are who you say you are. That societal class of perspective office-holders were so offended by that, so offended by the notion that they must submit a birth certificate or a passport to demonstrate they were who they said they were that we changed the law. No longer when we go down to file in a few weeks we will not have to submit a birth certificate or passport. We won't have to be offended by demonstrating we are who we say we are. Yet, at the same time—and I think this is a basic point—this is a double standard at work here, and we are now prepared to say to a number of people, who by economic circumstance are now being forced to take an extraordinary step to demonstrate they are who they say they are, when we, in fact, will respond to those who of more fortunate circumstance; when they're offended by the notion of having to submit a birth certificate or passport. It seems to me that the amendment does not improve the bill at all, and I would urge that we not adopt it. I will argue against the bill later on.

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

The motion prevailed.

Senator Shugars' statement is as follows:

I rise in support of the bill, and I'd like to start by making one statement, "By fighting welfare fraud, we serve the tax payers and protect the system of current recipients."

We've looked into a number of others states and of what they have done, and we found that 1.3 to 5.6 percent of their annual welfare payout will be saved by having implemented finger-imaging. We found in the state of Arizona that it cost less than \$1 million to implement this. If we assume we would save \$34.5 million by implementing this and subtract the cost, it will be a net savings to the tax payers of \$33.5 million. We also noted that the welfare recipients in the state of Texas, 90 percent of a survey that was conducted of the welfare recipients, 90 percent believed that finger-imaging is a good idea. Thirteen other states are using the finger-imaging and saving millions of dollars. Their tax payers are happy, and their welfare recipients are happy. Why couldn't Michigan do the same?

I urge your support.

The following bill was announced:

Senate Bill No. 944, entitled

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

(This bill was read a third time on March 19, amendments offered, yeas and nays ordered and consideration postponed. See Senate Journal No. 25, p. 422.)

The question being on the adoption of the amendments offered by Senator Peters, Senator Peters withdrew the amendments.

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

Senator Peters offered the following amendments:

1. Amend page 3, line 7, after "(3)" by inserting "IF THE FAMILY INDEPENDENCE AGENCY HAS REASONABLE BELIEF BASED ON A NONINVASIVE SCREENING TECHNIQUE THAT AN INDIVIDUAL APPLYING FOR ASSISTANCE UNDER THIS ACT MAY BE A SUBSTANCE ABUSER,".

2. Amend page 3, line 14, after "57E." by inserting "RESULTS OF SUBSTANCE ABUSE TESTING UNDER THIS SECTION ARE PRIVATE INFORMATION AND THE FAMILY INDEPENDENCE AGENCY SHALL NOT DISCLOSE THE RESULTS FOR ANY PURPOSE THAN ALLOWED IN THIS SECTION. AS USED IN THIS SUBSECTION, "TESTS POSITIVE FOR SUBSTANCE ABUSE" MEANS A GAS CHROMATOGRAPHY OR MASS SPECTROMETRY TEST HAS CONFIRMED THE RESULTS OF A PREVIOUS TEST WHICH HAS DETECTED THE PRESENCE OF A CONTROLLED SUBSTANCE REGULATED UNDER THE PUBLIC HEALTH CODE FOR WHICH THE TESTED INDIVIDUAL HAS NO AUTHORIZATION TO POSSESS OR CONSUME.".

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

Senator V. Smith requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 127

Yeas—15

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

Nays—22

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

Excused—0

Not Voting—1

Stallings

In The Chair: Hoffman

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Peters to Senate Bill No. 944.

Senator Emmons' statement is as follows:

I think that we have to have a test that actually does mean something. I do not want to have somebody looking at my nose or elsewhere to decide whether I need welfare benefits or not. So, I think we need a definitive test that's done by numbers, and that is why I oppose the Peters amendment.

Senator Young offered the following amendment:

1. Amend page 3, line 14, after "57E." and inserting "THE FAMILY INDEPENDENCE AGENCY OR THE APPROPRIATE DEPARTMENT RESPONSIBLE FOR THE SERVICE SHALL PAY FOR THE COST OF OR PROVIDE, AT NO COST TO THE INDIVIDUAL, ALL OF THE FOLLOWING:

(A) THE SUBSTANCE ABUSE TESTING REQUIRED UNDER THIS SUBSECTION.

(B) TRANSPORTATION TO AND FROM THE SUBSTANCE ABUSE TESTING SITE.

(C) SUBSTANCE ABUSE TREATMENT REQUIRED UNDER THIS SECTION.

(D) SUBSEQUENT OR REPEAT TREATMENT, OR RESIDENTIAL TREATMENT, IF IT IS DETERMINED THAT THE INDIVIDUAL NEEDS THAT TREATMENT, EVEN IF THAT TREATMENT IS NOT PROVIDED THROUGH MEDICAID.

(E) TRANSPORTATION TO AND FROM THE SUBSTANCE ABUSE TREATMENT SITE FOR TREATMENT REQUIRED UNDER THIS SUBSECTION."

The question being on the adoption of the amendment,

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

The motion prevailed.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 2:13 p.m.

2:19 p.m.

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

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

Senate Bill No. 944

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bouchard, Gast, Geake and Hart introduced

Senate Bill No. 1029, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 1996 PA 491.

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

Senators Bullard, Steil, Cherry, Miller, Byrum, Koivisto, Dingell, Hart, DeBeaussaert and V. Smith introduced

Senate Bill No. 1030, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 19 and 20 (MCL 436.19 and 436.20), section 19 as amended by 1992 PA 300 and section 20 as amended by 1986 PA 176, and by adding section 20b.

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

Senators Bullard and Cisky introduced

Senate Bill No. 1031, entitled

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

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

Senator McManus introduced

Senate Bill No. 1032, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 10 (MCL 722.627 and 722.630), section 7 as amended by 1997 PA 168.

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. 1033, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17763 (MCL 333.17763), as amended by 1993 PA 79.

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. 4139, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 716 (MCL 257.716), as amended by 1980 PA 311.

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. 4251, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 1996 PA 574.

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. 4366, entitled

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," (MCL 38.1501 to 38.1555) by adding section 10b.

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 Appropriations.

House Bill No. 4368, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," (MCL 38.1001 to 38.1080) by adding section 23f.

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 Appropriations.

House Bill No. 4369, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

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 Appropriations.

House Bill No. 4779, entitled

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

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 Health Policy and Senior Citizens.

House Bill No. 4780, 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 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 Health Policy and Senior Citizens.

House Bill No. 4781, 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 401f.

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 Health Policy and Senior Citizens.

House Bill No. 4983, entitled

A bill to provide for certain liens on certain marine property repair, service, or storage in marinas, boatyards, and marine repair facilities; to provide for the sale of certain property subject to a lien; to provide for the liability of certain persons; to provide for powers and duties of certain state departments; and to provide for the enforcement of this act.

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. 5399, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501, 61524, and 61525 (MCL 324.61501, 324.61524, and 324.61525), as added by 1995 PA 57, and by adding sections 61506a, 61525a, and 61525b.

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. 5534, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 50a (MCL 38.1050a), as amended by 1994 PA 359.

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 Appropriations.

House Bill No. 5576, entitled

A bill to provide for the regulation of contracts between persons publicly performing or broadcasting copyrighted nondramatic musical works under certain circumstances; to provide for recognition of certain agents and employees of performing rights societies; to impose certain fees; to provide for certain powers and duties for certain state agencies and departments; and to prescribe penalties and provide remedies.

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.

Committee Reports

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5261, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503b.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 966, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43513 (MCL 324.43513), as amended by 1996 PA 585, and by adding section 504a.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus, Hoffman, Byrum and Dingell

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 978, entitled

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

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus, Hoffman, Byrum and Dingell

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:
Meeting held on Wednesday, March 18, 1998, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Jaye (C), McManus, Hoffman, Byrum and Dingell

The Committee on Financial Services reported

House Bill No. 4403, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 328 and 907 (MCL 257.328 and 257.907), as amended by 1995 PA 287.

With the recommendation that the substitute (S-2) 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, Bennett and Berryman

Nays: None

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

The Committee on Financial Services reported

House Bill No. 4694, entitled

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

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, Bennett, Bullard and Berryman

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 907, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 910, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to prescribe the powers

and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 911, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1999; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, and officers.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, March 18, 1998, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Gougeon, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Excused: Senator Hoffman

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4060, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 502 (MCL 324.502), as amended by 1996 PA 272, and by adding section 502a.

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.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5262, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503a.

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.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5316, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501 and 61517 (MCL 324.61501 and 324.61517), as added by 1995 PA 57.

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.

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5317, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 61513 (MCL 324.61513), as added by 1995 PA 57.

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.

Bill Schuette

Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 902, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 88.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Loren N. Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast and DeBeaussaert

Nays: Senator Dingell

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 904, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Loren N. Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast and DeBeaussaert

Nays: Senator Dingell

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5136, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and sections 2, 4, 5, 7, 8, 9, 14, and 16 (MCL 325.1002, 325.1004, 325.1005, 325.1007, 325.1008, 325.1009, 325.1014, and 325.1016), the title and sections 2, 7, and 9 as amended by 1993 PA 165, and by adding section 3b.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 14, line 23, by striking out all of section 14 and inserting:

"Sec. 14. (1) A supplier of water shall file with the department such reports and shall maintain such records as the department may by rule require. THE DEPARTMENT MAY BY RULE REQUIRE A SUPPLIER OF WATER TO PROVIDE ADDITIONAL REPORTS AND NOTICES TO ITS CUSTOMERS. THE RULES SHALL INCLUDE THE REQUIRED CONTENT OF THE REPORTS AND NOTICES AND THE FREQUENCY AND THE MANNER OF DELIVERY OF THE REPORTS AND NOTICES.

(2) A SUPPLIER OF WATER SHALL PROVIDE TO ITS CUSTOMERS CONSUMER CONFIDENCE REPORTS AS REQUIRED BY TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT, CHAPTER 373, 88 STAT. 1660, POPULARLY KNOWN AS THE SAFE DRINKING WATER ACT. THE DEPARTMENT SHALL PROMULGATE RULES RELATING TO CONSUMER CONFIDENCE REPORTS INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(A) THE CONTENT OF THE REPORTS.

(B) THE MANNER OF DELIVERY OF THE REPORTS.

(C) STANDARDIZED FORMATS THAT MAY BE USED BY SUPPLIERS OF WATER FOR PROVIDING INFORMATION IN THE REPORTS.

(D) IF A SOURCE WATER ASSESSMENT HAS BEEN COMPLETED, A REQUIREMENT THAT THE REPORTS CONTAIN A NOTIFICATION OF THE AVAILABILITY OF THE SOURCE WATER ASSESSMENT AND THE MEANS TO OBTAIN A COPY.

(3) IF REGULATED CONTAMINANTS ARE DETECTED IN A PUBLIC WATER SUPPLY, AND CERTAIN SUBPOPULATIONS ARE PARTICULARLY VULNERABLE TO THE ADVERSE EFFECTS BECAUSE OF AGE, GENDER, PREGNANCY, OR PREEXISTING MEDICAL CONDITIONS, THE CONSUMER CONFIDENCE REPORT OR OTHER REPORTS AND NOTICES, OR BOTH, SHALL CONTAIN INFORMATION RELATED TO ALL OF THE FOLLOWING:

(A) THE CONTAMINANT THAT WAS DETECTED.

(B) THE LEVEL OF THE CONTAMINANT THAT WAS DETECTED.

(C) THE VULNERABLE POPULATION THAT MAY BE SUSCEPTIBLE TO THE LEVEL OF CONTAMINANT DETECTED.

(D) THE POTENTIAL ADVERSE HEALTH EFFECTS ASSOCIATED WITH EXPOSURE OF THE VULNERABLE POPULATION TO THE LEVEL OF CONTAMINANT DETECTED IN THE WATER SUPPLY.

(4) THE REQUIREMENT IN SUBSECTION (3) SHALL ONLY APPLY IF THE DEPARTMENT PROVIDES SUPPLIERS OF WATER WITH STATEMENTS DERIVED FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR OTHER SOURCES DETERMINED BY THE DEPARTMENT TO BE RELIABLE CONCERNING THE ADVERSE EFFECTS OF REGULATED CONTAMINANTS ON VULNERABLE SUBPOPULATIONS. THE STATEMENTS SHALL BE IN A FORM THAT CAN BE EASILY INSERTED INTO THE CONSUMER CONFIDENCE REPORTS OR OTHER REPORTS AND NOTICES PROVIDED FOR IN THIS SECTION.

(5) IF FEASIBLE FROM A COST PERSPECTIVE, THE DEPARTMENT MAY MAKE CONSUMER CONFIDENCE REPORTS PROVIDED FOR UNDER THIS SECTION AVAILABLE AT A SINGLE WEBSITE ON THE INTERNET."

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast, Dingell and DeBeaussiaert

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Thursday, March 19, 1998, at 12:15 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bennett (C), Dunaskiss, Gast, Dingell and DeBeaussiaert

The Committee on Farming, Agribusiness and Food Systems reported

Senate Concurrent Resolution No. 72.

A concurrent resolution to memorialize the Congress of the United States to direct the Environmental Protection Agency to clarify standards under the Food Quality Protection Act of 1996 and to increase support for certain food quality protection efforts.

(For text of resolution, see Senate Journal No. 19, p. 312.)

With the recommendation that the following substitute (S-2) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to memorialize the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996.

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, Among the purposes of the FQPA is to assure that pesticide tolerance decisions and policies are based upon sound science and reliable data; and

Whereas, Another purpose of the FQPA is to assure that pesticide tolerance decisions and policies are formulated in an open and transparent manner; and

Whereas, The EPA is required by the FQPA to have reviewed approximately 3,000 of the approximately 9,700 existing tolerances by August 1999 to determine whether these tolerances meet the safety standards established by the FQPA; and

Whereas, The implementation of the FQPA could have a profound negative impact on domestic agricultural production and on consumer food prices and availability. With Michigan's diverse agriculture, this impact could be especially severe on our numerous specialty crops; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to take the following actions:

1. Direct the EPA to initiate immediately appropriate administrative rulemaking to ensure that the policies and standards the agency intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made by the agency.

2. Direct the EPA to use its authority under the FQPA to provide interested persons the opportunity to produce data needed to evaluate a pesticide tolerance so that the agency can avoid the use of unrealistic default assumptions in making pesticide tolerance decisions.

3. Direct the EPA to implement the FQPA in a manner that will not disrupt agricultural production nor have a negative impact on the availability, diversity, and affordability of food.

4. Conduct oversight hearings immediately to ensure that actions taken by the EPA are consistent with the FQPA provisions and congressional intent. If the intent of the legislation is not carried out, then Congress should postpone the August 1999 deadline. Following oversight hearings, Congress should, if necessary, take appropriate actions or amend the FQPA to correct problem areas.

5. Encourage the Secretary of Agriculture and the United States Department of Agriculture to increase its commitment of manpower and budgetary resources to work with the EPA to gather scientific data. Furthermore, Congress should encourage the United States Department of Agriculture to conduct an economic impact statement on the implementation of the FQPA.

6. Clarify the role of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act as its provisions relate to the reestablishment of tolerances under the FQPA.

; 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, the members of the Michigan congressional delegation, and the United States Environmental Protection Agency.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Gougeon

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Farming, Agribusiness and Food Systems reported

Senate Resolution No. 151.

A resolution to memorialize the Congress of the United States to direct the Environmental Protection Agency to clarify standards under the Food Quality Protection Act of 1996 and to increase support for certain food quality protection efforts.

(For text of resolution, see Senate Journal No. 19, p. 313.)

With the recommendation that the following substitute (S-2) be adopted and that the resolution then be adopted:

A resolution to memorialize the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996.

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, Among the purposes of the FQPA is to assure that pesticide tolerance decisions and policies are based upon sound science and reliable data; and

Whereas, Another purpose of the FQPA is to assure that pesticide tolerance decisions and policies are formulated in an open and transparent manner; and

Whereas, The EPA is required by the FQPA to have reviewed approximately 3,000 of the approximately 9,700 existing tolerances by August 1999 to determine whether these tolerances meet the safety standards established by the FQPA; and

Whereas, The implementation of the FQPA could have a profound negative impact on domestic agricultural production and on consumer food prices and availability. With Michigan's diverse agriculture, this impact could be especially severe on our numerous specialty crops; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to take the following actions:

1. Direct the EPA to initiate immediately appropriate administrative rulemaking to ensure that the policies and standards the agency intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made by the agency.

2. Direct the EPA to use its authority under the FQPA to provide interested persons the opportunity to produce data needed to evaluate a pesticide tolerance so that the agency can avoid the use of unrealistic default assumptions in making pesticide tolerance decisions.

3. Direct the EPA to implement the FQPA in a manner that will not disrupt agricultural production nor have a negative impact on the availability, diversity, and affordability of food.

4. Conduct oversight hearings immediately to ensure that actions taken by the EPA are consistent with the FQPA provisions and congressional intent. If the intent of the legislation is not carried out, then Congress should postpone the August 1999 deadline. Following oversight hearings, Congress should, if necessary, take appropriate actions or amend the FQPA to correct problem areas.

5. Encourage the Secretary of Agriculture and the United States Department of Agriculture to increase its commitment of manpower and budgetary resources to work with the EPA to gather scientific data. Furthermore, Congress should encourage the United States Department of Agriculture to conduct an economic impact statement on the implementation of the FQPA.

6. Clarify the role of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act as its provisions relate to the reestablishment of tolerances under the FQPA.

; 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, the members of the Michigan congressional delegation, and the United States Environmental Protection Agency.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Gougeon

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Thursday, March 19, 1998, at 3:00 p.m., 841 Alpine Church Road, Alpine Township Firebarn, Grand Rapids, Michigan

Present: Senators McManus (C), Stille and Gougeon

Excused: Senators Byrum and Berryman

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Wednesday, March 18, 1998, at 2:08 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Bullard (C), Emmons, Miller and Hart

Excused: Senator Hoffman

COMMITTEE ATTENDANCE REPORT

The Trial Court Assessment Commission submits the following:

Meeting held on Friday, March 20, 1998, at 10:00 a.m., 8th Floor Conference Room, Farnum Building

Present: Senator Dingell

Excused: Senator Van Regenmorter

Scheduled Meetings

Economic Development, International Trade and Regulatory Affairs Committee - Wednesday, March 25, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Families, Mental Health and Human Services Committee - Thursday, March 26, at 1:00 p.m., Room 100, Farnum Building (3-1777).

Finance Committee - Wednesday, March 25, at 1:00 p.m., Room 100, Farnum Building (3-3760).

Senator Schwarz moved that the Senate adjourn.

The motion prevailed, the time being 2:28 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Wednesday, March 25, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.