

No. 48
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, May 27, 1998.

10:00 a.m.

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

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
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Reverend Herb Harbaugh of Memorial Baptist Church of Sterling Heights offered the following invocation:

Our Heavenly Father, what a joy and a privilege to stand here together today with these great legislators. Lord, we thank You for this great state, the resources, and the opportunities You have blessed us with. Lord, today I pray for a blessing and protection on each of the legislators. Bless their families and give them protection. Lord, we pray for wisdom that You would give to each one of them as they would wrestle with and decide the issues. Give them courage to make the right decisions and the strength to carry those out. Thank You for this day You've given us. Lord, bless each thing said and done as they deliberate today. We ask Your blessing. Thank You. We pray in Jesus' name. Amen.

Motions and Communications

Senator DeGrow moved that Senator Schwarz be temporarily excused from today's session.
The motion prevailed.

Senators Geake and Miller entered the Senate Chamber.

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

The following communications were received:
Department of State

Administrative Rules Notices of Filing

May 5, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:17 p.m. this date, administrative rule (98-05-3) for the Department of Environmental Quality, Land and Water Management Division, entitled "*Floodplains and Floodways*," effective 15 days hereafter.

May 6, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:05 p.m. this date, administrative rule (98-05-4) for the Department of Treasury, Bureau of Revenue, entitled "*Taxpayer Bill of Rights Rescissions*," effective 15 days hereafter.

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

The communications were referred to the Secretary for record.

The following communication was received:
Alabama House of Representatives

May 15, 1998

The House of Representatives of the State of Alabama adopted the enclosed House Joint Resolution, No. 261.
In accordance with the directions contained therein, I am forwarding a copy to you.

Sincerely,
Greg Pappas
Clerk

The communication was referred to the Secretary for record.

The following communication was received:
Lansing Tri-County Michigan Works!

May 18, 1998

As required by the Michigan Jobs Commission, Michigan Works! - Lansing Tri-County has submitted PY98-99 grant application packages for JTPA Titles IIA, IIB, and IIC, and Title III (EDWAAA), and FY 98 Title IIB SYETP Biennial Plans. The grant applications included narrative and forms which indicate Michigan Works! - Lansing Tri-County's strategy for providing JTPA funded services to the Lansing tri-county area.

Announcements of the Michigan Works! Agency Job Training Plans are included with this letter. The plans are available for review and comment at the Consortium office at 1850 W. Mt. Hope Avenue, between the hours of 8:00 a.m. and 4:30 p.m. Comments for all titles must be submitted to the Consortium by May 29, 1998.

If you have questions or comments concerning the Job Training Plans, please contact Edythe Hater-Williams, Planning Specialist, at 487-0106, extension 117.

Sincerely,
Michael A. Quinn
Executive Director

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

May 21, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit of the Schedules of Section 9945(1)(d) Revenue of the 36th District Court, State of Michigan and Section 9945(8) Revenue and Expenditures of the Parking Violations Bureau, City of Detroit, October 1, 1994 through September 30, 1996.

May 21, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Children's Trust Fund, Family Independence Agency, May 1998.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, May 26:
House Bill No. 5716

The Secretary announced the printing and placement in the members' files on Tuesday, May 26 of:
Senate Bill Nos. 1153 1154 1155 1156 1157 1163 1164 1165 1166

Messages from the Governor

The following messages from the Governor were received and read:

May 21, 1998

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

General Industry Safety Standards Commission

Mr. Michael D. Koebs, 47211 Mission Valley East, Macomb, Michigan 48042, county of Macomb, as a member representing employees, succeeding himself, for a term expiring on March 26, 2001.

Ms. Geraldine Alice Johnson, 6319 Balfour Drive, Lansing, Michigan 48911-5441, county of Ingham, as a member representing the general public, succeeding Dr. Robert M. Wygant of Richland, whose term has expired, for a term expiring on March 26, 2001.

Ms. Doris J. Morgan, 48134 Riverside Drive, Brighton, Michigan 48116, county of Livingston, as a member representing management, succeeding herself, for a term expiring on March 26, 2001.

Mr. Tycho K. Fredericks, 3719 Winchell Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, as a member representing employees, succeeding Mr. Michael R. Cousineau of Escanaba, who has resigned, for a term expiring on March 26, 1999.

May 21, 1998

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

State Employees' Retirement Board

Mr. Douglas C. Drake, 5743 Bear Creek Drive, Lansing, Michigan 48917, county of Eaton, as a member representing retirants, succeeding Ms. Gay Secor Hardy of East Lansing, who has resigned, for a term expiring on July 31, 1998.

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. 200

Senate Bill No. 97

House Bill No. 4289

Senate Bill No. 38

Senate Bill No. 752

Senate Bill No. 386

Senate Bill No. 313

Senate Bill No. 866

Senate Bill No. 874

House Bill No. 4259

House Bill No. 5261

House Bill No. 5317

Senate Bill No. 553

Senate Bill No. 700

The motion prevailed.

The House of Representatives requested the return of

Senate Bill No. 700, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16174 and 16221 (MCL 333.16174 and 333.16221), section 16174 as amended by 1993 PA 80 and section 16221 as amended by 1996 PA 594.

Senator DeGrow moved that the request of the House be granted.

The motion prevailed.

Senate Bill No. 74, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2246.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 23, after the first "AFTER" by striking out the balance of the sentence and inserting "JUNE 1, 1998."

2. Amend page 2, line 25, after the first "WHO" by striking out "RESIDES OR HAS RESIDED WITH OR WHO" and inserting "IS A SPOUSE OR FORMER SPOUSE OF, HAS OR HAS HAD A DATING RELATIONSHIP WITH, RESIDES OR HAS RESIDED WITH, OR".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 75, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21072.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 10, after "AFTER" by striking out the balance of the sentence and inserting "JUNE 1, 1998."

2. Amend page 2, line 1, after the first "WHO" by striking out "RESIDES OR HAS RESIDED WITH OR WHO"

and inserting "IS A SPOUSE OR FORMER SPOUSE OF, HAS OR HAS HAD A DATING RELATIONSHIP WITH, RESIDES OR HAS RESIDED WITH, OR".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 76, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 401 (MCL 550.1401), as amended by 1984 PA 66.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 26, after "AFTER" by striking out the balance of the sentence and inserting "JUNE 1, 1998."
2. Amend page 3, line 2, after the first "WHO" by striking out "RESIDES OR HAS RESIDED WITH OR WHO" and inserting "IS A SPOUSE OR FORMER SPOUSE OF, HAS OR HAS HAD A DATING RELATIONSHIP WITH, RESIDES OR HAS RESIDED WITH, OR".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 434, 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 amended the bill as follows:

1. Amend page 2, line 5, after the first "AFTER" by striking out the balance of the sentence and inserting "JUNE 1, 1998."
2. Amend page 2, line 7, after the first "WHO" by striking out "RESIDES OR HAS RESIDED WITH OR WHO" and inserting "IS A SPOUSE OR FORMER SPOUSE OF, HAS OR HAS HAD A DATING RELATIONSHIP WITH, RESIDES OR HAS RESIDED WITH, OR".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 458, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 1996 PA 205.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 18, after "(D)" by inserting "IF THE LICENSEE HAS MADE A STATEMENT DESCRIBED IN SUBDIVISION (C) (v),".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 483, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1995 PA 93.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 484, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1995 PA 92.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senator Schwarz entered the Senate Chamber.

Conference Reports

Senator Shugars submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 514, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House and to the following amendments:

1. Amend page 2, line 6, after "JULY 1," by striking out "2001" and inserting "2004".
2. Amend page 2, line 9, after "JULY 1," by striking out "2001" and inserting "2004".
3. Amend page 3, line 8, after "COMMISSIONER:" by striking out the balance of the bill and inserting:

"(A) BY NO LATER THAN FEBRUARY 1, 1999, A WRITTEN REPORT THAT DISCLOSES BOTH OF THE FOLLOWING:

(i) THE GROSS WRITTEN PREMIUM FOR SHORT-TERM OR 1-TIME LIMITED DURATION POLICIES OR CERTIFICATES OF NO LONGER THAN 6 MONTHS ISSUED IN THIS STATE DURING THE 1996 CALENDAR YEAR.

(ii) THE GROSS WRITTEN PREMIUM FOR ALL INDIVIDUAL EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICIES OR CERTIFICATES ISSUED OR DELIVERED IN THIS STATE DURING THE 1996 CALENDAR YEAR OTHER THAN POLICIES OR CERTIFICATES DESCRIBED IN SUBPARAGRAPH (i).

(B) BY NO LATER THAN MARCH 31, 2000, MARCH 31, 2001, MARCH 31, 2002, MARCH 31, 2003, AND MARCH 31, 2004, A WRITTEN ANNUAL REPORT THAT DISCLOSES BOTH OF THE FOLLOWING:

(i) THE GROSS WRITTEN PREMIUM FOR SHORT-TERM OR 1-TIME LIMITED DURATION POLICIES OR CERTIFICATES ISSUED IN THIS STATE DURING THE PRECEDING CALENDAR YEAR.

(ii) THE GROSS WRITTEN PREMIUM FOR ALL INDIVIDUAL EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICIES OR CERTIFICATES ISSUED OR DELIVERED IN THIS STATE DURING THE PRECEDING CALENDAR YEAR OTHER THAN POLICIES OR CERTIFICATES DESCRIBED IN SUBPARAGRAPH (i).

(7) THE COMMISSIONER SHALL MAINTAIN COPIES OF REPORTS PREPARED PURSUANT TO SUBSECTION (6) ON FILE WITH THE ANNUAL STATEMENT OF EACH REPORTING INSURER. THE COMMISSIONER SHALL ANNUALLY COMPILE THE REPORTS RECEIVED UNDER SUBSECTION (6). THE COMMISSIONER SHALL PROVIDE THIS ANNUAL COMPILATION TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES ON INSURANCE ISSUES NO LATER THAN THE JUNE 1 IMMEDIATELY FOLLOWING THE FEBRUARY 1 OR MARCH 31 DATE FOR WHICH THE REPORTS UNDER SUBSECTION (6) ARE PROVIDED.

(8) A HEALTH INSURER SHALL NOT CONTINUE TO ISSUE SHORT-TERM OR 1-TIME LIMITED DURATION POLICIES OR CERTIFICATES IF THE COLLECTIVE GROSS WRITTEN PREMIUMS ON THOSE POLICIES OR CERTIFICATES AS SHOWN IN THE ANNUAL REPORT PREPARED UNDER SUBSECTION (6)(B) TOTAL MORE THAN 10% OF THE COLLECTIVE GROSS WRITTEN PREMIUMS FOR ALL INDIVIDUAL EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICIES OR CERTIFICATES ISSUED OR DELIVERED IN THIS STATE EITHER DIRECTLY BY THAT INSURER OR THROUGH A CORPORATION THAT OWNS OR IS OWNED BY THAT INSURER."

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

Dale Shugars
John Schwarz
Conferees for the Senate

David M. Gubow
John T. Llewellyn
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator DeGrow moved that the rule be suspended.
The motion prevailed.

The President pro tempore, Senator Schwarz, assumed the Chair.

The question being on the adoption of the conference report,
The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 336

Yeas—20

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

Nays—13

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

Excused—1

Berryman

Not Voting—3

Cisky

Emmons

Miller

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
 Senator DeGrow requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The recommendation was not concurred in, 2/3 of the members not voting therefor, as follows:

Roll Call No. 337**Yeas—22**

Bennett
 Bouchard
 Bullard
 Cisky
 DeGrow
 Dunaskiss

Emmons
 Gast
 Geake
 Gougeon
 Hoffman
 Jaye

McManus
 North
 Posthumus
 Rogers
 Schuette

Schwarz
 Shugars
 Steil
 Stille
 Van Regenmorter

Nays—14

Byrum
 Cherry
 Conroy
 DeBeaussaert

Dingell
 Hart
 Koivisto
 Miller

O'Brien
 Peters
 Smith, A.

Smith, V.
 Vaughn
 Young

Excused—1

Berryman

Not Voting—0

In The Chair: Schwarz

Protest

Senator Dingell, under his constitutional right of protest (Art. 4, Sec. 18), protested against the recommendation for immediate effect on Senate Bill No. 514.

Senator Dingell's statement is as follows:

Mr. President, the framers of our current State Constitution made it clear that they felt that the granting of immediate effect by the Legislature was clearly something that was intended to be unusual. Because of that intention of theirs,

they required a super-majority vote to, in effect, well not effect, in actuality suspend certain portions of the State Constitution. I believe this should be something that's unusual. I think we do too much of it here for legislation that I think is clearly bad. I'm not going to vote to give it immediate effect.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

Since we do have an interruption in our proceedings this morning, I'd like to take the opportunity to introduce some very special guests who are seated in the back gallery on the floor here this morning—the Speaker of the House of Rhode Island, the Honorable John Harwood.

John, welcome. I hope you enjoy your visit here this morning.

Emmanuel Ben Abraham—Mr. Abraham, welcome. We hope you enjoy your visit here.

And then, this is the opportunity for me of a lifetime to introduce this next individual who I watched as I was growing up in the late fifties. Anybody who knows the Cleveland Browns knows the next person I'm going to introduce to you—Jim Brown, the greatest running back in the United States of America National Football League. Welcome!

Let me add, Mr. Brown and to the members here in the chamber this morning, the purpose for his visit here this morning besides stopping to say hello to you folks here, he is also here using his position as a great American to further the cause of less fortunate Americans—and namely, young men who have gone to prison or who are on parole. What he is doing is he has contracted with the Department of Corrections to create a half-way house to create hope and opportunity for people who otherwise wouldn't have hope and opportunity, and I can tell the members of this chamber that the one thing our budget hasn't been sensitive enough to is the fact that hope and opportunity for people who commit crimes rehabilitation isn't generally a large enough part of our budget.

Mr. Brown, we thank you for your endeavor and wish you nothing but the best success. Thank you. God bless you. Welcome!

Third Reading of Bills

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

House Bill No. 5592

House Bill No. 5593

House Bill No. 5595

House Bill No. 5596

House Bill No. 5597

House Bill No. 5588

House Bill No. 5589

House Bill No. 5590

House Bill No. 5591

The motion prevailed.

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

House Bill No. 5592

The motion prevailed.

The following bill was read a third time:

House Bill No. 5593, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The question being on the passage of the bill,

Senator Young offered the following amendments:

1. Amend page 6, line 25, by striking out "894,300" and inserting "921,100".

2. Amend page 7, line 9, by striking out "\$15,669,600" and inserting "\$15,696,400" and adjusting all subtotals, totals and section 201 accordingly.

The question being on the adoption of the amendments,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 5595, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 1999; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1999; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 58, following line 16, by inserting:

"Sec. 718. The department of management and budget and each principal executive department and agency shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate-setting. The notification shall include all of the following:

(a) The total dollar amount of the contract.

(b) The duration of the contract.

(c) The name of the vendor.

(d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the department of management and budget shall provide a monthly report including all of the following:

(a) The total dollar amount of the contract.

(b) The duration of the contract.

(c) The name of the vendor.

(d) The type of service to be provided.

(3) The department of management and budget shall provide a monthly listing of all bid requests or requests for proposal that were issued.

(4) Each principal executive department and agency shall provide a monthly summary listing of information that identifies any authorizations for personal service contracts that are provided to the department of civil service pursuant to delegated authority granted to each principal executive department and agency related to personal service contracts."

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

Senator Jaye offered the following amendment:

1. Amend page 40, following line 7, by inserting:

"Sec. 215. (1) The state of Michigan shall coordinate health care benefits provided to all state employees serving in the executive, judicial, and legislative branches of government. Where applicable, the office of state employer is directed to immediately enter into negotiations through the collective bargaining process which would mandate the co-ordination of benefits when a state employee and his or her spouse are both eligible for state-provided health and dental care coverage as part of each employee's employment benefit package. The supreme court and the legislative council shall cooperate with the office of state employer regarding the implementation of this section.

(2) The monetary value of the unused health and dental care benefits derived from the co-ordination of benefits shall not be allocated to the salary of the employee who does not exercise the health or dental care benefit option, but shall revert to a special account to be established by the state treasurer.

(3) The monies deposited in the special account established by the state treasurer shall be allocated only to the MICHild program."

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

Senator Peters offered the following amendments:

1. Amend page 31, following line 4, by inserting:

"Grants to locals for community policing 10,000,000".

2. Amend page 31, line 12, by striking out "\$24,656,400" and inserting "\$34,656,400" and adjusting subtotals, totals, and section 201 accordingly.

3. Amend page 83, following line 2, by inserting:

"Sec. 962. (1) The state community policing program is created within the department of treasury. The program shall provide a local unit of government with funds to employ additional police officers or to purchase technology and equipment. State grant funds shall provide a portion of the matching funds necessary for local units of government to receive funds under the federal community oriented policing services program, under the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796. Of the 25% local match required under federal law, the state shall provide 20.5% and the local unit of government shall provide 4.5%."

(2) The department shall not award grants for more than 1,666 community policing officers.

(3) If a local law enforcement agency receives federal community oriented policing services grant funding for community oriented police officer hiring and that law enforcement agency has an ongoing community policing program functioning in that law enforcement agency, reimbursement of the grant matching money under this section for additional community police officers shall receive priority.

(4) Once agencies receive community oriented policing services grant funding, and additional individuals are hired, they shall receive training for community policing through a Michigan law enforcement officers' training council approved program.

(5) A local law enforcement agency receiving community oriented policing services grant funding under this section shall not reassign the officers hired under this section during the period covered by the grant.

(6) If a federal community oriented policing services grants audit shows that community oriented policing services grant funding was not used as prescribed, the local law enforcement agency shall reimburse the state for the amount misused.

(7) The unexpended portions of the appropriations in section 111 for grants to local units for community policing shall be considered work project appropriations and any unencumbered funding shall not lapse and shall be available in the succeeding fiscal year."

The question being on the adoption of the amendments,

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. 338

Yeas—16

Bennett
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Gougeon
Hart

Koivisto
Miller
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—20

Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Hoffman
Jaye

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—1

Berryman

Not Voting—0

In The Chair: Schwarz

Protest

Senator Bouchard, under his constitutional right of protest (Art. 4, Sec. 18), protested against the amendments offered by Senator Peters to House Bill No. 5595.

Senator Bouchard's statement is as follows:

I voted "no" on this amendment as it was stated by the chair of the subcommittee. The grants have not already been used in the previous fiscal year leaving a substantial amount. I believe that this program works, but it had plenty of money based on the current request and demand, and there are other programs that are strongly in need of some money. As with anything, we need to prioritize. The ATPA is one example, the Auto Theft Prevention Authority, which has proven in large measure around the state time and time again, and yet it needs money, so we need to prioritize where we put this money. I think it's important to note that the three former police officers on this floor all voted "no" because, I think, the same reasons.

Senator Berryman entered the Senate Chamber.

Senator Rogers offered the following amendment:

1. Amend page 83, following line 20, by inserting:

"Sec. 966. (1) A county, city, village, or township that receives revenue sharing funds under this act shall not enact or enforce an ordinance after September 30, 1998 that provides a penalty for the manufacture or delivery, possession with intent to manufacture or deliver, possession, or use of a controlled substance, or the attempted manufacture or delivery, possession with intent to manufacture or deliver, possession, or use of a controlled substance, with a penalty that is less than the penalty provided for under article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545, for substantially similar conduct.

(2) If a county, city, village, or township enacts or enforces an ordinance described in subsection (1), the department of treasury shall withhold 10% of any distribution under this act for the period of time during which the ordinance is in effect.

(3) This section does not authorize a local unit of government to enact or enforce an ordinance having a penalty greater than is otherwise authorized by law."

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

Senator Rogers requested the yeas and nays.

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

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

Roll Call No. 339

Yeas—33

Bennett	DeGrow	Hoffman	Rogers
Berryman	Dingell	Jaye	Schuetz
Bouchard	Dunaskiss	Koivisto	Schwarz
Bullard	Emmons	McManus	Shugars
Byrum	Gast	Miller	Steil
Cherry	Geake	North	Stille
Cisky	Gougeon	Peters	Van Regenmorter
Conroy	Hart	Posthumus	Young
DeBeaussaert			

Nays—4

O'Brien	Smith, A.	Smith, V.	Vaughn
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Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Berryman offered the following amendment:

1. Amend page 40, following line 7, by inserting:

“Sec. 215. (1) As used in this section:

(a) “Controlled substance” means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) “Department head” means the executive in charge of each principal department including, but not limited to, the governor, lieutenant governor, secretary of state, and attorney general. If a board or commission is in charge of a principal department, the department head means all the members of the board or commission.

(c) “Drug test” means the taking and analysis of a hair sample for the purpose of inferring the presence in the sample of trace elements of a controlled substance.

(d) “Legislator” means a member of the Michigan legislature.

(2) Beginning January 1, 1999, and ever 2 years thereafter, each legislator and department head shall submit to a drug test conducted by an independent laboratory under contract with this state.

(a) The drug tests shall be conducted in January of every odd-numbered year. The independent laboratory shall schedule convenient times for legislators and department heads to be tested.

(3) The results of the drug tests shall be forwarded to the following:

(a) For member of the senate, to the senate majority leader and the senate minority leader.

(b) For member of the house of representatives, to the speaker of the house of representatives and the minority leader of the house of representatives.

(c) For department heads, to the governor and the administrative board created in 1921 PA 2, MCL 17.1 to 17.3.

(4) After the results of the drug tests are forwarded under section 5, the results of the drug tests are available for disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.”.

The question being on the adoption of the amendment,

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

The President pro tempore, Senator Schwarz, resumed the Chair.

The amendment was not adopted, a majority of the members serving not 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. 340

Yeas—36

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

Nays—1

Jaye

Excused—0

Not Voting—0

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.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5592, entitled

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 62, following line 2, by inserting:

“Sec. 450. The Michigan jobs commission shall report bi-annually to the house and senate appropriations committees and the house and senate fiscal agencies, on the activities of the Michigan economic growth authority. The report shall include:

(a) The name of each company that has inquired to the department about the program.

(b) The name and location of each company actively recruited by the jobs commission to consider a Michigan economic growth authority grant.

(c) The name of each company that filled out an application.

(d) The name of each company that was approved by the Michigan economic growth authority board.

(e) The name of each company that was not approved.

(f) The amount of political contributions covering the previous five calendar years from principle officers and shareholders for each company approved for a Michigan economic growth authority grant.

(g) The total amount of tax abatements granted for the current fiscal year, and the total cumulative amount granted by the program to date.”.

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. 341

Yeas—16

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Jaye

Koivisto
Miller
O’Brien
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

Bennett
Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Dingell offered the following amendment:

1. Amend page 62, following line 2, by inserting:

“Sec. 450. By October 1, 1998, the insurance commissioner shall file a written report with the senate financial services committee, the house insurance committee, and the senate and house appropriations committees outlining the steps taken to ensure that consumer protection issues have been addressed, including but not limited to, the following:

(a) The number of consumer complaints filed with the bureau and number of investigations conducted, including the disposition of those claims, the average length of time from receipt of the complaint to the closing of the case, and the number of determinations in favor of the complainants.

(b) Insurance company complaints against consumers and other companies, including the disposition of those claims and the average length of time from receipt of complaint to the closing of the case, and the number of determinations in favor of the complainants.

(c) The number of rates and forms filed by company in the previous fiscal year.

(d) The current number of FTEs allocated and filled that work on consumer complaints as of October 1, 1998.

(e) Any additional efforts made by the insurance commissioner to comply with regulatory and oversight requirements imposed by law.

(f) A statement of the general trend of auto insurance rates in Michigan with special attention to rate fluctuations in the state’s urban areas.”.

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. 342

Yeas—16

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Young offered the following amendments:

1. Amend page 60, line 7, after “shall” by inserting “fill all U.S. department of labor authorized disabled veterans outreach program specialist and local veterans employment representative FTE positions and shall”.

2. Amend page 62, following line 2, by inserting:

“Sec. 450. As a condition of receiving funds appropriated under section 103, the department of Michigan jobs commission shall restore merit employees to the levels as they existed prior to February 2, 1998 and in compliance with the policies of the U.S. department of labor to deliver employment services within the Michigan employment service agency.”.

The question being on the adoption of the amendments,

Senator Young requested the yeas and nays.

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

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

Roll Call No. 343**Yeas—19**

Bennett	DeBeaussaert	Miller	Smith, A.
Berryman	Gougeon	North	Smith, V.
Byrum	Hart	O'Brien	Vaughn
Cherry	Jaye	Peters	Young
Conroy	Koivisto	Shugars	

Nays—17

Bouchard	Emmons	McManus	Schwarz
Bullard	Gast	Posthumus	Steil
Cisky	Geake	Rogers	Stille
DeGrow	Hoffman	Schuetz	Van Regenmorter
Dunaskiss			

Excused—0**Not Voting—1**

Dingell

In The Chair: Schwarz

Senator V. Smith moved that Senator Dingell be temporarily excused from the balance of today's session.
The motion prevailed.

Senator Dingell entered the Senate Chamber.

Senator DeGrow moved to reconsider the vote by which the amendments offered by Senator Young were adopted.
On which motion Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 344**Yeas—22**

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

Nays—15

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O'Brien	Vaughn

Cherry
Conroy

Hart
Koivisto

Peters
Smith, A.

Young

Excused—0

Not Voting—0

In The Chair: Schwarz

The question being on the adoption of the amendments,

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. 345

Yeas—18

Bennett
Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Gougeon
Hart
Koivisto

Miller
North
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—19

Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Hoffman
Jaye

McManus
Posthumus
Rogers
Schuette
Schwarz

Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator A. Smith offered the following amendments:

1. Amend page 18, following line 1, by inserting:
 "Michigan strategic fund 145,600".
2. Amend page 18, line 2, by striking out "\$1,810,300" and inserting "\$1,664,700".
3. Amend page 19, following line 15, by inserting:
 "Michigan strategic fund 2,711,600".
4. Amend page 19, line 16, by striking out "\$28,780,200" and inserting "\$26,068,600" and adjusting all subtotals, totals and section 201 accordingly.
5. Amend page 62, following line 2, by inserting:
 "Sec. 450. The Michigan strategic/renaissance fund revenue from which appropriations are made in part 1 shall be used to finance the salary, benefits, and other administrative and overhead costs related to the Michigan strategic/renaissance fund staff with the unclassified and job creation services line items."

The question being on the adoption of the amendments,
 Senator A. Smith moved that further consideration of the amendments be postponed temporarily.
 The motion prevailed.

Senator Hart offered the following amendments:

1. Amend page 12, line 2, by striking out "336.0" and inserting "366.0".
2. Amend page 12, line 3, by striking out "195.0" and inserting "225.0".
3. Amend page 12, line 3, by striking out "\$15,908,800" and inserting "\$17,908,800".
4. Amend page 12, line 26, by striking out "\$5,832,500" and inserting "\$7,832,500" and adjusting all subtotals, totals and section 201 accordingly.

5. Amend page 43, following line 12, by inserting:

"Sec. 335. (1) From the amount appropriated for health systems administration, the department of consumer and industry services shall provide funding for not less than 120 inspectors to annually survey and investigate the care and services delivered in nursing homes, county medical facilities, and hospital long-term care units in accordance with provisions of the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, and federal medicare and medicaid certification standards. In addition, the department shall provide not less than 8 inspectors to annually survey and investigate complaints about the care and services delivered in licensed homes for the aged in accordance with the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(2) In instances of complaints alleging poor care and services occurring on nights or weekends, the department of consumer and industry services shall investigate such complaints by conducting on-site investigations on nights or weekends in keeping with the allegations."

The question being on the adoption of the amendments,

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. 346

Yeas—18

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

Nays—19

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

Excused—0

Not Voting—0

In The Chair: Schwarz

Protest

Senator Shugars, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Hart to House Bill No. 5592.

Senator Shugars' statement is as follows:

I voted "no" on the Hart amendment because I think it'd be much better to spend the money for the residents than to spend it for regulatory people. We've held a number of public hearings on this issue, and we listened to the experts on long-term care facilities. We came to the conclusion that the issue is that the turnover for staff is the problem. The staff turns over a number of times in a year's time, and we find out that part of the problem that the staff has with the turnover is issues dealing with training, issues dealing with pay, issues dealing with benefits working at nursing homes. And also, it takes a special person and, in my opinion, an angel, to work in a nursing home.

So we've looked at it, and to hire more inspectors and more regulatory people isn't going to solve that problem. This is a very difficult problem, and it's one that the House is going to be sending some bills over to start working with it, and we will be working on it the rest of this year. Hopefully, we can resolve this problem. That was my "no" vote explanation.

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

The motion prevailed.

Senator Hart's statement is as follows:

In the last six months, 581 citations have been issued to Michigan nursing homes. In 1997, there were 1,760 abuse and negligent complaints filed with the Attorney General's office. Just recently, 71 felony charges were filed, the latest on February 20 by the Attorney General against nursing homes in Howell, Dearborn, Frankenmuth, and Grand Rapids. Michigan is currently being inspected by the United States General Accounting Office because of concerns about bad care in Michigan nursing homes. More inspectors will help protect senior citizens who reside in nursing homes rather than assure that they are safe and are cared for. We all have that responsibility to see that they are properly cared for.

Senator Jaye offered the following amendment:

1. Amend page 62, following line 2, by inserting:

"Sec. 450. As a condition of receiving funds under part 1 of this act, the department of Michigan jobs commission shall not expend any of the economic development job training grant funds to train any employee who is an officer of a corporation in a corporation employing more than 250 employees."

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

The Associate President pro tempore, Senator Vaughn, assumed the Chair.

By unanimous consent the Senate returned to consideration of the amendments offered by Senator A. Smith.

The question being on the adoption of the amendments,

The amendments were not adopted, a majority of the members serving not 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. 347

Yeas—35

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

Nays—2

Dingell

Jaye

Excused—0

Not Voting—0

In The Chair: Vaughn

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 President pro tempore, Senator Schwarz, resumed the Chair.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5593, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 1003.)

The question being on the adoption of the amendment offered by Senator Young,

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

Senator Young offered the following amendment:

1. Amend page 21, line 17, after “committees.” by inserting “If a forensic laboratory operated by this department receives a request for technical or other assistance from the Detroit crime lab, the department of Michigan state police shall comply with the request in a thorough and timely manner.”.

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. 348

Yeas—37

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussiaert
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—0

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:

House Bill No. 5596, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 1999; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 12, following line 24, by inserting:

“Sec. 316. From the funds appropriated in part 1, 10 percent shall not be allocated for expenditure by the state budget director until both of the following occur:

(a) The supreme court adopts court rules that allow candidates for judge to express opinions on political issues.

(b) The supreme court adopts court rules that allow judges to preside over cases even though they have publicly expressed political opinions on issues generally related to the case.”.

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. 349

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—0

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:

House Bill No. 5597, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department

of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The question being on the passage of the bill,

Senator Conroy offered the following amendments:

1. Amend page 4, line 25, by striking out "539.0" and inserting "569.0".
2. Amend page 4, line 25, by striking out "\$36,000,300" and inserting "\$36,200,300".
3. Amend page 5, line 9, by striking out "\$14,781,500" and inserting "\$14,981,500" and adjusting all subtotals, totals and section 201 accordingly.
4. Amend page 15, following line 18, by inserting:

"Sec. 605. The money appropriated in this act for the boards of managers of the Grand Rapids veterans' home and the D. J. Jacobetti veterans' home shall be considered a work project account, and unexpended money remaining at the close of the fiscal year shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

Sec. 606. No money shall be expended for the operation of the Grand Rapids veterans' home special needs unit, which began operations in March of 1998, unless individuals who are state employees perform the work.

Sec. 607. The department shall not initiate the privatization of state services until a privatization pilot program of not less than 12 months in duration is completed. Not less than 30 days before beginning a privatization pilot program, the department shall submit a plan for the pilot program to the appropriate senate and house appropriations subcommittees and to the senate and house fiscal agencies. The department shall include in the plan a complete set of baseline data for comparative evaluation of the pilot program at the end of the program term. The comparative evaluation of the pilot program shall include the administrative costs of the privatization contract.

Sec. 608. (1) The department shall submit an annual report to the appropriate senate and house appropriations subcommittees and to the senate and house fiscal agencies regarding the special needs unit at the Grand Rapids veterans' home. The department shall include all of the following information in the report required under this subsection:

(a) Each of the following from the department of consumer and industry services:

(i) A statement of deficiency.

(ii) A citation issued by the department of consumer and industry services.

(iii) Each incident investigated by the department of consumer and industry services.

(b) Verification of all of the following for each subcontracted employee, as appropriate:

(i) State certification.

(ii) Valid state license.

(iii) Completion of the nurse aide training program.

(iv) File for the Michigan nurse aide registry.

(c) Reports of required inspections by the DVA.

(2) The department shall submit the report required by subsection (1) by March 15, 1999. Unless the report required under subsection (1) has been received by March 15, 1999 by the entities described in subsection (1), the department shall not expend funds appropriated under this act for full-time equated unclassified positions."

The question being on the adoption of the amendments,

Senator Conroy requested the yeas and nays.

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

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

Roll Call No. 350

Yeas—15

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Koivisto

Miller
O'Brien
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bouchard
Bullard
Cisky

Emmons
Gast
Geake
Gougeon

McManus
North
Posthumus
Rogers

Schwarz
Shugars
Steil
Stille

DeGrow
DunaskissHoffman
Jaye

Schuette

Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator Vaughn offered the following amendments:

1. Amend page 4, line 8, by striking out "\$731,700" and inserting "\$753,000".
2. Amend page 4, line 9 by striking out "664,400" and inserting "683,700".
3. Amend page 4, line 10 by striking out "305,200" and inserting "433,900".
5. Amend page 4, line 12 by striking out "803,700" and inserting "827,100".
6. Amend page 4, line 13 by striking out "150,300" and inserting "154,700".
7. Amend page 4, line 14 by striking out "143,300" and inserting "147,400".
8. Amend page 4, line 16 by striking out "37,500" and inserting "38,600".
9. Amend page 4, line 17 by striking out "37,500" and inserting "38,600".
10. Amend page 4, line 18 by striking out "98,900" and inserting "146,100".
11. Amend page 4, line 19 by striking out "11,900" and inserting "12,300".
12. Amend page 4, line 22 by striking out "\$3,406,100" and inserting "\$3,549,600" and adjusting all subtotals, totals and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Vaughn 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. 351**Yeas—16**Berryman
Byrum
Cherry
ConroyDeBeaussiaert
Dingell
Gougeon
HartKoivisto
Miller
O'Brien
PetersSmith, A.
Smith, V.
Vaughn
Young**Nays—21**Bennett
Bouchard
Bullard
Cisky
DeGrow
DunaskissEmmons
Gast
Geake
Hoffman
JayeMcManus
North
Posthumus
Rogers
SchuetteSchwarz
Shugars
Steil
Stille
Van Regenmorter**Excused—0****Not Voting—0**

In The Chair: Schwarz

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 352**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—0**

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:

House Bill No. 5588, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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. 353**Yeas—36**

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

Nays—1

Jaye

Excused—0

Not Voting—0

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:

House Bill No. 5589, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 26, following line 11, by inserting:

“Sec. 230. (1) The department shall convene a task force on environmental equity and justice. The purpose of the task force is to determine whether economically disadvantaged populations and communities have experienced or are likely to experience disproportionate adverse environmental or human health impacts as a result of state government environmental policies, permits or other actions. The task force shall recommend methods to prevent, minimize and mitigate any adverse environmental or human health impacts. The task force shall include representatives of the Senate Majority and Minority Leaders, the Speaker and Minority Leader of the House, health care community, manufacturer’s association, higher education institutions—2 members, chamber of commerce, nonprofit civil rights organizations, environmental advocacy organizations—2 members, national association for the advancement of colored people (NAACP), municipal associations, and the department. The task force shall present its findings and recommendations to the Senate Majority and Minority Leaders and the Speaker and Minority Leader of the House by June 1, 1999.

(2) Task force members shall serve without compensation, but shall be reimbursed for travel and per diem expenses.”.

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

Senator Stille offered the following amendment:

1. Amend page 39, following line 4, by inserting:

“Sec. 1203. Of the funds appropriated in section 114 for pollution prevention, \$100,000.00 shall be used to develop a fresh water resources institute, sponsored by Grand Valley State University, to provide educational opportunities regarding protection of this state’s surface and ground water.”.

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

Senator DeGrow moved to reconsider the vote by which the amendment was not adopted.

The motion prevailed.

The question being on the adoption of the amendment,

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

The question being on the passage of the bill,

Senator A. Smith moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5590, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The question being on the passage of the bill,

Senator Young offered the following amendments:

1. Amend page 2, line 4, by striking out “13,228.0” and inserting “13,337.3”.

2. Amend page 2, line 6, by striking out “13,234.0” and inserting “13,343.3”.
 3. Amend page 2, line 7, by striking out “\$2,923,246,400” and inserting “\$2,938,854,300”.
 4. Amend page 2, line 11, by striking out “\$2,923,096,400” and inserting “\$2,938,704,300”.
 5. Amend page 2, line 13, by striking out “1,725,248,900” and inserting “1,730,716,700”.
 6. Amend page 2, line 16, by striking out “61,163,600” and inserting “67,897,200”.
 7. Amend page 2, line 18, by striking out “\$1,036,420,300” and inserting “\$1,039,826,800”.
 8. Amend page 4, line 22, by striking out “103.3” and inserting “104.3”.
 9. Amend page 4, line 26, by striking out “3,470,300” and inserting “3,742,700”.
 10. Amend page 5, line 1, by striking out “220,441,200” and inserting “258,491,300”.
 11. Amend page 5, line 2, by striking out “19.0” and inserting “20.0”.
 12. Amend page 5, line 2, by striking out “10,196,900” and inserting “10,256,900”.
 13. Amend page 5, line 5, by striking out “61,958,100” and inserting “70,217,600”.
 14. Amend page 5, line 11, by striking out “63,016,500” and inserting “65,716,500”.
 15. Amend page 5, line 21, by striking out “\$510,069,600” and inserting “\$559,411,600”.
 16. Amend page 5, line 24, by striking out “257,593,400” and inserting “269,036,800”.
 17. Amend page 6, line 3, by striking out “7,221,200” and inserting “27,643,200”.
 18. Amend page 6, line 4, by striking out “\$239,062,400” and inserting “\$256,539,000”.
 19. Amend page 6, line 7, by striking out “\$14,526,900” and inserting “\$14,528,600”.
 20. Amend page 6, line 9, by striking out “8,297,500” and inserting “14,389,900”.
 21. Amend page 6, line 11, by striking out “1,790,800” and inserting “1,813,800”.
 22. Amend page 6, line 19, by striking out “45,000,000” and inserting “47,390,400”.
 23. Amend page 6, line 20, by striking out all of line 20.
 24. Amend page 6, line 21, by striking out “\$137,637,000” and inserting “\$97,590,600”.
 25. Amend page 6, line 24, by striking out “35,315,600” and inserting “25,043,700”.
 26. Amend page 7, line 1, by striking out all of line 1.
 27. Amend page 7, line 2, by striking out “17,453,100” and inserting “38,941,500”.
 28. Amend page 7, line 3, by striking out “\$49,646,500” and inserting “\$33,560,400”.
 29. Amend page 7, line 6, by striking out “9,962.6” and inserting “10,070.9”.
 30. Amend page 7, line 7, by striking out “7,206.6” and inserting “7,220.5”.
 31. Amend page 7, line 8, by striking out “\$276,615,200” and inserting “\$277,098,200”.
 32. Amend page 7, line 10, by striking out “2,635.5” and inserting “2,729.9”.
 33. Amend page 7, line 10, by striking out “105,632,800” and inserting “109,419,900”.
 34. Amend page 7, line 15, by striking out “\$416,171,800” and inserting “\$420,491,300”.
 35. Amend page 7, line 18, by striking out “258,515,200” and inserting “261,571,400”.
 36. Amend page 7, line 22, by striking out “\$155,739,700” and inserting “\$157,003,000”.
 37. Amend page 7, line 24, by striking out “\$49,476,000” and inserting “\$49,521,100”.
 38. Amend page 7, line 26, by striking out “7,726,800” and inserting “7,855,300”.
 39. Amend page 8, line 1, by striking out “2,740,000” and inserting “2,794,900”.
 40. Amend page 8, line 4, by striking out “147,323,000” and inserting “149,087,300”.
 41. Amend page 8, line 5, by striking out “\$217,759,100” and inserting “\$219,751,900”.
 42. Amend page 8, line 8, by striking out “123,057,300” and inserting “124,297,400”.
 43. Amend page 8, line 12, by striking out “\$86,373,200” and inserting “\$87,125,900”.
 44. Amend page 9, line 24, by striking out “\$1,128,952,800.00” and inserting “\$1,132,359,300.00”.
 45. Amend page 9, line 26, by striking out “\$155,111,500.00” and inserting “\$125,813,300.00”.
 46. Amend page 10, line 5, by striking out “\$61,958,100” and inserting “\$70,217,600”.
 47. Amend page 10, line 6, by striking out “2,741,600” and inserting “2,744,000”.
 48. Amend page 10, line 8, by striking out all of lines 8 and 9.
 49. Amend page 10, line 12, by striking out “\$155,111,500” and inserting “\$125,813,300” and adjusting totals, subtotals and section 201 accordingly.
 50. Amend page 25, line 3, after “courts” by striking out the balance of the line through “grant.” on line 5.
- The question being on the adoption of the amendments,
 Senator Young 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. 354**Yeas—17**

Bennett
 Berryman

Conroy
 DeBeaussaert

Koivisto
 Miller

Smith, A.
 Smith, V.

Bouchard
Byrum
Cherry

Dingell
Hart

O'Brien
Peters

Vaughn
Young

Nays—20

Bullard
Cisky
DeGrow
Dunaskiss
Emmons

Gast
Geake
Gougeon
Hoffman
Jaye

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator A. Smith offered the following amendments:

1. Amend page 5, line 11, by striking out "63,016,500" and inserting "61,516,500".
2. Amend page 5, line 21, by striking out "\$510,069,600" and inserting "\$508,569,600".
3. Amend page 5, line 24, by striking out "257,593,400" and inserting "256,093,400".
4. Amend page 8, line 24, by striking out "\$563,141,800" and inserting "\$564,641,800".
5. Amend page 9, line 8, by striking out "\$1,200,727,100" and inserting "\$1,202,227,100".
6. Amend page 9, line 11, by striking out "709,488,600" and inserting "710,988,600" and adjusting totals, subtotals and section 201 accordingly.
7. Amend page 30, following line 2, by inserting:
"Sec. 524. Implementation of the kinship care program shall begin no sooner than April 1, 1999."
8. Amend page 43, following line 26, by inserting:
"Sec. 655. The department shall design any immediate negative action policy so as to achieve a projected savings from FY 1997-98 appropriations of no more than \$5,000,000.00 gross. The department shall report to the senate and house subcommittees on the family independence agency budget and the senate and house fiscal agencies on the specifics of the policy and the calculations leading to the projected level of savings prior to implementation of the policy or October 1, 1998, whichever comes first."

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

Senator Peters 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. 355

Yeas—12

Berryman
Byrum
Cherry

Conroy
Dingell
Koivisto

O'Brien
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—25

Bennett
Bouchard

Emmons
Gast

Jaye
McManus

Schuette
Schwarz

Bullard
Cisky
DeBeaussaert
DeGrow
Dunaskiss

Geake
Gougeon
Hart
Hoffman

Miller
North
Posthumus
Rogers

Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Vaughn offered the following amendment:

1. Amend page 43, following line 26, by inserting:

“Sec. 655. From the funds appropriated in section 104 for family preservation and prevention services, \$300,000.00 shall be allocated to focus:HOPE center for children for a 2-year longitudinal study on early childhood development in conjunction with Michigan state university.”.

The question being on the adoption of the amendment,

Senator Vaughn 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. 356

Yeas—16

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Gougeon
Hart

Koivisto
Miller
O’Brien
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

Bennett
Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Hoffman
Jaye

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved that rule 2.106 be suspended to allow the Transportation Appropriations Subcommittee to meet during Senate session.

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

Senator Peters offered the following amendments:

1. Amend page 7, line 6, by striking out “9,962.6” and inserting “10,012.6”.
2. Amend page 7, line 10, by striking out “2,635.5” and inserting “2,685.5”.
3. Amend page 7, line 10, by striking out “105,632,800” and inserting “107,507,800”.
4. Amend page 7, line 15, by striking out “\$416,171,800” and inserting “\$418,046,800”.
5. Amend page 7, line 22, by striking out “\$155,739,700” and inserting “\$157,614,700” and adjusting the subtotals, totals and section 201 accordingly.
6. Amend page 43, following line 26, by inserting:

“Sec. 655. From the funds appropriated in section 106, the department shall increase the allocation for child protective services worker by 50 FTEs to increase the department’s ability to efficiently implement the initiatives contained in “In Our Hands,” the report of the Binsfeld children’s commission, issued in July 1, 1996. It is the intent of the legislature that 25 FTEs be hired effective October 1, 1998, and 25 FTEs be hired effective April 1, 1999.”.

The question being on the adoption of the amendments,

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. 357

Yeas—18

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

Nays—19

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

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Jaye offered the following amendment:

1. Amend page 43, following line 26, by inserting:

“Sec. 655. Funds appropriated under this act shall not be used to pay for the purchase, installation, repair, or maintenance of any air-conditioning unit or equipment unless either of the following conditions is met:

(a) The recipient requesting the payment provides to the department a certificate from a physician stating that the air conditioning is medically required.

(b) The recipient is 55 years of age or older.”.

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

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

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

Roll Call No. 358**Yeas—20**

Bennett	DeGrow	Hoffman	North
Bouchard	Dingell	Jaye	Posthumus
Bullard	Dunaskiss	Koivisto	Schuette
Cisky	Geake	McManus	Shugars
DeBeaussaert	Gougeon	Miller	Van Regenmorter

Nays—17

Berryman	Gast	Rogers	Steil
Byrum	Hart	Schwarz	Stille
Cherry	O'Brien	Smith, A.	Vaughn
Conroy	Peters	Smith, V.	Young
Emmons			

Excused—0**Not Voting—0**

In The Chair: Schwarz

Protests

Senators Berryman, Cherry and Gast, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Jaye to House Bill No. 5590.

Senator Berryman's statement is as follows:

Just simply, Mr. President, I guess I'm glad that the sponsor asked for the yeas and nays. We have, I think, sunken to a new low that you all have made it so easy to cast a "yes" vote for beating up on poor and welfare that it makes easy to vote for this kind of amendment. I can only hope that this goes to conference and that people with some reasonable thoughts would look at this and say that the state does not so need to be divided the way that you're so willing to divide people against people. It's shameful.

Senator Cherry's statement is as follows:

Mr. President, I voted "no" on the previous amendment because the author of the amendment attempting to score political points is placing language in budget that is so restrictive it borders, if not achieves, the ridiculous. What it ultimately says is that no state monies expended by this department can be used to pay for the purchase, installation, repair, or maintenance of any air conditioning unit or equipment.

Ultimately, that means that the air conditioners that supply the department at its present location must be turned off, perhaps even removed. It means that clients must shop in grocery stores that don't have air conditioning. They must go to doctors who don't have air conditioning. They must, in fact, be hospitalized in hospitals that don't have air conditioning. They're not permitted to ride busses that are air conditioned and not permitted to attend job training sites that are air conditioned.

This is absolutely ridiculous, Mr. President. That's why I voted "no." It saddens me that we're going to get so political here on this budget that we would do the inane as we are this afternoon.

Senator Gast's statement is as follows:

Well, it's amazing to me that the Minority Leader over there said something about this getting political. I voted "no," too. But tell me if anybody can, if you're 49 and counting and 364 days of the next year or 54 and 364 days of next year, all of a sudden, bingo, I'm 55. I can have air conditioning. What is the difference between one day and the next when one day you can have it, and one you can't? What's magic about 55? Further than that, I think if was a woman who was that person. I think it's quite difficult to get them to admit that they're that old. So they would be denied air

conditioning. They don't lie prospectively; it's retrospectively. But I think this is about the height of silliness, and I think we've been here too long when we adopt amendments like this.

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. 359**Yeas—23**

Bouchard	Dunaskiss	Koivisto	Rogers
Bullard	Emmons	McManus	Schuetten
Byrum	Geake	Miller	Shugars
Cisky	Gougeon	North	Steil
DeBeaussaert	Hoffman	Peters	Van Regenmorter
DeGrow	Jaye	Posthumus	

Nays—14

Bennett	Dingell	Schwarz	Stille
Berryman	Gast	Smith, A.	Vaughn
Cherry	Hart	Smith, V.	Young
Conroy	O'Brien		

Excused—0**Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator DeGrow requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 360**Yeas—22**

Bennett	DeGrow	Jaye	Rogers
Bouchard	Dunaskiss	McManus	Schuetten
Bullard	Emmons	North	Shugars
Byrum	Geake	Peters	Steil
Cisky	Gougeon	Posthumus	Van Regenmorter
DeBeaussaert	Hoffman		

Nays—15

Berryman	Gast	O'Brien	Stille
Cherry	Hart	Schwarz	Vaughn

Conroy
Dingell

Koivisto
Miller

Smith, A.
Smith, V.

Young

Excused—0

Not Voting—0

In The Chair: Schwarz

Protest

Senator Berryman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5590 and moved that the statement he made during the discussion of the amendment offered by Senator Peters and the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Berryman’s first statement is as follows:

I rise to support the Peters’ amendment and certainly have always congratulated the Lieutenant Governor on her Children’s Commission’s report. Also, there was also a Senate Democratic task force on Protecting Michigan’s Children that made many of the same recommendations and made them early and first. It’s nice to have us talking about children and trying to protect children.

We can pass bills, have the Governor sign them, and have press conferences about what we’re doing to protect Michigan’s children, but as this amendment addresses, if we don’t put money behind it, if we don’t actually go out and spend the dollars to implement those programs, we have made children no safer today than they were a year ago or two years ago.

To respond to the previous speaker, Mr. President, when he says that substantiated cases are down, statistically they may be down. It’s because we’re not substantiating cases. We’re making it tougher to substantiate, and we don’t have the people out in the field who can go out and substantiate those abuse cases. Now until this state and other states across the country do a better job giving our protective service workers reasonable caseloads that they can actually have an impact on that child’s life, we’re going to continue to see the type of events that happened in Oregon, in Pennsylvania, in other parts of the country where it’s easy to blame the schools. “Look at what happened in school.” Many of these things can be avoided if we give our protective service workers the tools they need to protect themselves, to protect children, and to keep families together. But you can’t do that with caseloads where the caseworkers may never even see that child in a month. Caseloads are so high that they can’t physically go out and talk to and see the kids.

So it’s extremely important to pass bills to protect children, and again I give the Lieutenant Governor credit. Her heart’s in the right place. But now is the time to put the money behind that to make sure that those new policies work. Give the protective service workers what they really need, and that’s a manageable caseload that will enable them to truly care for Michigan’s children, truly have a chance at stopping other tragedies from happening whether it’s that child going off the deep end or a parent going off the deep end and going after and abusing that child. Give our workers what they’re capable of doing. They have the expertise. I certainly know they have it in their heart to do the right thing. They just can’t do it with the number of cases that are just so great that they are unmanageable. Let’s give the Lieutenant Governor what she’s been looking for—not just laws that sound good but backed up with dollars that allow those good bills to become reality.

Senator Berryman’s second statement is as follows:

Let me just add I would hope that again when this goes to conference, more reasonable heads would prevail, and some of the negative things that were put into this bill would be taken out.

By unanimous consent the Senate proceeded to consideration of the following joint resolution:

Senate Joint Resolution R, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 1, 11, 12, 13, 18, 19, 22, 23, 24, 27, and 30 of article VI; adding section 31 to article VI; and repealing sections 15 and 16 of article VI, to allow the merger of the probate court and the circuit court and to make related amendments regarding the judicial branch.

(This joint resolution was read a third time on May 26, not adopted and the motion to reconsider the vote postponed. See Senate Journal No. 47, p. 963.)

The question being on the motion to reconsider the vote by which the joint resolution was not adopted,
The motion prevailed.

The question being on the adoption of the joint resolution,

Senator Emmons offered the following amendment:

1. Amend page 3, line 17, after “office” by striking out “shall” and inserting “MAY”.

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

Senator Jaye offered the following amendment:

1. Amend page 9, following line 18, by inserting:

“SEC. 33. (1) A PERSON SHALL NOT BE ELECTED MORE THAN TWO TIMES TO THE POSITION OF JUDGE OR JUSTICE OF ANY TRIAL COURT, COURT OF APPEALS, SUPREME COURT, OR ANY OTHER COURT OF LIMITED JURISDICTION ESTABLISHED BY THE LEGISLATURE. A PERSON WHO IS ELECTED OR APPOINTED TO FILL A VACANCY IN THE OFFICE OF JUDGE OR JUSTICE FOR A PERIOD GREATER THAN ONE-HALF OF A TERM OF THAT OFFICE SHALL BE CONSIDERED TO HAVE BEEN ELECTED ONE TIME TO THE OFFICE OF JUDGE OR JUSTICE OF THAT COURT FOR PURPOSES OF THE LIMITATION IMPOSED BY THIS SECTION. THIS SECTION APPLIES TO TERMS OF JUDICIAL OFFICE BEGINNING ON OR AFTER JANUARY 1, 1999.

(2) THIS SECTION IS SELF-EXECUTING. THE LEGISLATURE MAY ENACT LAWS TO FACILITATE THE OPERATION OF THIS SECTION, BUT SHALL NOT ENACT ANY LAW LIMITING OR RESTRICTING THE APPLICATION OF THIS SECTION.”.

The question being on the adoption of the amendment,

Senator V. Smith moved that Senator Young be excused from the balance of today’s session.

The motion prevailed.

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 361

Yeas—6

Cisky
Jaye

Rogers
Shugars

Steil

Stille

Nays—31

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart

Hoffman
Koivisto
McManus
Miller
North
O’Brien
Peters
Posthumus

Schuette
Schwarz
Smith, A.
Smith, V.
Van Regenmorter
Vaughn
Young

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendments:

1. Amend page 8, line 5, after “judge,” by striking out the balance of the line through “LEAST” on line 6.
2. Amend page 8, line 6, after “judge” by striking out the balance of the line through “COURT.” and inserting a comma and “and one a judge of a court of limited jurisdiction.”.
3. Amend page 8, line 10, by striking out “THREE” and inserting “Two”.
4. Amend page 8, line 10, after “governor” by striking out the comma and inserting a semi-colon and “the members appointed by the governor”.
5. Amend page 8, line 11 after “~~governor~~” by striking out the balance of the line through “TWO” on line 12.
6. Amend page 8, line 13, after “bar.” by inserting “ONE MEMBER SHALL BE APPOINTED BY THE SUPREME COURT, AND SHALL NOT BE A JUDGE, RETIRED JUDGE, OR MEMBER OF THE STATE BAR.”.

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

The question being on the adoption of the joint resolution,

The joint resolution was adopted, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 362

Yeas—27

Bennett	DeBeaussaert	Hart	Posthumus
Berryman	DeGrow	Hoffman	Rogers
Bouchard	Dingell	Jaye	Schuetten
Bullard	Dunaskiss	McManus	Steil
Byrum	Gast	Miller	Stille
Cherry	Geake	North	Van Regenmorter
Conroy	Gougeon	Peters	

Nays—10

Cisky	O'Brien	Smith, A.	Vaughn
Emmons	Schwarz	Smith, V.	Young
Koivisto	Shugars		

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the joint resolution.

Protests

Senators V. Smith and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Joint Resolution R and moved that the statements they made during the discussion of the joint resolution be printed as their reasons for voting “no.”

The motion prevailed.

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

Mr. President and members, I know how to read the tea leaves. I can see the handwriting on the wall, and I know the supporters of Senate Joint Resolution R will probably be successful on their two-thirds vote and their passage with the adoption of the Peters' amendment. But I rise because I still feel, even though the politics have now been taken out of this constitutional amendment, even though the Judicial Tenure Commission has been returned to what I think will

be a place of independence and evaluating the judiciary in this state which is needed and necessary. I am still opposed to the passage of Senate Joint Resolution R.

What bothers me about the passage of Senate Joint Resolution R is the elimination of the probate courts. I believe that we can do the family court, and we can do it in a way that could be done statutorily and not constitutionally, and the number of judges that we have moved over from the probate court could be moved lawfully and could be moved to the circuit court bench without the elimination of the probate court.

In my county, for example, we have nine judges on the probate court. Six remain there even with the creation of the family court. So that means two-thirds of the business is still there. Two-thirds of the seniors have guardianships in front of that court. Two-thirds of the minors who have for one reason or another had to have a guardianship, had to have conservatorship over their assets, had to have the specialization which is what the probate court has done in Michigan for 137 years.

I think they've done a good job, and I really don't know why we want to kill the specialization that has occurred over that last one hundred and some years in the probate court for the creation of the family court division within the circuit court. We've done that. That's fine. This body felt and I felt that the family court is a good way to go. It keeps those issues possibly before one judge. That's a good idea, but we do not have to kill the probate court in order to accomplish that. And one of the bad side effects about how we created the family court—we could have left the probate courts intact. The probate courts constitutionally are state-wide in all 84 counties or in circuit court districts in multiple counties, and there are 15 of those. And the judges up north, I believe them when they tell me that the elimination of the probate court, the mandate of one judge per county and the mandate that that one judge per county, circuit court judge, has to deal with the family practice, will in effect generalize those 15 circuit court districts that are multiple-county. That's a tragedy because those multi-county circuits have learned to work and have learned to work well. They've learned to share their judicial resources, and they've learned to cooperate and create some specialization. All of that's out the window.

So even though I know a loss is impending for the position that I've taken, I'm more saddened by what we're going to do to the judiciary in this state in the present vision of court reform. I don't think it's the proper vision. I don't think it's the right vision, and I would hope, even now at the eleventh hour, those that would be most effective to still join with me and vote "no" against Senate Joint Resolution R.

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

Mr. President and members, the chairperson of the Judiciary Committee has a rosy view of the future, and I really hope that his view is the predominant one, and that's the way this comes out. I have this nagging little feeling in the back of my mind that it may not come out as just, as clean, and less troublesome as he projects it. He says that we are creating a court of specialization. Well, we're creating a super court—a court that will have a criminal division and criminal responsibility; a court that will have a civil division and civil responsibility; a court that will have a family division and the family responsibility; and a court that will have the probate court in it—the wills, the trusts, the guardianships, estates. The probate court is a pretty substantial court, and they will also be folded into the circuit court.

I'm afraid that out of those four divisions within the circuit court, the one that probably will get the least attention is the family division. And I'm afraid that's the one that's going to be the toughest to sit on. That's the one that will be most contentious. That's the one that's going to really pull at your heart strings because of the tragedies that you're going to see within that family court division.

I'm also afraid that if you fall out of favor and you're vying for one of those choice spots in the civil division where the big money is coming through and you know you can raise those campaign dollars, those who don't get those choice spots are going to end up frustrated, feeling a little abandoned, and presiding over the family court.

So I hope that the chairperson's vision is the right one. If mine is the right one, this is the wrong thing to do. We would have been better served by preserving the probate court, and we would have been better served by creating the family court and made it a family division of the probate court rather than the other way around. I hope this is the right view. I have doubts. Vote "no."

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

I rise to oppose the bill. Senate Joint Resolution R does deal with some issues that we face because we've created a family court, but I think in rushing to eliminate the probate court, we have failed to take into consideration some of the powers and duties that the probate court had. One of those is the administrative control that the probate court has over its records and its employees, and that differs from what we have under the Constitution for the circuit court. The circuit court currently, because it's a practice that harkens back and very far back to real true circuit riders of the circuit court, their records are maintained by county clerks. That is not the case in the probate courts. I think it is a failing that we bring forward the probate court into the circuit court and rob them of their records. I think it is something that is extraordinarily short sighted. I don't think any one of us here in the Legislature would be content if our records were controlled by the Executive Branch. I think we would be extraordinarily concerned at the potential loss of power that that bodes, and I think that is a concern of probate judges across the state.

For that reason and a number of others, particularly the loss, I believe, of a judicial vision and the usurpation of much of the third branch of government's control over how it organizes by the Legislature, I am opposing the bill.

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

I know that courts differ greatly from county to county, but I think when we think of probate, we too often think of guardianships, wills, and estates. The fastest growing caseload in the state of Michigan in any court has been in the probate court, juvenile division. Those courts do, in fact, work late into the night and do have a caseload that is tremendously burdensome, as they try to deal with the problems of children that we in the Legislature have often complicated by some of the bills that we have passed here.

Senator Berryman is absolutely right with his concern that with this merger and the finalization of the merger, we are threatening what has been the heart of the court. The probate court has been charged with the responsibility of looking out for the interests of those who are least able to look out for themselves—the children, the mentally ill, the very old—and, again, the heart of the judicial branch of government.

This is an issue that I have lost. I will vote “no” because I think it really is the undoing of what was a good court system.

Senators Berryman, Jaye, Conroy and Van Regenmorter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Berryman's statement is as follows:

I only rise to get into this debate because I voted “no” yesterday and am probably going to vote “yes” today. I probably haven't been on the phone as much on an issue, on any issue, unfortunately, as we have on this, and the good Senator, the chair has been very gracious and his staff in answering a lot of my questions and actually are questions that came from my judges. I appreciate that, Senator. It didn't make my job any easier, but you gave good answers, and I appreciate that—and honest answers.

If this was a bill, I would probably vote “no” because it's my responsibility, and I personally think that if it was a piece of legislation that was would be decided here, I could vote “no” and justify that because I think that the probate court has a very unique responsibility and a very unique role in dealing with guardianships and individuals with mental illness and dealing with the families who deal with these issues. I very honestly don't know, and I don't think the circuit court has the compassion on this issue that the probate court has developed over the years. So again, if it was a bill, I would vote “no.” But it's a resolution to put it on the ballot to let the people decide.

I have split decisions in my district. I have probate judges and circuit judges who support it, and I have some who actively oppose it, and I think oppose it for just the reasons that I mentioned. Having said all of that, with having split decisions amongst my judges and being an issue that will be decided not by you and I in this chamber or the House but will be decided by the voters of the state of Michigan, I have faith in their judgment that they'll pay attention to this issue. They will research the issue. I hope they do. I hope that we discuss it, and I don't feel that I should deny them the right to have that discussion and have that vote. So I will be voting in favor of Senate Joint Resolution R.

Senator Jaye's statement is as follows:

A constitutional amendment truly is a rare opportunity, and unfortunately with our arrogant judiciary, it's the only opportunity for the people through their Legislature, to impose accountability and professionalism on the third branch of government. These judges have been acting and have been operating as if they're above the law and not accountable to the people. They are the only politicians not subject to the Open Meetings and the Freedom of Information Acts. I know they said, “Oh, well, we'll look at the Ciaramitaro new language saying to the extent possible we'll comply.” And guess who will determine the court case of the extent possible? The judges. We just had a filing deadline two weeks ago yesterday. All of the challengers for the judiciary had to submit thousands of signatures, but the incumbent judges just have to submit a piece of paper, like an affidavit of identity. These judges are exempt from the Open Meetings Act. These are the same judges, state supreme court judges—that gave all of the lower courts a pay increase in violation of state law, then made that pay increase retroactive to the first of the year, violating the Constitution. These are the same judges that have imposed a gag rule on any candidates for the judiciary. So even a thinking person—a person who is a news seeker—somebody who is conscientiously trying to do their homework on the judges without regard to party, tries to find out if they are pro-life or pro-choice, tries to find out what their position is on the Second Amendment—on the First Amendment. The judges cannot state their position.

These are the same judges that rule to say that you cannot practice your profession as an attorney unless you are a member of the State Bar Association. You don't have to be a member of the Michigan State Medical Society to practice medicine. You don't have to be a member of the Dental Hygienist Society to floss teeth. These are the same judges that say they are more than a co-equal branch of government. They don't have to apply to term limits. These are the same judges who have incumbency designation to give them an advantage that nobody else has. These are the same judges who drive around with the cars; the supremes and court of appeals without the statements, the place, the time, and the

purpose, like the rest of us. These are the same judges who now are planning to have a judicial palace—a Taj Mahal, with kitchens, lounges, and opulent bathrooms at the cost of \$2.5 million - \$3 million per judge. Mr. President, this is indeed a constitutional amendment and under our single section rules in the Senate, you are usually right, and I appreciate your firm stewardship of the gavel. But, when you amend the Constitution, there are no single section rules in the Senate.

I will summarize by saying, “I hope that soon, this Senate will start opposing the sunshine laws, the accountability laws, to make sure the judiciary branch starts living by the same rules as any other elected officials and make sure that the power of incumbency no longer stifles any competitor who seeks to have that position.

Senator Conroy’s statement is as follows:

I think this is a good idea. I believe that this bill will allow for better management of our court system. It’s clear to me that we have, at least in my county, a group of circuit court judges who are on balance very hard workers and extremely busy. Then we have the probate court who are fine judges one and all, but there aren’t many evening sessions, and there aren’t many trials that go into the night. Clearly the effort they make is good and quality, but I think that you can take a group of eight or ten judges and find out which ones like what kind of work the best, and they can be assigned that work within this kind of a system that’s being proposed.

I think it will be a lot more efficient use, and indeed people who are good at what they will learn how to do or indeed those probate judges who will just simply continue doing probate work but being circuit judges will be as effective as they’ve ever been. So for those who are effective, I think that that will continue, and in the future years, for those who have a better handle on family matters or probate matters, they clearly can be appointed to that from within their circuit court system. I think that their level of competence will go to where their desires take them. So I think this is an excellent idea.

I had a bill 10 or 12 years ago to do this very thing to make them all one, and it was kind of revolutionary at the time, apparently, and some circuit court judges didn’t want probate judges to be circuit court judges—kind of turf battles that occurred. But I think it’s timely and will be efficient throughout this state. Clearly with the chief of circuit court assigning caseloads, there will be a sensitivity toward those who have expertise in the matter of probate.

Senator Van Regenmorter’s statement is as follows:

Well, I described this resolution yesterday in some detail and won’t go through that detail again. But first let me say that I appreciate my colleagues on both sides of the aisle who have to a person demonstrated the willingness to consider, to think, to review, and to make a decision. Even those who disagree, I know do so sincerely and after careful thought and consideration. I think that’s why this is called a deliberative body.

Just to quickly remind you. What this does, SJR R, would be a proposed constitutional amendment put on the ballot. It would merge the probate and the circuit bench. We already did that in a sense in statute as you know. But because the Constitution requires that there be a probate court in every county, except where two or more counties through their electors decide to combine—something that almost never happens—we needed to amend the Constitution. This is not something that can be done just with a statute. So that’s what we do. We merge the probate and the circuit courts, and we will end up with, I think, the best of both worlds. We will end up with a court that has specialization. We’ll have the district court specializing in lower level crimes, lower amount civil cases, small claims, traffic, and so on—what I would describe as the people’s court readily accessible. We will have a circuit court that has the felonies, those larger civil cases, and so on, but also which will have a division which is the family court division. Finally, for the first time, we’ll be able to fully implement the family court.

Rather than, as the last speaker implied, weakening the heart of the court, it will provide the very strength that this heart of the court needs by doing a couple of things. We will have judges who will be specialized in these family cases, including the juvenile cases she mentioned. And probably more important than that, finally, a combined staff. A staff that formerly was in part in the circuit and in part in the probate court will now be put together offering great strength, I believe.

Then, finally, we have this anachronism of 14 part-time probate judges with very low caseloads. This amendment would result in extinguishing those 14 part-time probate judgeships, but do so on a phased-out basis. I think that’s reasonable. So what we end up with is all the advantages of the efficiencies of sort of a combined generalized court, but also we end up with the specialities that we really want, and still retaining the district court, the family court division, and then the rest of the circuit court.

I believe this is, as other speakers have said before me, a step forward and will really put our court system, our trial court system, in a wonderful position for the next century in terms of service to the public and the administration of justice. I urge my colleagues to support SJR R.

The following bill was read a third time:

Senate Bill No. 1132, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528,

529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 549a, 549b, 549c, 549d, 549e, 549f, 549g, 549h, 549i, 550a, 821, 822, 8156, 8157, and 8158 (MCL 600.502, 600.503, 600.504, 600.505, 600.506, 600.507, 600.508, 600.509, 600.510, 600.511, 600.512, 600.513, 600.514, 600.515, 600.516, 600.517, 600.518, 600.519, 600.520, 600.521, 600.522, 600.523, 600.524, 600.525, 600.526, 600.527, 600.528, 600.529, 600.530, 600.531, 600.532, 600.533, 600.534, 600.535, 600.536, 600.537, 600.538, 600.539, 600.540, 600.541, 600.542, 600.543, 600.544, 600.545, 600.546, 600.547, 600.548, 600.549, 600.549a, 600.549b, 600.549c, 600.549d, 600.549e, 600.549f, 600.549g, 600.549h, 600.549i, 600.550a, 600.821, 600.822, 600.8156, 600.8157, and 600.8158), sections 504 and 821 as amended by 1996 PA 388, sections 506, 517, 521, 535, 536, 538, 549, and 550a as amended and section 549h as added by 1990 PA 54, sections 507 and 534 as amended and section 549i as added by 1994 PA 138, sections 510, 518, 528, and 537 as amended by 1988 PA 134, section 522 as amended and section 549g as added by 1981 PA 182, sections 541 and 549f as amended by 1980 PA 438, sections 542 and 547 as amended by 1984 PA 95, section 549e as added by 1980 PA 129, and section 822 as amended by 1996 PA 374, and by adding sections 549j, 549k, and 880e; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendments:

1. Amend page 14, line 6, after "JUDGES." by striking out the balance of the subdivision.
2. Amend page 19, line 23, after "2000." by striking out the balance of the section.
3. Amend page 20, line 16, after "2000." by striking out the balance of the section.
4. Amend page 21, line 12, after the first "2000." by striking out the balance of the section.
5. Amend page 21, line 23, after "2000." by striking out the balance of the section.
6. Amend page 22, line 4, after "2000." by striking out the balance of the section.
7. Amend page 25, line 17, by striking out all of subsection (5).
8. Amend page 26, line 5, by striking out all of subsection (3).
9. Amend page 29, line 14, after "2000." by striking out the balance of the section.
10. Amend page 30, line 15, after "2000." by striking out the balance of the section.

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. 363

Yeas—28

Bennett	DeBeaussaert	Gougeon	Posthumus
Berryman	DeGrow	Hart	Rogers
Bouchard	Dingell	Hoffman	Schuetten
Bullard	Dunaskiss	McManus	Schwarz
Byrum	Emmons	Miller	Steil
Cherry	Gast	North	Stille
Conroy	Geake	Peters	Van Regenmorter

Nays—9

Cisky	O'Brien	Smith, A.	Vaughn
Jaye	Shugars	Smith, V.	Young
Koivisto			

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Van Regenmorter offered to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 549a, 549b,

549c, 549d, 549e, 549f, 549g, 549h, 550a, 821, 822, 8156, 8157, and 8158 (MCL 600.502, 600.503, 600.504, 600.505, 600.506, 600.507, 600.508, 600.509, 600.510, 600.511, 600.512, 600.513, 600.514, 600.515, 600.516, 600.517, 600.518, 600.519, 600.520, 600.521, 600.522, 600.523, 600.524, 600.525, 600.526, 600.527, 600.528, 600.529, 600.530, 600.531, 600.532, 600.533, 600.534, 600.535, 600.536, 600.537, 600.538, 600.539, 600.540, 600.541, 600.542, 600.543, 600.544, 600.545, 600.546, 600.547, 600.548, 600.549, 600.549a, 600.549b, 600.549c, 2 600.549d, 600.549e, 600.549f, 600.549g, 600.549h, 600.550a, 600.821, 600.822, 600.8156, 600.8157, and 600.8158), sections 504 and 821 as amended by 1996 PA 388, sections 506, 517, 521, 535, 536, 538, 549, and 550a as amended and section 549h as added by 1990 PA 54, sections 507 and 534 as amended by 1994 PA 138, sections 510, 518, 528, and 537 as amended by 1988 PA 134, section 522 as amended and section 549g as added by 1981 PA 182, sections 541 and 549f as amended by 1980 PA 438, sections 542 and 547 as amended by 1984 PA 95, section 549e as added by 1980 PA 129, and section 822 as amended by 1996 PA 374, and by adding sections 549j, 549k, and 880e; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 5589, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(This bill was read a third time earlier today, amendments adopted and consideration postponed. See p. 1019.)

The question being on the passage of the bill,

Senator Miller offered the following amendment:

1. Amend page 39, following line 4, by inserting:

“Sec. 1204. Of the funds appropriated in section 114 for pollution prevention, \$100,000.00 shall be used for cleanup of Lake St. Clair.”.

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. 364

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—0

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:

House Bill No. 5591, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 1999; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senators A. Smith and McManus offered the following amendment:

1. Amend page 27, line 25, after "cords" by inserting "provided that the department takes into consideration the impact of timber harvesting on wildlife habitat and recreation uses".

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. 365

Yeas—36

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

Nays—1

Jaye

Excused—0

Not Voting—0

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.

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 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 with a substitute therefor, the following bill:

House Bill No. 5857, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 110a, 401a, 504, 508, 701, 702, 705, 706, and 711 (MCL 38.2104, 38.2110a, 38.2401a, 38.2504, 38.2508, 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), section 104 as amended by 1995 PA 193, sections 110a, 401a, 705, 706, and 711 as added by 1996 PA 523, and sections 701 and 702 as amended by 1998 PA 66, and by adding sections 512, 701a, 707a, and 718a.

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

House Bill No. 5857

The motion prevailed.

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

House Bill No. 5857

Senate Bill No. 1109

Senate Bill No. 1110

Senate Bill No. 1111

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

The following bill was read a third time:

House Bill No. 5857, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 217, 504, 701, 702, 705, 706, and 711 (MCL 38.2104, 38.2217, 38.2504, 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), section 104 as amended by 1995 PA 193, section 217 as amended by 1996 PA 525, sections 701 and 702 as amended by 1998 PA 66, and sections 705, 706, and 711 as added by 1996 PA 523, and by adding sections 701a and 718a.

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. 366

Yeas—36

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

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts,“.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1109, entitled

A bill to establish a vocational education enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator DeBeaussaert offered the following amendment:

1. Amend page 3, line 6, after “program” by inserting a comma and “who is making satisfactory progress in meeting local attendance and diploma requirements”.

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. 367

Yeas—36

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
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

Cisky

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1110, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 502 (MCL 380.502), as amended by 1995 PA 289.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

1. Amend page 6, line 22, after "contract." by inserting "AT LEAST ANNUALLY, EACH AUTHORIZING BODY SHALL FILE AN OVERSIGHT REPORT WITH THE STATE BOARD FOR EACH CONTRACT ISSUED BY THE AUTHORIZING BODY. EACH OVERSIGHT REPORT SHALL BE ACCOMPANIED BY A WRITTEN CERTIFICATION OF ITS ACCURACY SIGNED BY THE CHIEF ADMINISTRATOR OF THE AUTHORIZING BODY AND BY THE PRESIDENT OF THE AUTHORIZING BODY'S GOVERNING BOARD. AN OVERSIGHT REPORT SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING INFORMATION:

(A) NUMBER OF STAFF ASSIGNED TO OVERSIGHT ACTIVITIES, BOTH GENERALLY AND FOR THE SPECIFIC CONTRACT, ON A FULL-TIME EQUATED BASIS.

(B) QUALIFICATIONS, INCLUDING ANY PROFESSIONAL CERTIFICATION, OF STAFF ASSIGNED TO OVERSIGHT ACTIVITIES, BOTH GENERALLY AND FOR THE SPECIFIC CONTRACT.

(C) OVERSIGHT ACTIVITIES CONDUCTED AT THE SITE OF THE PUBLIC SCHOOL ACADEMY.

(D) ANY NONCOMPLIANCE WITH STATUTE, RULES, OR THE TERMS OF THE CONTRACT FOUND IN THE COURSE OF THE OVERSIGHT AND ANY AREAS OF PERFORMANCE FOUND TO BE IN NEED OF IMPROVEMENT.

(E) A DESCRIPTION OF THE SPECIFIC EVIDENCE THAT LED TO EACH FINDING DESCRIBED IN SUBDIVISION (D).

(F) SPECIFIC PLANS FOR REMEDIATION OF EACH NONCOMPLIANCE DESCRIBED IN SUBDIVISION (D).

(G) SPECIFIC SUGGESTIONS AND PLANS FOR IMPROVEMENT OF PERFORMANCE.

(H) AN ASSURANCE THAT THE AUTHORIZING BODY HAS MADE APPROPRIATE INQUIRY AND HAS DETERMINED THAT THE PUBLIC SCHOOL ACADEMY IS IN COMPLIANCE WITH THE PROVISIONS OF SUBSECTION (1) CONCERNING RELIGIOUS AFFILIATIONS.

(I) AN ASSURANCE THAT THE AUTHORIZING BODY HAS MADE APPROPRIATE INQUIRY AND HAS DETERMINED THAT THE PUBLIC SCHOOL ACADEMY IS IN COMPLIANCE WITH ALL APPLICABLE LAW, INCLUDING, BUT NOT LIMITED TO, THOSE PROVISIONS OF LAW SPECIFIED IN SECTION 503(6).

(J) ASSURANCE THAT THE AUTHORIZING BODY HAS EXAMINED STANDARDIZED TEST SCORES DESCRIBED IN SECTION 503(5) AND OTHER RELEVANT DATA TO DETERMINE THAT THE PUBLIC SCHOOL ACADEMY IS FULFILLING THE ACADEMIC GOALS SPECIFIED IN THE CONTRACT.

(K) ASSURANCE THAT THE AUTHORIZING BODY HAS EXAMINED THE QUALIFICATIONS OF THE PUBLIC SCHOOL ACADEMY'S INSTRUCTIONAL STAFF AND HAS DETERMINED THAT THE PUBLIC SCHOOL ACADEMY IS IN COMPLIANCE WITH SECTION 505."

2. Amend page 6, line 23, by striking out all of subsection (5) and inserting:

"(5) If the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION may suspend OR REVOKE the power of the authorizing body to issue new contracts to organize and operate public school academies, AND MAY ORDER THE AUTHORIZING BODY TO REPAY TO THIS STATE ANY FEE COLLECTED BY THE AUTHORIZING BODY FOR ISSUING A CONTRACT OR FOR PROVIDING OVERSIGHT OF A CONTRACT. A contract issued by the authorizing body during the suspension OR AFTER THE REVOCATION is void. ~~A~~ THE VALIDITY OF A contract issued by the authorizing body before the suspension OR REVOCATION is not affected by the suspension OR REVOCATION. WITH THE APPROVAL OF THE STATE BOARD, A CONTRACT MAY BE RENEWED BY THE AUTHORIZING BODY DURING A SUSPENSION."

The question being on the adoption of the amendments,

Senator Byrum 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. 368

Yeas—16

Berryman
Byrum
Cherry
Cisky

Conroy
DeBeaussaert
Dingell
Hart

Koivisto
Miller
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Byrum to Senate Bill No. 1110.

Senator Emmons' statement is as follows:

Paper doesn't make accountability, parents do at charter schools. Parents have the ability to take their children out if the program is not meeting their needs. That is the most important part of charter schools, that they have to be accountable to the people who care most about the students; and that's why I voted "no" on the Byrum amendment.

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

The motion prevailed.

Senator Rogers' first statement is as follows:

This, on the face of it, is about oversight, and who's against oversight? But this does nothing, nothing for oversight. All it does is require more paperwork for what is already being done and applied to these schools by the Auditor General. As a matter of fact, they have been extremely helpful to the charter school movement throughout central Michigan, and they've made changes based on their recommendations, and there are some good things happening there. God love them; that is important. I wish we could have that kind of result with our public schools, with the Auditor General's help and inspections in these schools. We have one school district on the High School Proficiency Test in writing; they got zero percent. Nobody passed it—not one student. I have a whole host of schools around the state who are having extreme problems. Three percent passage, 8.9 percent, 4.7 percent, 19 percent, 8.6 percent and the list goes on and on and on. And what this does is apply—not any new standards—not any new innovative oversight to that particular operation of a charter school. But in fact, it adds a barrier where there should be opportunity. It adds that barrier by saying, "Look, we're not going to ask any more of you, but what we are going to do is ask you to do a lot of paperwork on actions you are trying to correct anyway, and then we are going to send this big mass of reports to a group who may or may not read it or get to it.

Mr. President, this is not about oversight. I noticed it was even quoted in the press, that the amendment will provide oversight; there is nothing in here that provides oversight—nothing! This is just paperwork, period, pure and simple. It doesn't do one thing for the benefit of any student, public school, or charter school in the state of Michigan. Nothing, except add a hurdle—one more barrier to opportunity for these kids. That is not what we should be about in this body. If this is such a great idea, why don't we ask that all of these reports be done in public schools? Why don't they have to jump through these hoops and go through these gyrations? Currently, they do not have to, and you've got scores like this. You know, what's good for the goose is good for the gander. Obviously, this is about political posturing and has nothing to do with helping those kids and helping their opportunity. Let's let them have a chance at life, these kids who are going in to these charter schools. Not adding one more anchor around their leg and killing more trees and adding more bureaucrats that will solve no problem.

Senator Rogers' second statement is as follows:

She said it all when she said this is a report—all of things are required already and are being done by these institutions. They have plenty of oversight, including the finality of being shut down. All this is, is a report. It is very important to know the difference. This is not oversight; this is about more bureaucracy and paperwork.

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. 369**Yeas—22**

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

Nays—15

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1111, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 1997 PA 142.

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. 370**Yeas—34**

Bennett	DeGrow	Jaye	Schuetz
Berryman	Dingell	Koivisto	Schwarz
Bouchard	Dunaskiss	McManus	Shugars
Bullard	Emmons	Miller	Smith, A.
Byrum	Gast	North	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Van Regenmorter

Conroy
DeBeaussaert

Hart
Hoffman

Rogers

Young

Nays—3

O'Brien

Smith, V.

Vaughn

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Resolutions

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

Senate Resolution No. 201

The resolution consent calendar was adopted.

Senators O'Brien, V. Smith, Vaughn and Young offered the following resolution:

Senate Resolution No. 201.

A resolution honoring Lieutenant Jerry Neal, Jr.

Whereas, It is with great respect for his successful efforts with the Detroit Police Department that we honor Lieutenant Jerry Neal, Jr., after more than 28 years of distinguished service in this department, he is retiring to enjoy a well-deserved retirement. On behalf of the people he has served so well, we thank him; and

Whereas, Jerry Neal took a courageous step when he chose his vocation. The members of this unique profession are ever aware of the dangers they face, but excellent officers like Jerry Neal are strongly motivated by a commitment to protecting the health and safety of others. He also served his nation in the United States Army. His military and life experiences have certainly contributed to his success in law enforcement; and

Whereas, Jerry Neal has excelled in a variety of endeavors throughout his career. He has served with the Sixth and Eleventh Precincts, the Office of the Police Explorers, the Recruiting Division, the Chief's Staff, and the Community Services Division. Jerry has provided invaluable service to Detroit and the surrounding area with crime prevention programs and community reclamation projects. His dedication, skill, and hard work have earned him departmental citations, chief's unit merit awards, and numerous commendations; and

Whereas, With the retirement of Lieutenant Jerry Neal, Jr., the Detroit Police Department is losing an exemplary professional, one who has capably served as a front-line defender for the people of the city. Sound judgment, loyalty, and a penchant for hard work are just some of the qualities that Jerry Neal has brought to this department. He takes with him into retirement the respect of his colleagues and the gratitude of the people of the city; now, therefore, be it

Resolved by the Senate, That this document be signed and dedicated to commend Lieutenant Jerry Neal, Jr., for his outstanding efforts with the Detroit Police Department; and be it further

Resolved, That a copy of this resolution be transmitted to Jerry Neal as a reflection of our admiration and esteem.

Senator Conroy was named co-sponsor of the resolution.

Senate Concurrent Resolution No. 84.

A concurrent resolution to change the scope of the Renovation of Building 12 project at the Michigan Biologic Products Institute.

(For text of resolution, see Senate Journal No. 33, p. 636.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senator Schwarz introduced

Senate Bill No. 1167, entitled

A bill to amend 1966 PA 225, entitled “Carnival-amusement safety act of 1966,” by amending section 2 (MCL 408.652), as amended by 1982 PA 35.

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

Senator Schwarz introduced

Senate Bill No. 1168, entitled

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” (MCL 408.751 to 408.776) by adding section 7c.

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 Stille, Bullard and Gougeon introduced

Senate Bill No. 1169, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83.

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

Senators Geake, Byrum, Conroy, Schwarz and McManus introduced

Senate Bill No. 1170, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 226 (MCL 330.1226), as amended by 1996 PA 588.

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

House Bill No. 5716, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding sections 11j, 11k, and 11l.

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.

Statements

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:

Today was a very sad day for students of colleges in the state of Michigan who are graduating this spring and summer. Because of partisan politics, the Senate Democrats chose not to take immediate effect on the affordable health insurance for short-term. It’s unfortunate they listened to lobbyist rather than list to the parents of these children. However, tomorrow let’s hope that the Senate Democrats step up and start listening to the parents and the children who need short-term healthcare coverage. I hope you think in the next couple of days about the graduates from the University of Michigan, Michigan State, Western Michigan University, Central Michigan, etc., etc., who are going on who don’t have affordable healthcare. By not voting for immediate effect when this conference report passes—it doesn’t go into effect until next year, so for the rest of the year, these young people will not have affordable health insurance. Therefore, it is a sad day for the state of Michigan.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4363, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 78101 and 78110 (MCL 324.78101 and 324.78110), as added by 1995 PA 58, and by adding sections 78113, 78114, 78115, and 78116.

With the recommendation that the bill 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: None

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

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Senate Bill No. 514 submits the following:

Meeting held on Tuesday, May 26, 1998, at 11:30 a.m., Elijah Myers Room, Capitol Building

Present: Senators Shugars (C), Schwarz and Byrum

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Wednesday, May 27, 1998, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators North (C), Schwarz, Van Regenmorter, Dingell and Byrum

Scheduled Meeting

Judiciary Committee - Thursday, May 28, at 12:00 Noon, Rooms 402 and 403, Capitol Building (3-6920).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 2:59 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, May 28, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.