

No. 67
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, October 12, 1999.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

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

Pastor Jerry Branch of Bethany Baptist Church of Lansing offered the following invocation:

As we come before the Lord this morning, I would like to share a couple of quick verses from scripture and then we'll go to the Lord in prayer. From 1 Timothy, Chapter 2, God writes, "I urge you then, first of all, that all requests, prayers, intercessions and thanksgiving be made for everyone. For kings, and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness. This is good and pleases God, our Savior, who wants all men to be saved and come to a knowledge of the truth."

Almighty Father, God, Maker of the universe, the heavens, Provider of everything we need, the Giver of our life, we stand before You this morning, and we acknowledge that we are but like grass of the field when compared to You. We thank You so much today, Father, that You've blessed us by giving us a nation and state in which we have so many wonderful, bountiful freedoms.

I thank You this morning, Father, that You've blessed us by giving us these men and women to serve as our leaders in this state.

I thank You too, dear Father, that You've blessed us with the many resources, the many blessings through which You have allowed this state government to provide so much for those living within our boundaries.

I now pray, dear Father, for these men and these women, these leaders who have been appointed to serve over us, that they be richly blessed and that You guide their thoughts. I would ask, Father, that You would bless them by giving them the wisdom and knowledge that are so very necessary in order that they pilot and steer this great state of ours on a proper course in the months that lie ahead as we move into the new millennium.

I would pray, too, Father, that as these men and women make the decisions necessary for the efficient governing of our state that they are able not just to make those popular decisions so easily, which are the easy ones, but that as they face those difficult decisions, that each member of this body seek Your wisdom and make their decisions that are in the best interest and the livelihood of all the people who live within our state boundaries.

I now pray to You, Dear Father, that You watch over and protect and reward and that You guide these men and women, Your servants, who are here in this Senate body as they go about this awesome task of state government. For it is in Christ's precious name that we pray. Amen.

Senator Hoffman entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:06 a.m.

10:28 a.m.

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

During the recess, Senators Miller, Dingell, Jaye, McManus, Schwarz, Shugars, Schuette, Johnson, Gast, Bennett, North, DeGrow, Steil, Van Regenmorter, Hammerstrom, Gougeon, Stille, Emmons and Bullard entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

The following communication was received:
Department of State

Administrative Rules Notice of Filing

October 1, 1999

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 11:00 a.m., this date, administrative rule (99-10-6) for the Department of Consumer and Industry Services, Director's Office, entitled "Nursing Home Administrators," effective 15 days hereafter.

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

The communication was referred to the Secretary for record.

The following communications were received:
Department of Consumer and Industry Services

October 4, 1999

Pursuant to Section 324 of P.A. 306 of 1998, we are enclosing a copy of the Approval Study Report #CA72007 conducted on Nokomis Challenge Center, Prudenville, Michigan. This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

October 5, 1999

Pursuant to Section 325 of P.A. 122 of 1999, we are enclosing a copy of the special investigation report #9C0115010 conducted on Parmenter Residential Center, Bay City, Michigan. This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact me at 373-3892,

Sincerely,
John R. Suckow, C.P.A.
Director, Finance and Administrative Services

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

October 8, 1999

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

Financial Audit including the Provisions of the Single Audit Act, Department of Attorney General, October 1, 1996 through September 30, 1998.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, October 7:
House Bill Nos. 4624 4625 4851

The Secretary announced the printing and placement in the members' files on Monday, October 11 of:

| | | | | | | | | | | | | | | |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Senate Bill Nos. | 780 | 782 | 783 | 784 | 785 | 786 | 787 | 788 | 789 | 790 | 791 | 792 | 793 | 794 |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| Senate Joint Resolution | M | | | | | | | | | | | | | |
| House Bill Nos. | 4938 | 4939 | 4940 | 4941 | 4942 | 4943 | 4944 | 4945 | 4946 | 4947 | 4948 | 4949 | 4950 | 4951 |
| | 4952 | 4953 | 4954 | 4955 | 4956 | 4957 | 4958 | 4959 | 4960 | 4961 | 4962 | 4963 | 4964 | 4965 |
| | 4966 | 4967 | 4968 | 4969 | 4970 | 4971 | 4972 | 4973 | | | | | | |

Messages from the Governor

The following message from the Governor was received:

Date: October 11, 1999
Time: 10:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 625 (Public Act No. 139), being

An act to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize

expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 4, 6, 8, and 10 (MCL 125.2684, 125.2686, 125.2688, and 125.2690), section 10 as amended by 1999 PA 36.

(Filed with the Secretary of State on October 11, 1999, at 2:45 p.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received and read:

October 7, 1999

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

Michigan Carrot Industry Development Program

Mr. Todd R. Young, 13377 Deaner Road, Howard City, Michigan 49329, county of Montcalm, as a member representing growers from District 2, for a term expiring on October 31, 2000.

Mr. Thomas M. Bury, 1243 Levant Street, Jackson, Michigan 49203, county of Jackson, as a member representing growers from District 3, for a term expiring on October 31, 2002.

Mr. Kenneth Francis Oomen, 2157 E. Jackson Road, Hart, Michigan 49420, county of Oceana, as a member representing growers from District 1, for a term expiring on October 31, 2002.

Mr. Gary L. Brandt, 116 Pennell Road, Imlay City, Michigan 48444, county of Lapeer, as a member representing growers from District 4, for a term expiring on October 31, 2001.

Mr. Neil L. Holladay, 3751 N. 104th Avenue, Hart, Michigan 49420, county of Oceana, as a member representing growers at large, for a term expiring on October 31, 2001.

October 8, 1999

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

Commissioner of Insurance

Mr. Frank M. Fitzgerald, 430 W. Jefferson, Grand Ledge, Michigan 48837, county of Eaton, succeeding himself, for a term expiring on October 11, 2003.

October 11, 1999

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

Michigan Municipal Bond Authority Board of Trustees

Mr. Malcom D. Campbell II, 900 N. Harrison Road, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding the Honorable Paul N. DeWeese of Williamston, who has resigned, for a term expiring on March 31, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 419, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding chapter 55; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 2963 (MCL 600.2963), as added by 1996 PA 555, and by adding chapter 55.

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

Senate Bill No. 500, entitled

A bill to amend 1893 PA 118, entitled “An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith,” by amending section 33 (MCL 800.33), as amended by 1994 PA 218.

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.

Senator Rogers moved that the balance of the order of Messages from the House be postponed for today. The motion prevailed.

Third Reading of Bills

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

House Bill No. 4099, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1284b. (This bill was defeated on October 6 and the motion to reconsider the vote postponed. See Senate Journal No. 65, p.1385.)

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

The motion prevailed.

The question being on the passage of the bill,

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

Roll Call No. 458

Yeas—23

| | | | |
|-----------|----------|----------|-----------------|
| Bennett | Gast | McManus | Shugars |
| Bullard | Gougeon | Miller | Sikkema |
| DeGrow | Jaye | North | Steil |
| Dingell | Johnson | Rogers | Stille |
| Dunaskiss | Koivisto | Schuette | Van Regenmorter |
| Emmons | McCotter | Schwarz | |

Nays—15

| | | | |
|--------------|-------------|-----------|-----------|
| Byrum | Goschka | Leland | Smith, V. |
| Cherry | Hammerstrom | Murphy | Vaughn |
| DeBeaussaert | Hart | Peters | Young |
| Emerson | Hoffman | Smith, A. | |

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Bennett as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4844, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 2, 4, 9, and 21 (MCL 207.552, 207.554, 207.559, and 207.571), section 2 as amended by 1986 PA 66, section 4 as amended by 1995 PA 218, and section 9 as amended by 1996 PA 513.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 663, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 1 (MCL 423.201), as amended by 1996 PA 543.

Substitute (S-3).

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

1. Amend page 2, line 27, after “ACT.” by inserting “THIS EXCEPTION DOES NOT PROHIBIT A PUBLIC SCHOOL EMPLOYER OR ITS DESIGNEE FROM WAIVING INFORMAL MEETINGS WITH PUBLIC SCHOOL ADMINISTRATORS OR CONFIDENTIAL ASSISTANTS TO DISCUSS WAGES AND WORKING CONDITIONS.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 451, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4426, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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
Motions and Communications

Senator Rogers 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. 4844

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

Senator Rogers 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:

Senate Bill No. 663

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. 459

Yeas—23

| | | | |
|-----------|-------------|----------|-----------------|
| Bennett | Goschka | McCotter | Shugars |
| Bullard | Gougeon | McManus | Sikkema |
| DeGrow | Hammerstrom | North | Steil |
| Dunaskiss | Hoffman | Rogers | Stille |
| Emmons | Jaye | Schuette | Van Regenmorter |
| Gast | Johnson | Schwarz | |

Nays—15

| | | | |
|--------------|----------|-----------|-----------|
| Byrum | Emerson | Miller | Smith, V. |
| Cherry | Hart | Murphy | Vaughn |
| DeBeaussaert | Koivisto | Peters | Young |
| Dingell | Leland | Smith, A. | |

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 663

House Bill No. 4844

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 663, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 1 (MCL 423.201), as amended by 1996 PA 543.

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. 460

Yeas—21

| | | | |
|-----------|-------------|----------|-----------------|
| Bennett | Gougeon | McManus | Shugars |
| Bullard | Hammerstrom | North | Sikkema |
| DeGrow | Hoffman | Rogers | Steil |
| Dunaskiss | Jaye | Schuette | Stille |
| Emmons | Johnson | Schwarz | Van Regenmorter |
| Gast | | | |

Nays—17

| | | | |
|--------------|----------|----------|-----------|
| Byrum | Goschka | McCotter | Smith, A. |
| Cherry | Hart | Miller | Smith, V. |
| DeBeaussaert | Koivisto | Murphy | Vaughn |
| Dingell | Leland | Peters | Young |
| Emerson | | | |

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Cherry, Peters and V. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 663 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Cherry's statement is as follows:

I rise in opposition to Senate Bill No. 663, and in doing so, I've listened closely to the arguments put forward by my colleague, the Senator from the 8th District, the Majority Leader, the Senator from the 27th District, the Senator from the 19th District, and as I listen to those arguments, it seems to me I hear a couple that are being put forward.

One is that the National Labor Relations Act does not allow the organizing into collective bargaining organizations those employees who hire, transfer, discharge, and exercise independent judgment. That's paraphrasing both the Senator from the 8th District and the act itself. And, quite frankly, the Michigan Legislature understood that when it

adopted the Michigan Employment Relations Act, or more appropriately, the Public Employees Relations Act. They understood the federal definition, and they understood the reality of public employment in Michigan and in supervisory structure and that there are certain employees who clearly exercise that kind of discretion and independent judgment. Then there is a group of management-type employees who don't. Let me give a specific example.

An assistant principal—the assistant principal doesn't have the ability to exercise independent judgment in hiring, transfer, firing, or exercising that kind of independent judgment. The assistant principal exists to handle some of the administrative overload that a principal has, but you can bet your boots that no assistant principal is going to be able to independently hire, fire, or transfer. So what the Michigan act does is recognize that in public employment, there are classes of employees who have a supervisory, managerial role but do not exercise the kind of judgment that was contemplated by the National Labor Relations Act.

But what I find intriguing is the argument by the Senator from the 8th District that what the attempt to do here is to mirror, perhaps even parrot, the federal act. Now, it doesn't take me very long to realize that if what we're going to do is mirror the federal act, this is only the first step down a very long road that can be categorized as nothing less than union busting because there are more employees that fall into this kind of area than what this bill contemplates. What the sponsor has told me is that there's more to come. It's just the first step. I would caution you not to take that first step unless you want to complete the journey, and that's not a place I want to be. I heard him very clearly when he spoke those words.

He also argued that this bill was important to reduce the number of administrators. There are too many administrators in public schools in the state of Michigan. That's one of the arguments he put forward on this bill. Well, I want to tell you that there is nothing in the Michigan Employment Relations Act or the Public Employees Relations Act that requires schools to have a certain set number of administrators. That is not governed by the act. The act does not force it. It does not contemplate even entering into that prerogative of a public school board. Those are decisions made by the board of education. They're not locked in by contract; in fact, I would guess that nearly every one of these contracts has a management clause that explicitly prohibits negotiations on that question. That is a prerogative reserved to the governing board, the board of education. They determine how many administrators they have. They determine how they hire those administrators and whether they're going to keep those administrators or whether they're going to lay them off. That is the board of education that makes that decision, and this bill does nothing to address that question—not a thing.

What I also hear is that the group that is most clearly impacted by the bills, the Secondary Principals' Association of Michigan, supports the bill. Let me tell you that they're not a union. They do not collectively bargain on behalf of employees they represent. They are an association of like employees, secondary principals, who have concerns broader than collective bargaining. That organization represents those people here before the Legislature to deal with those issues, but they are not impacted by this bill. They will not lose one member by this bill. The organizations that are impacted are those collective bargaining units who have been determined by MERC and by elections to represent certain employees. Those are the organizations that are impacted by this bill, and quite frankly, what ought not determine the outcome of this legislation is what organizations are impacted. That's not what our job is. Our job here is to protect organizations. Our job here is to protect individuals and citizens and people, in this case, who work in our public schools. It's the individual that I'm concerned with, not the organization.

The good Senator from the 19th District suggested the only reason why myself or others would oppose this bill is that we're interested in preserving the status quo. Well, let me suggest that what we're really interested in doing is preserving democracy in the workplace. What we have here is people who have elected, have voted, have signed petition cards, and there's been an election held by MERC. Those individuals have voted to join an organization to represent them in collective bargaining as there are negotiations over their wages and conditions of employment. That is democracy in the workplace at work. What this bill does is simply eliminate that. I will stand up and oppose efforts to diminish democracy. If anything, we should be enhancing it not diminishing it. And I'm not ashamed in standing up and arguing that when people stand up and vote and express their will, that that is with meaning and is something worth protecting. That's what's happened here. And they've done it under the auspices of statutes, and now simply because there has been poor management in one district or perhaps several, we're going to lay the blame not on those who are responsible for running that district. We are not going to lay the blame on those who are responsible for supervising and making the managerial decisions in that district. We're going to lay the blame on the employees who are subject to those mandates, decisions, and edicts. That's what we're doing. We're going to blame the victim here. There's been nothing that has forced a school district, nothing that has enforced them to hire a certain number of principals or managerial employees. There has been nothing that says they cannot remove an employee who's not doing their job. Yes, the law and perhaps the contracts require due process before that happens. But what's wrong with due process? Due process simply says that you must hear the complaint that has been lodged against you, that there be a hearing, and that the merits of that discharge be discussed. It doesn't say that the outcome has to go a certain way. It just says the process has to be fair. It can't be arbitrary. And if what we need to do to correct our problem in these schools is to now adopt a stance of being arbitrary and capricious, it seems to me that we're in a very sad state of affairs. That

sounds to me like we need to get at the real problem through something that really deals with how schools are governed and those who are in charge of that responsibility not blaming the employees and the victims of that bad management.

I might add as well that MERC does specifically provide and make provisions for a public employer to deal with management problems, and in fact, it clearly says that those employees who the NRA consider to be employees who exercise this independent judgment, that they be exempt under Michigan law, that they not be included in a bargaining unit. So, in fact, we find that where appropriate, Michigan law mirrors the federal law, but really that argument is being put forward today simply as a smoke screen. What it's trying to screen is an effort to bust unions. I think the good Senator from the 14th District was entirely correct. That's what this is all about, and when the good Senator from the 8th District said that he intends to mirror federal law, what he is saying is that this is only the first step in that effort to bust unions.

There's more to come. Just wait around, and you'll see it. You'll have a chance to vote on it. I think we ought to stop it right here. I think we ought to vote "no." We ought to defeat this. The Senator from the 19th District is not correct when he says employees, the rank and file, all are put in the same union. That's not the case. Work separates them and puts them in different collective bargaining units. They understand that it would be a conflict of interest to have the same union represent a supervisory employee, an employee who is not a supervisor. The law makes that provision. But again, that's being offered as another smoke screen, a smoke screen to hide the fact that what we're about today is busting unions. I would urge a "no" vote on the bill.

Senator Peters' statement is as follows:

I rise in opposition to Senate Bill No. 663. I'm certainly disappointed that we have to rush this bill and suspend the rules to move it through before we can have the type of deliberation that we need, particularly given the changes that occurred in the substitute that was adopted just moments earlier under General Orders.

I think when you look at this bill and analyze the bill, you can have a very simple statement and summary as to what it does here in the state of Michigan. This bill is just plain old-fashioned union-busting in the state of Michigan by the majority party here in the Senate.

We heard from the previous speaker we need to look at balancing between labor and management in our schools, but I asked the question, "Where is the problem?" Where has there been a problem from the Public Employees Relation Act that passed in 1947? Where has been the problem with these unions in our public schools over all those years with these public administrators? In committee we didn't hear of those problems. In fact, we did have the superintendent of Detroit Public Schools come and talk about a problem that he perceives in his district—that he can't relieve school administrators who are under contract. But, in fact, he has that power; it is a very clear power. That power exists in the Michigan school code—that if an administrator is not performing, their contract can be terminated, and they are no longer employed in that district. In fact, that power has been employed many, many times across the state of Michigan.

That will still exist, even if we pass this bill today. You still need to deal with the school code if you have an administrator who is not performing. They need to be given notice that their contract will be terminated at the end of that contract. Then it is up to that administrator if they believe they've been enacted against wrongly—that they've been the victim of an arbitrary or capricious action. They have the burden to prove that that is indeed what has happened. One, they need to go to the school board, and that certainly is in the case of Detroit if we're looking at the example of the Detroit schools. The superintendent there probably has the most friendly school board of any superintendent in the state of Michigan right now—a hand-picked school board that would stand behind that superintendent and make sure that contract is not renewed if an administrator is not performing.

Their only other option after that is to go to the courts. Again, the burden is on them to prove that it was an arbitrary action. There has not been one case in Michigan where the courts have second-guessed the school board and allowed that contract to occur.

Certainly, those of us who follow the court know that right now in the state of Michigan, particularly with the Supreme Court, we don't have a court that's very friendly to workers and employees in the state of Michigan. And I can say with a great deal of certainty they're not going to stand behind that worker or employee and second-guess the school board.

So bottom line, the power exists now to terminate poor administrators who are not performing. Everybody on this side of the aisle agrees that poor performance should never have been tolerated in our schools. We should have high standards and expect those administrators to carry out those standards, or if they're not performing, they need to find other employment. But that power exists. This bill does not deal with that—this bill deals specifically with the person's right to collectively bargain for wages and working conditions, a key component and a key right that people should have in the state of Michigan.

Right now in Michigan, 110 school districts have collective bargaining agreements with the administrators—110. The only evidence we heard in committee was that there was a perceived problem in Detroit; therefore, we need to get rid of the unions in 110 school districts. Well that's an absurd argument. Those collective bargaining rights need to be protected unless there is a perceived or an actual problem that's being addressed.

The other concern that I have in this bill is that it goes to be much broader than the original language when we have the substitute before us. It talks not just about instructional superintendents, principals, and assistant principals but also other supervisory employees. Now there are folks who look at that language and say now we are much broader than just the instructional folks and may actually be going after people who have some supervisory responsibilities and belong to other unions, like AFSCME, who are school employees, or union members who are part of the operating engineers who have some supervisory responsibilities. Many people in these collective bargaining units also have supervisory responsibilities over their work group and are now going to be forced to get out of that union as a result of this bill. That also includes possibly the Teamsters as well as UAW members who have some supervisory functions within that unit.

Now we need to look at that very carefully. Unfortunately, we can't look at that because of the rush to push the bill through, this rush to have some union busting in the state of Michigan. But I strongly oppose this bill and believe that we need to step back. If we have a problem in getting rid of poor administrators, let's deal with that problem, but let's not take a meat axe to the problem and eliminate the unions in 110 districts across the state of Michigan.

Senator V. Smith's statement is as follows:

I also rise in opposition. I thought it was a little premature to put this bill on the table at this time. I understand the nature of why the good Senator introduced this legislation. I understand the nature of the reform effort that is presently going on within the Detroit Public Schools, but this is a weapon that did not have to be brought out of its holster at this time.

The negotiations between the administrators and the CEO within the Detroit Public Schools are moving along in an expeditious fashion. They could not begin until the negotiations had been finished with the Detroit Federation of Teachers. I am told, by both sides, that they are negotiating in a tough fashion, but both sides want to reach agreement. Both sides understand the nature of wanting to support the reform effort that is presently going on within the city of Detroit. Both sides also understand that they do not want to put roadblocks in the way of getting rid of incompetent administrators.

The argument that was put before us by my good friend from Southfield was a realistic one. The CEO presently has the ability to get rid of principals who do not do the job. All he has to do is not renew their contracts. These people serve. They serve on a contractual basis. These contracts initially are for a three-year period. After that they go to a one-year renewable period. So at any point the CEO or the superintendent of other school districts by notice cannot renew the contract, and that administrator is history. So there presently exists, in law, an ability to get rid of an administrator or a principal who is not doing the job.

What I would like to see happen is for the collective bargaining process to be given an opportunity to work. I believe that the process, in terms of wages, will render a fair, mutual understanding. It will breed harmony between the CEO and the administrators who serve up under him. It will not be a hammer but rather a negotiated process that leads to moving all of our children forward, moving a school system that can move in harmony, rather being at odds with itself.

I think this is premature, and I would ask the body to turn it down at this time.

Senator Bennett asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bennett's first statement is as follows:

A simple explanation of what this bill does is it creates a balance between labor and management. If you stop and think of the equation, you don't have a good equation if you have management plus management equals an organization or labor plus labor equaling an organization—it's labor plus management. And to that end, I have a little bit of historical perspective here that I would like to share with the body.

The main body of law governing collective bargaining is contained in the Nation Labor Relations Act, known as the NLRA. It explicitly grants most private sector employees the right to collectively bargain and join trade unions. The NLRA was originally enacted by Congress in 1935 under its power to regulate interstate commerce. It also specifies in Section 164, Paragraph A, that no employer, subject to its provisions, shall be compelled to deem individuals defined as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining. It goes on to say supervisors are clearly defined as individuals having authority in the interest of the employers to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees or the responsibility to direct them, address their grievances or effectively to recommend such action. If, in connection with the foregoing, the exercise of such authority is not merely a routine and clerical nature but requires the use of independent judgment.

In Section 152.2, it defines the term employer as so not to include the United States or any wholly-owned government corporation or any federal reserve bank or any state or political subdivision thereof. It was state law,

Michigan PARA (Public Employees Relations Act), that established a right to collective bargaining for public employees, and it is that act that Senate Bill No. 663 would amend in order to have our state law more closely mirror the federal legislation.

It was reported earlier this year that Michigan has the highest public education employee non-teacher/teacher ratio of any state in the nation. Teachers make up only 45.2 percent of the public employees in our state. If the goal of labor laws is to level the playing field between management and labor, then it has gone awry in our school system. Detroit public schools, for example, have approximately 18 thousand school employees, some 1,000 of which would be defined as public school administrators by this bill, and only 43 are non-union.

What Senate Bill No. 663 does quite simply is to make the line between management and labor in our public schools. It defines public school administrators as superintendents, assistant superintendents, principals, assistant principals, and supervisors and says that they are management; as such, they have no right to collective bargaining, but rather they must earn and keep their positions based on their success in providing an appropriate work and learning environment for teachers and students through their ability to manage our schools properly.

Good administrators are treasures who are held in high esteem by their schools and their school districts. They will not have a problem obtaining appropriate contracts from their districts without collective bargaining. Poor administrators, on the other hand, may find that once untethered from the collective bargaining agreement, they will have to improve their performance because Michigan's parents, teachers, and school boards will not stand for substandard performance in the administrations of our schools. Michigan's children deserve nothing less.

Senator Bennett's second statement is as follows:

I rise to comment on the remarks from the fine Senator from the 14th District.

I eluded to this in my earlier remarks, but now I'm going to be more specific with them. What we are trying to do is to bring Michigan in alignment with federal law. We want to mirror federal law. That law was adopted and signed into federal law in 1935. I will point out that the U.S. Senate was controlled by the Democrats, the U.S. House was controlled by the Democrats, and the President that put his signature on this legislation to make it law was Franklin Delano Roosevelt. So to have the Senator from the 14th District accuse this body of being union-busters for helping to enact the vision of Franklin Delano Roosevelt on how he felt labor management relations in this country should be handled, I think, is a most unusual turn of events. This is very good legislation. This defines the line between labor and management; it makes labor—labor and management—management.

I think we should adopt this bill now.

Senator Bennett's third statement is as follows:

The art of debate is certainly a very interesting tool. My good colleague from the 28th District got up and gave his remarks and repeated what I had said, though leaving off part of what I said, I assumed to make a particular point. That's certainly fair game in debate.

Another portion of the debate was talking about what he heard me say. I clearly heard him say things that I never said. That's why when the debate is all over, I will certainly be asking that all of my remarks will be printed in the Journal on this particular piece of legislation, so there will be a clear record of what I have said and what I have not said.

Two points. I am not going to defend what I did not say, but to the point, talking about who is supervisory, a very important section was left off. I would like to read it from federal law from someone who is defined as supervisory. "Not only is it to hire, transfer, suspend, layoff, promote, it is also those who can effectively recommend such action in conjunction with the foregoing in the exercise of such authority if the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment." I believe that the school administrators of this fine state do have the opportunity to exercise independent judgment, and those who do are some of the finest school administrators this nation has.

Again, I urge a "yes" vote on this bill.

The following bill was read a third time:

House Bill No. 4844, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2, 4, 9, and 21 (MCL 207.552, 207.554, 207.559, and 207.571), section 2 as amended by 1986 PA 66, section 4 as amended by 1995 PA 218, and section 9 as amended by 1996 PA 513.

The question being on the passage of the bill,
 Senator Jaye offered the following amendments:

1. Amend page 10, line 3, by inserting:

“(f) Completion of the facility shall not have the effect of transferring employment from 1 or more local governmental units of this state to the local governmental unit in which the facility is to be located, except that this restriction does not prevent the granting of a certificate if the legislative body of each local governmental unit from which employment is to be transferred consents by resolution to the granting of the certificate. If the local governmental unit does not give its consent, a copy of the resolution of denial showing reasons for the denial shall be filed within 20 days after adoption with the department of consumer and industry services.” and relettering the remaining subdivisions.

2. Amend page 14, line 8, after “(2)(e)” by inserting “and (f)”.

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

Senator Jaye offered the following amendment:

1. Amend page 15, following line 14, following section 21, by inserting:

“Sec. 22. (1) A new industrial facilities exemption certificate shall not be approved and issued under this act after April 1, 1994, unless a written agreement is entered into between the local governmental unit and the person to whom the certificate is to be issued, and filed with the department of treasury.

(2) BEGINNING JANUARY 1, 2000, THE WRITTEN AGREEMENT DESCRIBED IN SUBSECTION (1) SHALL PROVIDE THAT THE OWNER OR LESSEE OF THE FACILITY SHALL FILE A SURETY BOND WITH THE LOCAL GOVERNMENTAL UNIT IN AN AMOUNT DETERMINED BY THE LOCAL GOVERNMENTAL UNIT TO COVER THE ANTICIPATED LEGAL EXPENSES OF THAT LOCAL GOVERNMENTAL UNIT IN MONITORING AND ENSURING COMPLIANCE WITH THE WRITTEN AGREEMENT.”.

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

Senator Jaye offered the following amendment:

1. Amend page 13, following line 11, subdivision (J), after the second “OR” by striking out “SUBSTANTIALLY”.

The President pro tempore, Senator Schwarz, assumed 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. 461

Yeas—34

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

Nays—4

| | | | |
|---------|------|---------|---------|
| Goschka | Jaye | Johnson | Shugars |
|---------|------|---------|---------|

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.

Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4844 and moved that the statements he made during the discussion of the amendments he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator Jaye’s first statement is as follows:

This legislation as originally introduced was marketed as a solution to the problem of cities that did not grant tax breaks—in this case Troy—blocking companies, such as General Motors which tried to move to cities that were offering tax breaks. Warren offered about \$92 million to entice GM to upgrade its tech center in Warren.

However, this legislation has been mutated into a new raid on taxpayer dollars. It goes much beyond blocking the city that didn’t grant any tax breaks and has now evolved, mutated really, into a raid on taxpayer dollars, and this amendment solves one of those problems.

Those local units of government that are forced to administer these tax abatement contracts have now been put at a disadvantage because the exit visa is being eliminated not only for cities like Troy who didn’t grant tax breaks, but even for cities and townships that did grant tax breaks. Now the business has taken off early, going to an adjoining city, going to another area that is offering even bigger tax breaks.

What my amendment does is it reinserts the local government veto authority, an exit visa for those communities that did have a tax break for a company. You see, businesses will not come to the table unless they have something to lose. The only way a business will come to the table and negotiate with Warren in the future, in case GM moves to another city, is if that local city that did grant a tax break has an exit resolution authority. The problem now is, without the exit resolution, the taxpayers are going to have to pay for the legal costs. A city is going to have to chase down a company who moves to another city, another county, another state or even another country.

So what this amendment does is it allows a system that has worked to continue to work. To say to that city council, that village council, the township board, if your host company was getting a tax break from you and if the company broke the contract, they must negotiate with you before they leave and whipsaw another community and extort even more money out of them. If you believe in local control, if you believe that the burden for exiting a contract should be spent by the company not by the taxpayers, you would support this amendment. This is an amendment that the Macomb County communities—elected officials and appointed officials—have asked me to offer on this bill. This is language about having the local veto authority that they want to be empowered, instead of shifting the lawsuit responsibility to the taxpayers and having these poor cities trying to chase down a company that is just abusing city after city, after city.

I request your support on this amendment.

Senator Jaye’s second statement is as follows:

Mr. Governor and Senate colleagues, what this amendment does is it requires that the business file a surety bond with the local government unit in the amount determined by the local governmental unit to cover anticipated legal expenses of that local unit of government in monitoring and insuring compliance with a written agreement.

So since you rejected my amendment to have an exit resolution to empower your townships, your cities, and your villages, this is a back-up clause, a performance clause. Very often if you’re a homeowner and you hire a carpenter, a plumber, or an electrician to do a project in your home, they post what’s called a performance bond. In exchange for a businessman or woman to take your money, there’s a bond so that if they finish a job halfway through and leave, you’ve got a bond. You can go then and make sure the job is finished. In this same matter, and remember this is a voluntary, negotiated contract, if the business is making all these promises of hiring new people, spending millions of dollars in new facilities, purchasing millions in new equipment in exchange for then the privilege of getting a tax break, there will be a performance bond filed by the company in an amount they mutually negotiate and agree to with the host city, township, or village as a defense, as a payment fund, or legal cost that will arise.

Why must we shift responsibility of being good to your word from the company to the taxpayer? Not all of these communities can afford to hire attorneys to be able to pursue a large automotive company or be able to pursue a huge utility company, so what this amendment says is that if you are coming to an arms-length contract and you honestly believe you are going to perform with the jobs, equipment, and buildings, you’re promising then to file a performance bond to cover the community’s legal cost. In the same way, a performance bond is filed with great regularity by homeowners who contract with somebody in exchange for their funds.

I request that you take a second look at this amendment.

Senator Jaye’s third statement is as follows:

Mr. President and Senate colleagues, I withdrew Amendments Nos. 3 and 4 not because the policy wasn’t a legitimate issue to debate but rather because I wasn’t getting the support on the earlier amendments to try to limit and provide some accountability between the corporation receiving the tax break and their acts and performance and the jobs and equipment in the facilities promised.

But I would ask you, please, to take a look at No. 5. What Amendment No. 5 does is it clarifies to make sure that deadbeat corporations are not eligible for these tax breaks. It strikes out the word “substantially” delinquent, so that if a company has been delinquent on their taxes and has been a cheat and are not up-to-date, they are not eligible for another tax break.

I recall a story about a snake run over on the side of the road in the wintertime. The snake says to the woman, “Oh, would you please pick me up? I’m freezing to death.”

The woman says, “I’m not going to pick you up. You’re a snake. You’re going to bite me.”

The snake says to the woman, “Oh, don’t worry. I’m not going to bite you. I’m freezing to death. You can pick me up and put me on your coat, so I’ll survive.”

The woman picks up the snake. The snake unthaws, and he bites her.

The woman says, “Why did you bite me, Mr. Snake? I saved you. You were on the side of the road in the winter run over by a car.”

And the snake said to the woman, “You knew what I was when you picked me up off the side of the road.”

We know that some of these corporations are deadbeats. We know that some of these corporations will cheat. They will lie. They will exaggerate, and they will abuse the taxpayer again and again and again. So what this amendment says is, “Let’s make sure we limit these special tax breaks to good corporate citizens who are up-to-date and have not been delinquent on their taxes.”

If we use the word “substantially” or “reasonably” or “not too much,” it’s like being a little bit pregnant or being a little bit honest or not. Either you are a tax deadbeat as a corporation, or you’re not. So what this amendment does is it restricts these tax breaks to companies that are not delinquent and are not deadbeats and have paid their bills and pulled their own weight as any good corporate citizen must and as taxpayers and working people are forced to do.

By unanimous consent the Senate returned to the order of

General Orders

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Bennett as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 709, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 1996 PA 476.

Substitute (S-2).

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

1. Amend page 8, line 8, after “PROPERTY” by inserting a comma and “IF THE PERSON TO WHOM THE QUALIFIED AGRICULTURAL PROPERTY IS TRANSFERRED FILES AN AFFIDAVIT WITH THE ASSESSOR OF THE LOCAL TAX COLLECTING UNIT IN WHICH THE QUALIFIED AGRICULTURAL PROPERTY IS LOCATED AND WITH THE REGISTER OF DEEDS FOR THE COUNTY IN WHICH THE QUALIFIED AGRICULTURAL PROPERTY IS LOCATED ATTESTING THAT THE QUALIFIED AGRICULTURAL PROPERTY SHALL REMAIN QUALIFIED AGRICULTURAL PROPERTY FOR NOT LESS THAN 7 YEARS FROM THE DATE OF THE TRANSFER. THE AFFIDAVIT UNDER THIS SUBDIVISION SHALL BE IN A FORM PRESCRIBED BY THE DEPARTMENT OF TREASURY”.

2. Amend page 8, line 10, after “7DD.” by inserting “IF PROPERTY CEASES TO BE QUALIFIED AGRICULTURAL PROPERTY WITHIN 7 YEARS AFTER BEING TRANSFERRED, ALL OF THE FOLLOWING SHALL OCCUR:

(i) THE TAXABLE VALUE OF THAT PROPERTY SHALL BE ADJUSTED UNDER SUBSECTION (3). THE DATE OF THE ADJUSTMENT SHALL BE DETERMINED AS FOLLOWS:

(A) IF THE PROPERTY CEASES TO BE QUALIFIED AGRICULTURAL PROPERTY WITHIN 3 YEARS AFTER BEING TRANSFERRED, AS OF THE DECEMBER 31 IN THE YEAR OF THE TRANSFER.

(B) IF THE PROPERTY CEASES TO BE QUALIFIED AGRICULTURAL PROPERTY MORE THAN 3 YEARS AND LESS THAN 7 YEARS AFTER BEING TRANSFERRED, AS OF THE DECEMBER 31 IN THE YEAR 3 YEARS BEFORE THE PROPERTY CEASED TO BE QUALIFIED AGRICULTURAL PROPERTY.

(ii) IF A TAX ROLL AFFECTED BY THE ADJUSTMENT UNDER SUBPARAGRAPH (i) IS IN THE LOCAL TAX COLLECTING UNIT’S POSSESSION, THE TAX ROLL SHALL BE AMENDED TO REFLECT THE ADJUSTMENT OF THE PROPERTY’S TAXABLE VALUE UNDER SUBPARAGRAPH (i) AND THE LOCAL TREASURER SHALL ISSUE A CORRECTED TAX BILL FOR PREVIOUSLY UNPAID TAXES. IF A TAX ROLL

AFFECTED BY THE ADJUSTMENT UNDER SUBPARAGRAPH (i) IS IN THE COUNTY TREASURER'S POSSESSION, THE TAX ROLL SHALL BE AMENDED TO REFLECT THE ADJUSTMENT OF THE PROPERTY'S TAXABLE VALUE UNDER SUBPARAGRAPH (i) AND THE COUNTY TREASURER SHALL PREPARE AND SUBMIT A SUPPLEMENTAL TAX BILL FOR ANY ADDITIONAL UNPAID TAXES. ANY ADDITIONAL TAXES COLLECTED UNDER THIS SUBPARAGRAPH SHALL BE DISTRIBUTED IN THE SAME MANNER AS OTHER TAXES ARE DISTRIBUTED UNDER THIS ACT."

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

Point of Order

During the Committee of the Whole, Senator Dingell raised the Point of Order that the committee substitute (S-2) to Senate Bill No. 709 was not germane to the bill because it altered the purpose of the bill by changing tax cuts on all classes of property to tax cuts on one class of property—agriculture.

The Chairperson, Senator Bennett, ruled that the substitute was germane. The substitute only narrowed the scope of the bill; it did not change its purpose.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Schuette, Johnson, Hammerstrom, Goschka, McCotter, Bennett, Sikkema, Shugars, Dunaskiss, Steil, Bullard, Stille, Hoffman, North, McManus, Peters, Leland, Vaughn, Cherry, DeBeaussaert, A. Smith, Byrum, Hart, Schwarz, Emerson and Jaye introduced

Senate Bill No. 796, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 261 (MCL 206.261), as amended by 1996 PA 484.

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

House Bill No. 4624, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 44 (MCL 791.234 and 791.244), section 34 as amended by 1998 PA 512 and section 44 as amended by 1992 PA 181.

The House of Representatives has passed the bill.

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

House Bill No. 4625, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 3a to chapter X.

The House of Representatives has passed the bill.

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

House Bill No. 4851, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10103a.

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

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

Committee Reports

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4816, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 1 (MCL 400.231), as amended by 1998 PA 112, and by adding sections 6, 7, 8, and 9.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4817, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2a and 9 (MCL 552.502a and 552.509), section 2a as added by 1996 PA 366 and section 9 as amended by 1998 PA 63, and by adding section 9a.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4818, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 9, 11a, 32, 37, and 48 (MCL 552.602, 552.609, 552.611a, 552.632, 552.637, and 552.648), sections 2, 9, and 11a as amended by 1998 PA 334 and section 32 as amended by 1996 PA 301.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4819, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 23 (MCL 552.23), as amended by 1983 PA 193, and by adding section 24.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported
House Bill No. 4820, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 2, 4, 7, and 9 (MCL 552.452, 552.454, 552.457, and 552.459), section 2 as amended by 1996 PA 5, section 4 as amended by 1990 PA 292, and section 7 as amended by 1983 PA 195, and by adding section 8a.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported
House Bill No. 4821, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 1, 8, and 19 (MCL 722.711, 722.718, and 722.729), section 1 as amended by 1998 PA 113 and section 19 as amended by 1983 PA 194, and by adding section 19a.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported
House Bill No. 4822, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 7, and 9 (MCL 722.22, 722.27, and 722.29), sections 2 and 7 as amended by 1998 PA 482.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported
House Bill No. 4823, entitled

A bill to amend 1952 PA 8, entitled "Revised uniform reciprocal enforcement of support act," by amending sections 3b, 14, 18, 23, and 31a (MCL 780.153b, 780.164, 780.168, 780.173, and 780.181a), section 3b as added and section 18 as amended by 1985 PA 172, section 14 as amended and section 31a as added by 1990 PA 241, and section 23 as amended by 1983 PA 192, and by adding section 14a.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4824, entitled

A bill to amend 1985 PA 216, entitled "Interstate income withholding act," by amending sections 3, 5, and 10 (MCL 552.673, 552.675, and 552.680), section 3 as amended by 1996 PA 11 and section 5 as amended by 1990 PA 354, and by adding section 10a.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4825, entitled

A bill to amend 1913 PA 379, entitled "An act to facilitate the collection of alimony and support and maintenance for minor children or for children who are 18 years of age or older ordered to be paid in suits for divorce or separate maintenance," by amending section 2 (MCL 552.152) and by adding section 6.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4826, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165).

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 4827, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2538 (MCL 600.2538), as added by 1993 PA 189.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported
Senate Concurrent Resolution No. 19.

A concurrent resolution to memorialize the Congress of the United States to support more flexibility for the states in the Welfare-to-Work program.

(For text of resolution, see Senate Journal No. 59, p. 1323.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to memorialize the Congress of the United States to support more flexibility for the states in the Welfare-to-Work program.

Whereas, In recent years, our country has made great strides in revamping the entire concept of welfare. Michigan has been especially effective in fostering increased self-sufficiency in tens of thousands of men and women; and

Whereas, Michigan's leadership in encouraging people to work, to pursue valuable training and education, and to escape dependence on public support has been most remarkable. Earlier this year, the Family Independence Agency caseload dropped well below 90,000, to a level Michigan has not seen in more than a generation. Indeed, as recently as 1994, the Family Independence Agency caseload stood at over 225,000; and

Whereas, A key contributor to Michigan's achievements has been its flexibility in developing and implementing programs like Project Zero and the MICHild health insurance program and initiatives to provide meaningful preparation for work. Programs to concentrate resources on target counties and communities have allowed for proper consideration of local situations and needs. This concept has proven to be most successful; and

Whereas, The federal Welfare-to-Work program, established as part of the Balanced Budget Act of 1997, is up for reauthorization. As it is examined, there are several areas that can be modified to provide greater flexibility. Provisions appropriate for change include allowing states to use a greater percentage of in-kind match and to count other federal and state funds, such as TANF and TANF maintenance of effort (MOE), as match; expanding eligibility standards; and changing the way funds are used for education and training. These changes can help to bring about even more victories in the lives of individuals and families; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to support more flexibility for the states in the Welfare-to-Work program; and be it further

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

Beverly S. Hammerstrom
 Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Johnson, Goschka, Hart and Vaughn

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, October 6, 1999, at 3:05 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Jaye, Johnson, Goschka, Hart and Vaughn

The Committee on Judiciary reported

Senate Bill No. 373, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 10, 11, 12, and 34 of chapter IX and sections 5, 11, 12, 13, 14, 15, 16a, 16b, 16c, 16d, 16e, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, 16q, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 16z, 17, 18, 19, 21, 31, 35, 41, 42, 43, 46, 48, and 57 of chapter XVII (MCL 769.10, 769.11, 769.12, 769.34, 777.5, 777.11, 777.12, 777.13, 777.14, 777.15, 777.16a, 777.16b, 777.16c, 777.16d, 777.16e, 777.16f, 777.16g, 777.16h, 777.16i, 777.16j, 777.16k, 777.16l, 777.16m, 777.16n, 777.16o, 777.16p, 777.16q, 777.16r, 777.16s, 777.16t, 777.16u, 777.16v, 777.16w, 777.16x, 777.16y, 777.16z, 777.17, 777.18, 777.19, 777.21, 777.31, 777.35, 777.41, 777.42, 777.43, 777.46, 777.48, and 777.57), sections 10, 11, 12, and 34 of chapter IX as amended and sections 5, 11, 12, 13, 14, 15, 16a, 16b, 16c, 16d, 16e, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, 16q, 16r, 16s, 16t, 16u, 16v, 16w, 16x, 16y, 16z, 17, 18, 19, 21, 31, 35, 41, 42, 43, 46, 48, and 57 of chapter XVII as added by 1998 PA 317, and by adding sections 11b, 11d, 12b, 12d, 12f, 12h, 13b, 13d, 13f, 13h, 13j, 13l, 13n, 14b, 14d, 14f, 14h, 14j, and 15b to chapter XVII; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

William Van Regenmorter
 Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4640, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 34 of chapter IX and sections 31, 43, 46, and 48 of chapter XVII (MCL 769.34, 777.31, 777.43, 777.46, and 777.48), section 34 of chapter IX as amended and sections 31, 43, 46, and 48 of chapter XVII as added by 1998 PA 317.

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

1. Amend page 11, following line 16, by inserting:

"Enacting section 1. This amendatory act takes effect 90 days after the date this amendatory act is enacted.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 373 of the 90th Legislature is enacted into law."

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, V. Smith and Dingell

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, October 6, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

The Committee on Local, Urban and State Affairs reported

Senate Bill No. 726, entitled

A bill to abolish the existing Detroit city council; to establish a new 9-member Detroit city council; to reapportion the city of Detroit into 9 single-member election districts; to impose certain residency requirements on candidates for the Detroit city council; and to impose certain duties on certain officials for the city of Detroit.

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

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

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Van Regenmorter, Miller and Murphy

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 744, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 27.

With the recommendation that (S-2) previously recommended by the Committee on Finance be rejected.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Young and Emerson

Nays: Senators A. Smith, Vaughn and DeBeaussaert

The bill and the substitutes recommended by the committees were referred the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Thursday, October 7, 1999, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, A. Smith, Young, Vaughn, DeBeaussaert and Emerson

Excused: Senator Koivisto

The Committee on Banking and Financial Institutions reported

House Bill No. 4413, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219e.

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

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

Glenn Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Shugars, Rogers, Miller and Cherry

Nays: None

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

The Committee on Banking and Financial Institutions reported

House Bill No. 4598, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219f.

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

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

Glenn Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Shugars, Rogers, Miller and Cherry

Nays: None

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

The Committee on Banking and Financial Institutions reported

House Bill No. 4670, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as added by 1998 PA 317.

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

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

Glenn Steil
Chairperson

To Report Out:

Yeas: Senator Steil, Shugars, Rogers, Miller and Cherry

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submits the following:

Meeting held on Thursday, October 7, 1999, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Steil (C), Shugars, Rogers, Miller and Cherry

Excused: Senators Emmons and V. Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Wednesday, October 6, 1999, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Rogers, Byrum and Dingell

Excused: Senators Schuette and Leland

Scheduled Meetings

Administrative Rules Joint Committee - Thursday, October 21, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Banking and Financial Institutions Committee - Thursday, October 14, at 1:00 p.m., Room 210, Farnum Building (3-1801).

Education Committee - Wednesday, October 13, at 2:00 p.m., 8th Floor Conference Room, Farnum Building (3-7350).

Environmental Quality Appropriations Subcommittee - Wednesday, October 13, at 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Families, Mental Health and Human Services Committee - Wednesday, October 13, at 3:00 p.m., Room 100, Farnum Building (3-3543).

Financial Services Committee - Wednesday, October 13, at 9:00 a.m., 8th Floor Conference Room, Farnum Building (3-1758).

Human Resources, Labor, Senior Citizens and Veterans Affairs Committee - Thursday, October 14, at 9:45 a.m., Elijah Myers Room, 2nd Floor, Capitol Building (3-2420).

Judiciary Committee - Wednesday, October 13, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Michigan Capitol Committee - Wednesday, October 13, at 12:00 p.m., Room H-41, Ground Floor, Capitol Building (3-0289).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 12:39 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, October 13, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

