

No. 23

JOURNAL OF THE SENATE

---

Senate Chamber, Lansing, Tuesday, March 18, 1997.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

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

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

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

Reverend Melvin T. Jones of the Union Missionary Baptist Church in Lansing offered the following invocation:

Our Father, we are grateful for the privilege to serve the people of this great state. We recognize that our service should reflect the character of Your holiness and our commitment to fair and just government for all people, to honest and moral decision-making, above self-interest and politics, and in the execution of our duties with integrity and forthrightness. We invite You to be with us this day to provide the motivation and spirit that will help us mold the present and future state of government upon the principles of Your word and the Constitution of this great state. Amen.

### **Motions and Communications**

Senators Carl, Steil and Shugars entered the Senate Chamber.

A quorum of the Senate was present.

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

Senator DeGrow moved that rule 3.902 be suspended to allow the guest of Senator Byrum admittance to the Senate floor.  
The motion prevailed, a majority of the members serving voting therefor.

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

The motion prevailed.

Senator Berryman's statement is as follows:

I want to publicly commend the men and women who worked for Consumers Energy and Detroit Edison in my district. We had quite an ice storm Thursday night and Friday. We have a whole set of 3-deep trees that bordered our back property with our neighbors. It looked like a tornado had gone through and had topped off all the trees. We lost a lot of electricity, and I know there are many of my constituents that were out of power from Thursday night until Sunday, and there are a few that are still out. Overall, we have to look at the damage that was caused by nature. That was the most ice I've seen on trees since I have lived in Lenawee county in the last 25 years. People get very frustrated because they lose their power, as I can understand. But, I think we also ought to commend the men and women that worked for Detroit Edison and Consumers for working around the clock all weekend; doing something that wasn't caused by man itself, but by nature. They did an outstanding job and I would like to commend them for their hard work as they continue today.

The following communications were received:  
Joint Committee on Administrative Rules

March 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-17, submitted by the Department of State Police, Fire Safety Board, pertaining to Radioactive Material Transportation (Rescission), to May 19, 1997.

March 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-18, submitted by the Department of Family Independence Agency, General Rules, pertaining to Hearings, Appeals and Declaratory Rulings (Part 9), to May 27, 1997.

March 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-20, submitted by the Department of State, Board of State Canvassers, pertaining to Procedures, to June 10, 1997.

March 13, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-21, submitted by the Department of Consumer and Industry Services, Director's Office, pertaining to Securities (Rescission), to June 12, 1997.

Sincerely,  
Representative Candace A. Curtis  
Chairperson

The communications were referred to the Secretary for record.

#### COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Thursday, March 13, 1997, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators North, Van Regenmorter, Schwarz, Dingell and Byrum

The following communications were received:

Office of the Auditor General

March 13, 1997

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

Financial Related Audit of the Statewide Indirect Cost Allocation Plan, Department of Management and Budget, July 1, 1994 through September 30, 1996.

March 13, 1997

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

Performance Audit of the Community Mental Health Board of Clinton, Eaton, and Ingham Counties, An Agency Under Contract With the Department of Community Health, March 1997.

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 bills were received in the Senate and filed on Thursday, March 13:

**House Bill Nos. 4091 4222**

The Secretary announced the printing and placement in the members' files on Friday, March 14 of:

**Senate Bill Nos. 298 299**

**House Bill Nos. 4467 4468 4469 4470 4471 4472 4473**

The Secretary announced the printing and placement in the members' files on Monday, March 17 of:

**Senate Bill Nos. 300 301 304 305 306**

**House Bill Nos. 4474 4475 4476 4477 4478 4479 4480 4482 4483 4484 4485 4486 4487 4488  
4489 4490 4491 4492 4493 4494 4495 4496 4497 4498**

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

The motion prevailed.

Senator Berryman's statement is as follows:

I didn't want to intermingle these two items between our friends, the men and women at Consumers and Detroit Edison, with the next subject. The next subject is your Alma Mater, Madam Governor. Sienna Heights College, also in my district, is playing for the National Championship of Division 2, NAIA Basketball. We hope that tomorrow morning we can come before you again and congratulate your Alma Mater on becoming national champions. Those who can watch and those who can listen, we would encourage them to see an outstanding basketball team, hopefully, become the next Division 2 champion.

Senators Bennett, North, Gougeon, Dunaskiss, Schuette, Bouchard, Gast, Emmons, McManus, Rogers, Bullard, Cisky, Hoffman and Geake entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator DeGrow introduced

**Senate Bill No. 307, entitled**

A bill to allow a school district to be declared educationally bankrupt; to provide for the appointment and powers and duties of a state trustee for certain school districts; to prescribe certain powers and duties of certain state and school district agencies and officials; and for related purposes.

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

Senator DeGrow introduced

**Senate Bill No. 308, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1229 and 1279 (MCL 380.1229 and 380.1279), section 1229 as added and section 1279 as amended by 1995 PA 289, and by adding sections 502b, 512b, and 1201a.

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

Senator DeGrow introduced

**Senate Bill No. 309, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 104a (MCL 388.1704a), as amended by 1996 PA 300, and by adding section 9.

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

Senator DeGrow introduced

**Senate Bill No. 310, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60, and by adding section 1a to article IV.

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

Senator DeGrow introduced

**Senate Bill No. 311, 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," (MCL 423.201 to 423.217) by adding section 215a.

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

Senator Bouchard introduced

**Senate Bill No. 312, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1304, 1304a, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1330, 1331, 1340, 1341, 1342, 1345, and 1346 (MCL 600.1304, 600.1304a, 600.1308, 600.1309, 600.1310, 600.1311, 600.1312, 600.1313, 600.1314, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1330, 600.1331, 600.1340, 600.1341, 600.1342, 600.1345, and 600.1346), sections 1304, 1310, 1311, and 1312 as amended by 1986 PA 104; and to repeal acts and parts of acts.

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

**House Bill No. 4091, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38c (MCL 208.38c), as amended by 1994 PA 231.

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

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

**House Bill No. 4222, entitled**

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending the title and section 18 (MCL 552.518), the title as amended by 1996 PA 366 and section 18 as amended by 1996 PA 144.

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

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

By unanimous consent the Senate returned 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, Lieutenant Governor Binsfeld, designated Senator Rogers as Chairperson.

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

**Senate Bill No. 229, entitled**

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," by amending section 8 (MCL 290.658), as amended by 1996 PA 216.

**Senate Bill No. 230, entitled**

A bill to amend 1957 PA 4, entitled "Charter water authority act," by amending section 17 (MCL 121.17).

The bills were 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. 164, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to 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.

Substitute (S-1).

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

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

**Senate Bill No. 170, entitled**

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the Michigan biologic products institute, the executive office, and the legislative branch for the fiscal years ending September 30, 1997, and September 30, 1998; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1998; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Substitute (S-1).

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

1. Amend page 94, following line 2, by inserting:

"Sec. 964. (1) An individual who is receiving, or has received within the past year, or whose spouse or minor children are receiving or have received within the past year, ongoing cash assistance and who wins a lottery prize of \$1,000.00 or more is liable to the family independence agency for the amount of cash assistance paid to that individual or his or her spouse or minor children during the past year up to 50% of the amount of the lottery prize. This liability constitutes a liability to the state for purposes of section 32 of the McCauley-Traxler-Law-Bowman-McNeely Lottery Act, 1972 PA 239, MCL 432.32.

(2) The director of the family independence agency shall enter into a written agreement with the commissioner of state lottery setting forth the procedures for implementing this section. The agreement shall include both of the following:

(a) The procedure under which the family independence agency and the bureau of state lottery shall exchange information regarding lottery winnings and individuals liable for receipt of ongoing cash assistance within the past year.

(b) Any other matter that the parties to the agreement consider necessary to carry out this section.

(3) The family independence agency shall provide written notice to each prizewinner of the amount of the prize winning to be credited against assistance received as described in section (1) and the procedure and time frame by which the prizewinners may contest that crediting. The notice shall include the address and telephone number of the family independence agency and the name of the individual the prizewinner may contact with respect to the individual's liability for assistance or the payment of that liability. The procedure shall include the right to a hearing before an administrative law judge.

(4) The family independence agency shall implement this section to the extent that it is cost-effective.

(5) Notwithstanding the effective date of this bill, the family independence agency is not required to comply with subsections (2) and (3) until April 1, 1998.

(6) The family independence agency shall notify each applicant for or recipient of ongoing cash assistance of the requirements of this section. Notice shall be given within 30 days after the effective date of this section or upon the date of application."

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. 171, entitled**

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

Substitute (S-1).

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

- 1. Amend page 2, line 13, after "Appeals—" by striking out "246.0" and inserting "223.0".
- 2. Amend page 2, line 13, by striking out "19,761,500" and inserting "17,761,500".
- 3. Amend page 2, following line 13, by inserting:

"Backlog reduction—23.0 FTE positions ..... 2,000,000".

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. 169, entitled**

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal years ending September 30, 1997 and September 30, 1998; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

Substitute (S-1).

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

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

"Sec. 623. (1) An individual who is receiving, or has received within the past year, or whose spouse or minor children are receiving or have received within the past year, ongoing cash assistance under and who wins a lottery prize or \$1,000.00 or more is liable to the department for the amount of cash assistance paid to that individual or his or her spouse or minor children during the past year up to 50% of the amount of the lottery prize. This liability constitutes a liability to the state for purposes of section 32 of the McCauley-Traxler-Law-Bowman-McNeely Lottery Act, 1972 PA 239, MCL 432.32.

(2) The director of the department shall enter into a written agreement with the commissioner of state lottery setting forth the procedures for implementing this section. The agreement shall include both of the following:

(a) The procedure under which the department and the bureau of state lottery shall exchange information regarding lottery winnings and individuals liable for receipt of ongoing cash assistance within the past year.

(b) Any other matter that the parties to the agreement consider necessary to carry out this section.

(3) The department shall provide written notice to each prizewinner of the amount of the prize winning to be credited against assistance received as described in subsection (1) and the procedure and time frame by which the prizewinner may contest that crediting. The notice shall include the address and telephone number of the department and the name of the individual the prizewinner may contact with respect to the individual's liability for assistance or the payment of that liability. The procedure shall include the right to a hearing before an administrative law judge.

(4) The department shall implement this section to the extent that it is cost-effective.

(5) Notwithstanding the effective date of this bill, the department is not required to comply with subsections (2) and (3) until April 1, 1998.

(6) The department shall notify each applicant for or recipient of ongoing cash assistance of the requirements of this section. Notice shall be given within 30 days after the effective date of this section or upon the date of application.”

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. 233, entitled**

A bill to amend 1846 RS 16, entitled “Of the powers and duties of townships, the elections and duties of township officers, and the division of townships,” by amending section 77 (MCL 41.77), as amended by 1989 PA 77.

Substitute (S-1).

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

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

**Senate Bill No. 234, entitled**

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 142 (MCL 389.142), as amended by 1984 PA 299.

Substitute (S-1).

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

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

**Senate Bill No. 4, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11514a.

Substitute (S-1).

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

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

“(4) TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND THE ENVIRONMENT OF THIS STATE FROM SOLID WASTE SUCH AS TIRES, BATTERIES, YARD CLIPPINGS, USED OIL, AND SIMILAR WASTE PRODUCTS THE DISPOSAL OF WHICH IS RESTRICTED IN THIS STATE, AS SOON AS POSSIBLE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION THE DEPARTMENT SHALL NOTIFY EACH STATE AND THE COUNTRY OF CANADA THAT DISPOSAL AREAS AND INCINERATORS IN THIS STATE SHALL NOT ACCEPT WASTE THAT IS NOT GENERATED IN THIS STATE UNLESS THE DEPARTMENT CERTIFIES THAT THE GENERATING STATE OR COUNTRY HAS A SOLID WASTE DISPOSAL REGULATORY SYSTEM THAT IS AT LEAST AS STRINGENT AND PROTECTIVE OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND THE ENVIRONMENT, IN TERMS OF WHAT WASTE IS ALLOWED IN THE WASTE STREAM, AS IS IN EXISTENCE IN THIS STATE. AS SOON AS POSSIBLE FOLLOWING THIS NOTIFICATION, THE DEPARTMENT SHALL COMPILE A LIST OF CERTIFIED STATES AND COUNTRIES THAT HAVE A SOLID WASTE DISPOSAL REGULATORY SYSTEM THAT MAKES THEM ELIGIBLE TO DISPOSE OF SOLID WASTE IN THIS STATE. A COUNTRY OR STATE THAT WISHES TO BE CERTIFIED BY THE DEPARTMENT MAY SUPPLY THE DEPARTMENT WITH DOCUMENTATION THAT SUPPORTS ITS CLAIM THAT IT HAS A REGULATORY SYSTEM THAT IS AT LEAST AS STRINGENT AND PROTECTIVE AS THIS STATE BY INCLUDING COPIES OF ALL PERTINENT STATUTES AND RULES. THE DEPARTMENT SHALL PREPARE AND PROVIDE A COPY TO EACH PERSON LICENSED TO OPERATE A DISPOSAL AREA OR MUNICIPAL SOLID WASTE INCINERATOR IN THIS STATE A LIST OF STATES AND COUNTRIES THAT THE DEPARTMENT HAS CERTIFIED AS HAVING A REGULATORY SYSTEM FOR SOLID WASTE THAT IS AT LEAST AS STRINGENT AS THAT OF THIS STATE.

(5) A PERSON SHALL NOT ACCEPT FOR DISPOSAL IN THIS STATE SOLID WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH THAT WAS GENERATED IN A STATE OR COUNTRY THAT IS NOT ON THE LIST PREPARED BY THE DEPARTMENT AS REQUIRED UNDER SUBSECTION (4).

(6) THIS SECTION DOES NOT PROHIBIT THE OWNER OR OPERATOR OF A DISPOSAL AREA FROM ACCEPTING HOMOGENEOUS SOLID WASTE MATERIALS OTHER THAN MUNICIPAL SOLID WASTE INCINERATOR ASH THAT WERE GENERATED OUTSIDE OF THIS STATE IF THOSE MATERIALS MEET THE REQUIREMENTS OF THIS STATE FOR DISPOSAL IN THE DISPOSAL AREA.

(7) IF ANY PROVISION OF THIS SECTION OR OF THIS PART IS FOR ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL, THE HOLDING DOES NOT AFFECT THE VALIDITY OF THE REMAINING PROVISIONS OF THIS SECTION OR THIS PART.”.

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.

During the Committee of the Whole, Senator Posthumus entered the Senate Chamber.

### Resolutions

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

**House Concurrent Resolution No. 24**

**Senate Resolution No. 34**

The resolution consent calendar was adopted.

#### **House Concurrent Resolution No. 24.**

A concurrent resolution to commemorate the One Hundred and Fiftieth Anniversary of the selection of the City of Lansing as the permanent Capital of the State of Michigan.

Whereas, On January 26, 1835, the Legislative Council of the Territory of Michigan, under the provisions of the Ordinance of 1787, which created the Territory, passed legislation for the election of delegates to a convention to draft a constitution for the State of Michigan. The convention convened in Detroit on May 11, 1835. The delegates devoted considerable time to the question of where to locate the capital city, the seat of government for the new State. After considering Detroit, Ann Arbor and other locations, all of whom had strong delegations in the convention, the delegates agreed that designating a permanent capital was premature, given the rapid development occurring in the wilderness parts of the State. The convention then added a provision which declared:

“The seat of Government for this State shall be Detroit, or at such place or places as may be prescribed by law, until the year eighteen hundred and forty seven, when it shall be permanently located by the legislature.”

; and

Whereas, The constitution was adopted by the convention on June 24, 1835, and approved by the electors on October 5 and 6, 1835, by an overwhelming margin, and the State of Michigan was subsequently admitted to the Union on January 26, 1837; and

Whereas, From 1837 through 1846 there were numerous attempts to relocate the Temporary Capital to Marshall, Ann Arbor, and other sites in the State; and

Whereas, When the Legislature convened in Detroit in 1847, it immediately began to wrestle with the question of selecting the permanent location of Michigan’s Seat of Government. Proposals and petitions were submitted urging the Legislature to consider the following sites for the Capital City:

Albion, Ann Arbor, Bellevue, Charlotte, Corunna, Detroit, DeWitt, Eaton Rapids, Flint, Jackson, Lansing Township, Marshall, Onondaga and Owosso.

During the ensuing debate, Legislators also offered other sites for consideration, including:

Battle Creek, Byron, Caledonia Township (Shiawassee County), Calhoun County, Copper Harbor, Dexter, Eaton County, Grand Blanc, Grand Rapids, Ingham Township (Ingham County), Ionia County, Jackson, Jackson County, Kalamazoo, Lyons, Pontiac, Saginaw City, Shiawassee County, Utica and Washtenaw County.

The debate raged for weeks before a majority of the members of the House and Senate came to an agreement. After they came to agreement, certain that they had made an error, several members tried to have other locations reconsidered. No other location could capture the vote of a majority of the members of the House and Senate. On March 16, 1847, Governor William L. Greenly signed a one section, one sentence bill, which provided:

“Be it enacted by the Senate and the House of Representatives of the State of Michigan, That the seat of Government of this State, shall be in the Township of Lansing and the County of Ingham.”

; and

Whereas, 1997 marks the sesquicentennial of the decision to designate Lansing Township as the permanent seat of Government of this great State; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature commemorates and commends this historic event, the selection of Lansing as the permanent Capital of the State of Michigan.

The House of Representatives has adopted the concurrent resolution.

Senators Berryman, Stallings, Vaughn, Hart, Schwarz and Hoffman were named co-sponsors of the concurrent resolution.



Senator DeBeaussaert offered the following resolution:

**Senate Resolution No. 34.**

A resolution in Memorial of Albert Shanker.

Whereas, With the achievements of his life, which exemplify the difference one person can make, Al Shanker is a wonderful example for us all in his dedication to helping others and improving education; and

Whereas, The son of Russian working class immigrants, Mamie and Morris, Al Shanker's achievements would certainly fulfill the hopes and dreams of his proud parents. As the captain of his high school debating team, Mr. Shanker developed the talent for spirited argument, a skill that would serve him well throughout his career. After enrolling at the University of Illinois in 1946, Mr. Shanker joined an interracial group that worked to protest and end segregation and discrimination. His efforts in this area would lead to Mr. Shanker standing side by side with Dr. Martin Luther King Jr. in demanding civil rights for the nation's African-American citizens; and

Whereas, Al Shanker began as a substitute teacher at PS 179 in East Harlem in 1952 and by 1974 became president of the 907,000-member American Federation of Teachers. In addition, he has sat on the AFL-CIO's executive council since 1973. History will note that Mr. Shanker's leadership of a New York City teachers' strike resulted in the very first collective bargaining agreement for teachers in the United States. In 1975, Mr. Shanker was widely credited with helping save New York from bankruptcy by agreeing to have the UFT's pension system bail the city out by purchasing Municipal Assistance Corporation bonds. He helped found a voluntary national certification board for teachers, based on his belief that if higher standards were needed for students, they were also needed for teachers; and

Whereas, Mr. Shanker came to be widely recognized as an advocate for improving education. Through his weekly column in the New York Times, and speaking engagements across the country and around the world, Al Shanker inspired national discussions on the best way to improve public education. He has been an advisor to U.S. Presidents since the Carter administration. Leading and provoking the national discussion on how to improve public education, Mr. Shanker was a driving force behind movements to set national standards for student achievement that could match the records of other nations. Through his efforts, Al Shanker has created opportunities for education that will continue to touch future generations of teachers and students; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute is accorded in memorial of Al Shanker; and be it further

Resolved, That a copy of this resolution be transmitted to his wife Edith, his sons Michael, Carl and Adam, his daughter Jennie, and his three grandchildren, so that they may know of our gratitude and admiration.

Senators Berryman, Stallings, Vaughn, Hart, Schwarz, Peters and Hoffman were named co-sponsors of the resolution.

Senators Posthumus, Cherry and Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 24.**

A concurrent resolution to reappoint Thomas H. McTavish, C.P.A., as Auditor General.

Whereas, Article 4, Section 53 of the Constitution of the State of Michigan of 1963 requires the legislature by a majority vote of the members elected to and serving in each house to appoint an auditor general, who shall be a certified public accountant licensed to practice in this state to serve for a term of eight years; and

Whereas, Under the provisions of Article 4, Section 53, the Auditor General of the state of Michigan shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions established by the state constitution or by law, and performance post audits; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature, pursuant to Article 4, Section 53 of the Constitution of the State of Michigan, hereby reappoint Thomas H. McTavish, C.P.A., as Auditor General of the state of Michigan, to serve for a term of eight years.

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

Senator DeGrow moved that the rule be suspended.

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

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

**Roll Call No. 50**

**Yeas—36**

Bennett	DeBeaussaert	Koivisto	Schwarz
Berryman	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.

Byrum  
Carl  
Cherry  
Cisky  
Conroy

Gast  
Geake  
Gougeon  
Hart  
Hoffman

O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Stallings  
Steil  
Stille  
Van Regenmorter  
Vaughn

**Nays—0**

**Excused—1**

Young

**Not Voting—1**

Dunaskiss

In The Chair: Schwarz

Senator Berryman was named co-sponsor of the concurrent resolution.

Senator DeGrow moved that Senator Dunaskiss be excused from the balance of today's session.  
The motion prevailed.

### **Committee Reports**

The Committee on Appropriations reported

**Senate Bill No. 167, entitled**

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

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

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

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

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. 168, entitled**

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

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

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. 172, entitled**

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

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

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. 173, entitled**

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

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

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. 174, entitled**

A bill to make appropriations for the department of transportation and certain transportation purposes for the fiscal year ending September 30, 1998; to provide for the imposition of fees; to provide for reports; to create certain funds; to prescribe certain powers and duties of certain state departments and officials; and to provide for the expenditure of the appropriations.

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, March 11, 1997, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

## COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submits the following:  
Meeting held on Wednesday, March 12, 1997, at 4:25 p.m., Room S324, Capitol Building  
Present: Senators Gast, Geake, Conroy  
Absent: Senators Posthumus and Cherry

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:  
Meeting held on Thursday, March 13, 1997, at 8:45 a.m., Senate Appropriations Room, Capitol Building  
Present: Senators Gast, DeGrow, Geake, Schwarz, McManus, Conroy, Koivisto and O'Brien

## COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:  
Meeting held on Thursday, March 13, 1997, at 1:00 p.m., Room 100, Farnum Building  
Present: Senators Gougeon, Bouchard, Geake, V. Smith and Peters

## COMMITTEE ATTENDANCE REPORT

The Committee on Court Organization, Michigan Trial Court Assessment Commission, submits the following:  
Meeting held on Friday, March 14, 1997, at 9:30 a.m., 8th Floor Conference Room, Farnum Building  
Absent: Senator Dingell

## COMMITTEE ATTENDANCE REPORT

The Committee on Court Funding, Michigan Trial Court Assessment Commission, submits the following:  
Meeting held on Friday, March 14, 1997, at 1:00 p.m., 8th Floor Conference Room, Farnum Building  
Absent: Senator Van Regenmorter

**Scheduled Meetings**

Agriculture and Forestry Committee - Wednesday, March 19, at 1:30 p.m., Room 110, Farnum Building (3-2413).

Economic Development, International Trade and Regulatory Affairs Committee - Wednesday, March 19, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 10:45 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 19, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.