

No. 51
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, June 5, 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 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—present

Pastor Paul Hontz of the Central Wesleyan Church in Holland offered the following invocation:

Before I pray, it was Benjamin Franklin who wrote the following: "All of us who were engaged in the struggle with Britain must have observed frequent instances of a superintending providence in our favor. Have we now forgotten this powerful friend, or do we imagine we no longer need His assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of man. We have been assured, Sir, in the sacred writings that except the Lord build the house, they labor in vain that built it. I firmly believe this."

Father, God in Heaven, we bow our heads together at the beginning of this session of this important Senate. Acknowledging our dependence upon You, and acknowledging, Father, that if we are to have the wisdom, the grace and humility that's necessary for this kind of leadership, that kind of direction will have to come from You. I pray, Father, for the individuals who comprise this Senate, and I would ask, Father, God, that they might have those graces necessary for the task before them today. I would pray, Father, not only for their work here in government, but I would pray as well for them as fathers and mothers and grandparents. I pray that You would give them wisdom in the use of their tongue that they might be able to engage their families in such a way that they will keep their own home fronts strong. Thank You for Your care, thank You for Your wisdom and thank You for Your wealth and might. Your grace superintend all that takes place here today. For these things we would ask in the strong name of Jesus. Amen.

Motions and Communications

Senators Posthumus, Van Regenmorter, Emmons and Miller entered the Senate Chamber.

Senator DeGrow moved that Senators Schuette, Rogers and Schwarz be temporarily excused from today's session. The motion prevailed.

Senator DeGrow moved that rule 3.902 be suspended to allow the guest of Senator Van Regenmorter admittance to the Senate floor.

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

Senators Schuette, Rogers and Schwarz entered the Senate Chamber.

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

The following communications were received:

Department of State

Administrative Rules Notices of Filing

May 14, 1997

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 8:00 a.m. this date, administrative rule (97-5-7) for the Department of Consumer and Industry Services, Director's Office, entitled "*General Industry Safety Standards*," effective 15 days hereafter.

May 14, 1997

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 8:00 a.m. this date, administrative rule (97-5-8) for the Department of Consumer and Industry Services, Director's Office, entitled "*General Industry Safety Standards*," effective 15 days hereafter.

May 14, 1997

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 8:00 a.m. this date, administrative rule (97-5-9) for the Department of Consumer and Industry Services, Director's Office, entitled "*General Industry Safety Standards*," effective 15 days hereafter.

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

The communications were referred to the Secretary for record.

The following communication was received:
Northwest Michigan Council of Governments

May 30, 1997

Enclosed is a summary of the Title IIB Plan for economically disadvantaged youth ages 15-21, developed under the Job Training Partnership Act (JTPA). The program begins July 1, 1997, and operates in the ten county northwest Michigan region.

We welcome your review, comments and suggestions. Thank you for your interest and continued support of JTPA programs.

Jan Warren
Program Development Coordinator

The communication was referred to the Secretary for record.

The following communication was received:
Department of State Police

June 2, 1997

We are pleased to be able to provide you a copy of the 1996 Michigan Annual Drunk Driving Audit as required by MCL 257.625i. This report is a detailed examination of crashes and arrests that occurred in 1996 by county. Data was assembled in cooperation with the Michigan Departments of State and Transportation.

If you have any questions regarding this report, please call Mr. Robert Nelson of my staff at 333-5308. Thank you.

Sincerely,
Betty J. Mercer
Division Director
Office of Highway Safety Planning

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 Wednesday, June 4:
House Bill Nos. 4218 4289 4462 4629 4810 4812

The Secretary announced the enrollment printing and presentation to the Governor on June 4, for his approval the following bills:

Enrolled Senate Bill No. 233 at 11:07 a.m.
Enrolled Senate Bill No. 51 at 11:09 a.m.
Enrolled Senate Bill No. 322 at 11:11 a.m.
Enrolled Senate Bill No. 140 at 11:13 a.m.

The Secretary announced the printing and placement in the members' files on Wednesday, June 4 of:
House Bill Nos. 4863 4864

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

The motion prevailed.

Senator Stallings' statement is as follows:

I rise as a result of receiving yesterday at the close of our Senate session a "no" vote explanation that contained the names of 12 of my colleagues as it related to an amendment that I had placed on a bill earlier that day, the previous day.

Now, I rise because I'm disappointed as a result of the actions of my colleagues on the other side of the aisle in their attempt to distance themselves from what I had considered to be a friendly amendment offered by me and I stood on this floor and indicated to all of my colleagues that I had gotten sick and tired of the proliferation of billboards that advertise tobacco and liquor and other sexually explicit ads in an attempt to coerce young people to use their various products. I offered up a friendly amendment that included, along with the ban on tobacco advertisements—sexually explicit advertisements—which also served to get to the heart of other ads in addition to tobacco ads that use sexually explicit materials in their advertisements.

I'm just disappointed that my colleagues would attempt to participate in political gamesmanship in an attempt to protect themselves from what would ordinarily be considered a politically sensitive vote. I would hope that they, too, will join me in appreciating the fact that in my community and in a lot of urban areas there is a proliferation of tobacco and liquor billboards that are sexually explicit. For that reason, and that reason alone, the support of that amendment should not have been in question.

Third Reading of Bills

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

House Bill No. 4306

House Bill No. 4305

House Bill No. 4309

Senate Bill No. 435

The motion prevailed.

Senator Young entered the Senate Chamber.

The following bill was announced:

House Bill No. 4306, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 1998; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

(This bill was read a third time on June 4, amendment offered and consideration postponed. See Senate Journal No. 50, p. 815.)

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

Senator Byrum withdrew the amendment.

Senator Peters offered the following amendment:

1. Amend page 42, line 21, by striking out all of section 605 and inserting:

“Sec. 605. (1) The department is prohibited from implementing the closures or consolidations of Clinton valley center, Detroit psychiatric institute-adult’s program, Detroit psychiatric institute-children’s program, Pheasant Ridge center children’s program at Kalamazoo psychiatric hospital, and Caro mental health center-developmental and alternative services unit, and from implementing any further closures or consolidations of state psychiatric hospitals for adults, children, or adolescents, until the department develops and puts in place a statewide plan for the provision of a continuum of mental health services which includes, but is not limited to, residential care services and other individualized living arrangements, outpatient care, partial hospitalization, acute inpatient care, and long-term, 24-hour inpatient care in a structured, secure environment. This statewide plan shall do all of the following:

(a) Provide for the operation of a series of state psychiatric inpatient facilities for adults with serious mental illness with the capacity to serve not less than 900 individuals at any given time, with an average patient population of 100 at each facility.

(b) Provide for the operation of a series of state psychiatric inpatient facilities for minors with serious emotional disturbance with the capacity to serve not less than 120 minors at any given time, with an average patient population of 40 at each facility.

(2) The inpatient facilities described in subsection 1(a) and (b) shall be located throughout the state and may be operated in state-owned facilities or in privately-owned facilities leased by the state.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 294

Yeas—18

Berryman
Bullard
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Dunaskiss
Hart
Koivisto

Miller
O’Brien
Peters
Smith, A.

Smith, V.
Stallings
Vaughn
Young

Nays—20

Bennett
Bouchard

Emmons
Gast

McManus
North

Schwarz
Shugars

Carl
Cisky
DeGrow

Geake
Gougeon
Hoffman

Posthumus
Rogers
Schuette

Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: President

Protest

Senator Shugars, under his constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator Byrum to House Bill No. 4306.

Senator Shugars' statement is as follows:

The reason I voted "no"—Kalamazoo Pheasant Ridge was included in this amendment—is because the number of children who were in the facility was four and now it's down to zero. I think that if you have a limited amount of resources to help people who are in this situation, it doesn't make sense to have 38 employees in a facility and spend that tremendous amount of money for a facility that doesn't have any patients at this time. The last few years it was declining drastically. It would be better to spend that money with people who actually use it. That's why I support community mental health getting more money for their residential care. I believe the House has recommended a \$1.00 increase and the Senate has recommended \$.75. We need to make sure that this money stays in the local community for community mental health and help the individuals who truly need it.

As my colleagues know, I voted against the capital outlay raising the bonding so that the money could be better used in the mental health area. We have a moral obligation to make sure that these people are taken care of. I will continue to support that. But in the case of this Kalamazoo hospital, it did not make sense to continually, day after day, spend this money and not use it for treatment and for services to the patients. That is why I voted "no" on that amendment.

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

The motion prevailed.

Senator Peters' first statement is as follows:

I believe this current budget bill is really seriously flawed without the adoption of this amendment. I would urge my colleagues on both sides of the aisle to seriously consider this amendment and consider the needs of some of the most vulnerable citizens we have here in the state of Michigan. My amendment would restore language that exists in the House appropriation bill and would maintain funding for the Clinton Valley Center, Detroit Psychiatric Center and Kalamazoo Psychiatric Hospital. It would maintain funding for those hospitals until a long-term care program can be put in place. The amendment would specifically call upon the department to develop and put in place a statewide plan for the provision of a continuum of mental health services, which includes but is not limited to, residential care services and other individualized living arrangements, out-patient care, partial hospitalization, acute in-patient care and long-term, 24-hour in-patient care in a structured secure environment. Specifically, it would also ask for the development of a regionalized plan in which regional hospitals would be located throughout the state to deal with those seriously mentally ill patients who cannot find the long-term residential care in a community health setting.

I was at a couple of hearings in Pontiac talking about the closure of the Clinton Valley Center and learned firsthand as to the disruption that the closure of this facility will cause to the patients. What will likely occur with the Clinton Valley closure is that patients will either be moved several hundred miles away to another hospital, and thus, make it very difficult for family and loved ones to be a part of that treatment, which is a very integral part of any type of mental health treatment. Or worse yet, we may find that patients again are thrown out on the streets and again are going to end up on the streets of Pontiac. Unfortunately, that is what has been occurring in past years in our mental health system as the state has been moving away from its obligation to deal with these most vulnerable citizens, and oftentimes, leave them on the streets to fend for themselves. Or in the case of this closure, they would perhaps be moved several hundred miles away and not have the support network of family and loved ones.

This amendment recognizes that these facilities may have to be closed at some point. I would certainly agree that Clinton Valley would probably have to close at some point. It's an old facility that needs to be shut down at some

point, but we shouldn't be doing that and shouldn't be in a rush to do that until we know that these patients are adequately cared for.

I would urge my colleagues to adopt it. It treats all of these hospitals equally. I would hope my colleagues from Oakland County would understand the impact of the closure of Clinton Valley to the Oakland County residents, as well as my Macomb County colleagues who also have a large share of the population in the Clinton Valley Center, as well as my colleagues on the western side of the state with the Kalamazoo hospital. These people need to be taken care of. We need to have a comprehensive plan and this amendment would do it. I urge adoption.

Senator Peters' second statement is as follows:

I just want to respond briefly to the gentleman from the 9th District. I'm somewhat troubled by his response as to his opposition to this amendment. All this amendment is really saying is that before we're in such a rush to close hospitals, let's at least have a plan in place. To me that just sounds like good, sound public policy that when we're dealing with an extremely vulnerable population, with these hospitals, at least we should have some sort of comprehensive plan in place. In fact, that is what the associations that deal with mental illness in this state have been asking for for months, and yet, have not been getting it from the department. I passed out a letter on the floor, which you all should have received, which is signed by the Mental Health Association of Michigan, Michigan Association for Children with Emotional Disorders and Alliance for the Mentally Ill of Michigan, which says that they would certainly like the Department of Community Health to develop and implement a plan for a complete statewide continuum of appropriate mental health care. That is what this amendment deals with. It says before we're in a rush to close these hospitals, let's put that plan together. These organizations have been asking for it for months. They haven't been able to get it. This amendment would allow us to at least have some thought and some rationality in this process.

I also passed out a letter from the Oakland County Board of Commissioners, and a resolution that was passed by the Oakland County Board, which asks the state mental health department to give consideration for long-term care in local areas, which cannot be provided now in a community health setting. It's not being done in Oakland County and I know it's not being done in other counties throughout the state.

So I certainly hope that all Senators, no matter where you are in the state, realize that long-term mental health facilities need to be located on a regional basis so that patients can be close to their homes and close to their loved ones. That's what this amendment does. It deals with a comprehensive plan that puts these facilities throughout the state.

I've heard some Senators talk about supporting one amendment over another because it may protect the hospital closest to them. However, as was mentioned by the previous speaker, the logic for this applies to everybody everywhere in the state. Patients need this type of care. They're not getting the care. We're not just seeing a move to privatization. We're actually seeing a lack of care and that's why people are on waiting lists—sometimes five, six or seven years—before they can get the type of mental health care that they need. I think that is absolutely outrageous. The state has been walking away from its obligation to deal with this vulnerable population. We need to step up to the plate, put forward a plan, stick by that plan and be committed to that plan. That's what this amendment does and I would urge my colleagues to support it.

Senator Byrum offered the following amendment:

1. Amend page 73, following line 7, following section 1703, by inserting:

“Sec. 1704. From the additional funds appropriated in the community services line, a total of \$150,000.00 shall be used for long-term care ombudsman activities.”

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

Senator Byrum offered the following amendment:

1. Amend page 73, following line 7, following section 1653, by inserting:

“Sec. 1654. The department shall not require enrollment in a capitated or risk-based system for financing long term care services until authorized under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, and the public health code, 1978 PA 368, MCL 333.1101 to 333.25211. Enrollment in a risk-based long-term care plan may occur on a voluntary basis in FY 1997-98.”

The question being on the adoption of the amendment,

Senator Byrum requested the yeas and nays.

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

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

Roll Call No. 295

Yeas—16

Berryman
Byrum

DeBeaussaert
Dingell

Miller
O'Brien

Smith, V.
Stallings

Cherry
ConroyHart
KoivistoPeters
Smith, A.Vaughn
Young**Nays—22**Bennett
Bouchard
Bullard
Carl
Cisky
DeGrowDunaskiss
Emmons
Gast
Geake
Gougeon
HoffmanMcManus
North
Posthumus
Rogers
SchuetteSchwarz
Shugars
Steil
Stille
Van Regenmorter**Excused—0****Not Voting—0**

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 40, following line 19, by inserting:

“Sec. 411. Of the funds appropriated in section 101 for community mental health programs, \$1,000,000.00 shall be allocated to CMHSPs to provide mental health treatment as an alternative to incarceration.”.

The question being on the adoption of the amendment,

Senator A. Smith requested the yeas and nays.

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

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

Roll Call No. 296**Yeas—16**Berryman
Byrum
Cherry
ConroyDeBeaussaert
Dingell
Hart
KoivistoMiller
O'Brien
Peters
Smith, A.Smith, V.
Stallings
Vaughn
Young**Nays—22**Bennett
Bouchard
Bullard
Carl
Cisky
DeGrowDunaskiss
Emmons
Gast
Geake
Gougeon
HoffmanMcManus
North
Posthumus
Rogers
SchuetteSchwarz
Shugars
Steil
Stille
Van Regenmorter**Excused—0****Not Voting—0**

In The Chair: President

Senator Byrum offered the following amendment:

1. Amend page 73, following line 7, following section 1653, by inserting:

“Sec. 1654. A qualified health plan that requires a medicaid recipient to designate a participating primary care provider shall permit a female medicaid recipient to access a participating obstetrician-gynecologist for any plan covered obstetrical or gynecologic condition, diagnosis and management of pregnancy or pregnancy-related conditions, contraceptive advise or management, vaginal bleeding or infections, lower abdominal pain, annual “well woman” examinations and follow-up of any abnormal findings, and suspected growths or tumors in the lower abdomen. This access would not require prior authorization or referral, but may be limited by participation of obstetricians-gynecologists in the plan network. A referral to an out-of-plan physician will require plan approval.”.

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

Senators Byrum and Geake offered the following amendment:

1. Amend page 69, line 26, after the first “the” by striking out “health care financing administration” and inserting “department”.

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

Senator Peters offered the following amendment:

1. Amend page 42, line 21, by striking out all of section 605 and inserting:

“Sec. 605. (1) The department is prohibited from implementing the closures or consolidations of Clinton valley center, Detroit psychiatric institute-adult’s program, Detroit psychiatric institute-children’s program, and Caro mental health center-developmental and alternative services unit, and from implementing any further closures or consolidations of state psychiatric hospitals for adults, children, or adolescents, until the department develops and puts in place a statewide plan for the provision of a continuum of mental health services which includes, but is not limited to, residential care services and other individualized living arrangements, outpatient care, partial hospitalization, acute inpatient care, and long-term, 24-hour inpatient care in a structured, secure environment. This statewide plan shall do all of the following:

(a) Provide for the operation of a series of state psychiatric inpatient facilities for adults with serious mental illness with the capacity to serve not less than 900 individuals at any given time, with an average patient population of 100 at each facility.

(b) Provide for the operation of a series of state psychiatric inpatient facilities for minors with serious emotional disturbance with the capacity to serve not less than 120 minors at any given time, with an average patient population of 40 at each facility.

(2) The inpatient facilities described in subsection 1(a) and (b) shall be located throughout the state and may be operated in state-owned facilities or in privately-owned facilities leased by the state.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 297

Yeas—17

Berryman	DeBeaussaert	Koivisto	Smith, V.
Bullard	Dingell	O’Brien	Stallings
Byrum	Dunaskiss	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
Conroy			

Nays—20

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

Excused—0

Not Voting—1

Miller

In The Chair: President

Senator Peters offered the following amendment:

1. Amend page 42, line 21, by striking out all of section 605 and inserting:

“Sec. 605. (1) The department is prohibited from implementing the closure of the Clinton valley center until the department develops and puts in place a statewide plan for the provision of a continuum of mental health services which includes, but is not limited to, residential care services and other individualized living arrangements, outpatient care, partial hospitalization, acute inpatient care, and long-term, 24-hour inpatient care in a structured, secure environment. This statewide plan shall do all of the following:

(a) Provide for the operation of a series of state psychiatric inpatient facilities for adults with serious mental illness with the capacity to serve not less than 900 individuals at any given time, with an average patient population of 100 at each facility.

(b) Provide for the operation of a series of state psychiatric inpatient facilities for minors with serious emotional disturbance with the capacity to serve not less than 120 minors at any given time, with an average patient population of 40 at each facility.

(2) The inpatient facilities described in subsection 1(a) and (b) shall be located throughout the state and may be operated in state-owned facilities or in privately-owned facilities leased by the state.”.

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 298

Yeas—19

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

Nays—19

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

Excused—0

Not Voting—0

In The Chair: President

Senator V. Smith moved to reconsider the vote by which the amendment was not adopted.
 The question being on the motion to reconsider,
 Senator V. Smith moved that further consideration of the bill be postponed temporarily.
 The motion did not prevail.
 Senator Berryman requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 299**Yeas—17**

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

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: President

The question being on the motion to reconsider the amendment offered by Senator Peters,
 The motion did not prevail.
 Senator V. Smith requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 300**Yeas—17**

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

Nays—21

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Shugars

Bullard
Carl
Cisky
DeGrow

Geake
Gougeon
Hoffman

Posthumus
Rogers
Schuette

Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: President

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. 301

Yeas—25

Bennett
Bullard
Byrum
Cisky
Conroy
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Posthumus
Rogers

Schuette
Schwarz
Shugars
Steil
Stille
Van Regenmorter

Nays—13

Berryman
Bouchard
Carl
Cherry

DeBeaussaert
Dingell
Hart

Peters
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Excused—0

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

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

Protests

Senators Berryman, A. Smith, V. Smith and Stallings, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of House Bill No. 4306.

Senator Berryman's statement, in which Senator A. Smith concurred is as follows:

I voted "no" on the community mental health budget because I will stand by my comments that the state has dismantled—and disgracefully so—has dismantled the mental health system in the state of Michigan. I want to respond

to the good Senator from the 9th, who said that we've added dollars. You know, over and over again, it always seems that that's what we talk about is dollars and dollars and dollars. All of a sudden \$500 million—if that's what we are talking about—equates to quality of care. That's what I have been yelling for the last seven years, is quality of care. We have dismantled the state mental health system and what you have created are local community mental health empires. You look at the budgets of community mental health agencies around this state. They are very high paid, high administrative costs empires, cost going into directors in counties all over the state of Michigan. The state standing back from its responsibility and building empires within the community with those dollars not flowing to the individuals that need the money the most. That is the men, women, children and elderly with mental health problems who need those services. I will ask you to go into the communities all over the state of Michigan; and you say that we are doing such a good job for the people with mental illness. You talk to the individuals in the community, you talk to the family members and ask if they are satisfied with the services they're receiving from the state of Michigan, and now, the community mental health agencies. You will find a completely different story.

You know that I have criticized mental health when it was the Mental Health Department, because of quality of service. But, I have also complimented when they do a good job. I have been working with the Director, Mr. Haveman in the last year and a half with individual cases, not only in my district, but other districts. I want to tell you that Mr. Haveman has been extremely responsive and helpful in getting through these problems where people are misdiagnosed, mistreated in the community, and he's helped me find a proper placement for those kids. If Jim Haveman is listening, I appreciate what he has done, and that is the kind of cooperation we need. But it still doesn't take away from the fact that we've taken the responsibility away from the state, poured money into community mental health agencies; to build huge bureaucracies within the county structure and not have the dollars flow to the individual or the families that need the services most. Because of that, I voted "no."

Senator V. Smith's statement, in which Senators A. Smith and Stallings concurred, is as follows:

I rise to oppose House Bill No. 4306. I share the concerns raised by the good Senator of the 17th District. I also think that we have begun to dismantle the mental health system. We closed the mental hospitals, and one of my colleagues even used this as justification here today for not supporting what I felt was a good amendment, with the fact that there were only four people left in the hospital. Well, that doesn't surprise me when the policies with the current administration are to move out those who have been in hospital care in the mental health system. And the reason that the current administration has used every ability it has to move residents out, is so they can close those facilities.

The direction they are taking in terms of the community health boards and other resources to be used, is probably a good one to a certain extent, but there still needs to be some basis and some ability for hospital care for those who can not be helped without patient status. We've heard story, after story, after story, of individuals who have exploded in their family. We've seen innocent lives lost. We've seen the mental health patients moved into the correctional system, and wonder why the corrections budget is exploding beyond our grasp. If we kept our options open, and one of my colleagues had an amendment put forward that would have allowed that, but all of those things were turned down.

If we had tried to increase our planning, one of my colleagues had an amendment to try to accomplish that. But we haven't seen anything forthcoming from the executive office or the majority party on this floor, that lays out any plan for mental health care. The only plan we seem to see, is to cut back, close and leave those who have severe mental disabilities, to the streets, and whatever happens to their families while they are in the streets or whatever happens when they become explosive, because they haven't been put into a situation where they need to be maintained. I think it's detrimental. I think it is not in the best long interest of this state and I would hope that the members would reflect one more time, and decide this is not the direction that they want to take and oppose this bill. And if we oppose this bill, we will be able to work in a bipartisan way to try to make the mental health system one that adequately addresses the needs of those who are caught within the grasp of a mental disease. We know it exists, we know it happens. To close our eyes and try to ignore the problem and act like it does not need to be addressed, is to walk into the darkness without any light.

I would hope that at this final hour on the passage of this budget; even though we will see more and more budgets; this is a telling point in time as to whether this will continue to be the philosophy and the direction that this state goes in terms of the treatment of these mental health patients. I would hope that we would vote "no."

Senator A. Smith's statement is as follows:

While my two colleagues have focused on the mental health portion of this budget, we have a tremendous amount of money being spent in the public health portion of this budget. And my concern is that, as hard as the committee members have tried to anticipate many of the problems that will result from our move to manage Medicaid coverage for the citizens in the state of Michigan, I think we have failed in our rush to change the program and to save dollars. My concern is, that many of our decapitated chickens are going to come home to roost and in the very short run.

The following bill was read a third time:

House Bill No. 4305, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

The question being on the passage of the bill,

Senator Vaughn offered the following amendment:

1. Amend page 8, following line 21, by striking out all of section 220.

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

Senator Vaughn requested the yeas and nays.

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

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

Roll Call No. 302**Yeas—13**

Berryman	DeBeaussaert	Peters	Smith, V.
Byrum	Gast	Schwarz	Stallings
Cherry	O'Brien	Smith, A.	Vaughn
Conroy			

Nays—24

Bennett	Dingell	Hoffman	Rogers
Bouchard	Dunaskiss	Koivisto	Schuette
Bullard	Emmons	McManus	Shugars
Carl	Geake	Miller	Steil
Cisky	Gougeon	North	Stille
DeGrow	Hart	Posthumus	Van Regenmorter

Excused—1

Young

Not Voting—0

In The Chair: President

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

Senator Peters offered the following amendments:

1. Amend page 8, following line 21, section 220, subsection (1), after "death" by inserting "or protect the health".

2. Amend page 8, following line 21, section 220, subsection (2), after "death" by inserting "or protect the health".

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 303**Yeas—13**

Berryman	Conroy	Peters	Smith, V.
Byrum	DeBeaussaert	Schwarz	Stallings
Cherry	Gast	Smith, A.	Vaughn
Cisky			

Nays—24

Bennett	Dunaskiss	Koivisto	Rogers
Bouchard	Emmons	McManus	Schuette
Bullard	Geake	Miller	Shugars
Carl	Gougeon	North	Steil
DeGrow	Hart	O'Brien	Stille
Dingell	Hoffman	Posthumus	Van Regenmorter

Excused—1

Young

Not Voting—0

In The Chair: Schwarz

The question being on the passage of the bill,

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

Roll Call No. 304**Yeas—37**

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

Nays—0**Excused—1**

Young

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

House Bill No. 4309, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal years ending September 30, 1997 and September 30, 1998; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The question being on the passage of the bill,

Senator Berryman offered the following amendment:

1. Amend page 22, following line 22, by inserting:

“Sec. 426. It is legislative intent that private bookstores that sell textbooks to university students have accurate and timely access to lists of universities required textbooks in order to provide prompt and efficient service for students. It is further legislative intent that each state university allow students who are on financial aid or are receiving tuition grants to decide where to purchase their textbooks.”.

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

The question being on the passage of the bill,

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

Roll Call No. 305

Yeas—35

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

Nays—2

Carl Shugars

Excused—1

Young

Not Voting—0

In The Chair: Hoffman

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 Shugars, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of House Bill No. 4309.

Senator Shugars' statement is as follows:

The reason I voted “no” on the higher education bill, is because the amendment that we introduced on General Orders did not get on the bill. It is very important that this Legislature stands up for the children who go to colleges

and universities in Michigan. The children who are about to enter the colleges and universities and the parents who pay the tuition for higher education, that there are some assurances that the tuition next year, does not go above inflation. We expect state departments to live by inflation. We expect the public schools K-12 to live under inflation and we should expect the higher education to live within their means also. In a time where families are raising children and the utilities, cost of housing and the food continuously goes up, I think we have to give some assurances to them that the tuition does not go greater than inflation. So that is why I voted "no."

The following bill was read a third time:

Senate Bill No. 435, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7m (MCL 211.7m), as added by 1980 PA 142.

The question being on the passage of the bill,

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

Roll Call No. 306

Yeas—21

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

Nays—15

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

Excused—1

Young

Not Voting—1

Schwarz

In The Chair: Hoffman

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that rule 3.506 be suspended to permit Senators to submit their written "no" vote explanations regarding Senate Bill No. 341 for inclusion in today's Journal.

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

Senators Posthumus, Bennett, Bouchard, Bullard, DeGrow, Dunaskiss, Emmons, Gast, Geake, McManus, Steil and Stille, under their constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator Stallings to Senate Bill No. 341 on June 3.

Senators Posthumus', Bennett's, Bouchard's, Bullard's, DeGrow's, Dunaskiss', Emmons', Gast's, Geake's, McManus', Steil's and Stille's statement is as follows:

I voted "no" on the Stallings amendment because it was poorly worded and would have had the effect of tangling the Bennett bill in time consuming litigation. The Stallings amendment was turned in at the last minute and provided no definition of "sexually explicit." Legal counsel believed that the poor wording and lack of definition rendered the effect of the amendment useless.

Adoption of the Stallings amendment would have done only one thing—kill the original purpose of the Bennett bill, which was to end tobacco advertising on billboards. I want to make sure that tobacco companies clearly understand that our kids are off limits. The Bennett bill does this. The Stallings amendment would have effectively obstructed that purpose.

Senator DeGrow moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

Senate Bill No. 116

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

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

The following bill was read a third time:

Senate Bill No. 116, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255, and by adding section 22g.

The question being on the adoption of the following committee substitute:

Substitute (S-3).

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

The question being on the passage of the bill,

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

Roll Call No. 307

Yeas—36

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

Nays—0

Excused—1

Young

Not Voting—1

Cherry

In The Chair: Hoffman

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bouchard, Geake and Shugars introduced

Senate Bill No. 569, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15 (MCL 432.202, 432.203, 432.204, 432.205, 432.206, 432.208, 432.209, 432.210, 432.211, 432.212, 432.213, 432.214, and 432.215) and by adding sections 4a, 4b, 4c, 4d, 6a, 7a, 7b, 7c, 8a, 8b, 8c, 9a, 9b, 9c, 13a, 13b, 17, 18, 19, 20, 21, 22, 23, 24, and 25; 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 Gaming and Casino Oversight.

Senators Bouchard, Geake, North, Rogers, Shugars and Dunaskiss introduced

Senate Bill No. 570, entitled

A bill to create the compulsive gaming prevention fund; to impose duties on certain licensed entities; to prescribe the duties of certain state officials; and to impose penalties.

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

Senators Rogers, Schuette, Bouchard, Geake, North, Shugars and Dunaskiss introduced

Senate Bill No. 571, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 16, 41, and 43 (MCL 432.16, 432.41, and 432.43), section 16 as added and sections 41 and 43 as amended by 1996 PA 167.

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

Senators Schuette, Rogers, Bouchard, Geake, North, Shugars and Dunaskiss introduced

Senate Bill No. 572, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320) and by adding section 9a.

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

Senators Bouchard, Geake and Shugars introduced

Senate Bill No. 573, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 309a and 309b.

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

Senators Bouchard, Geake, North and Shugars introduced

Senate Bill No. 574, entitled

A bill to regulate persons having certain gaming interests; to require registration of persons having certain gaming interests and their agents; to require the filing of reports; to prescribe the powers and duties of the department of state; and to prescribe penalties.

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

Senators Rogers, Schuette and Shugars introduced

Senate Bill No. 575, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as added by 1995 PA 187.

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

Senators Schuette and Shugars introduced

Senate Bill No. 576, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 3 (MCL 780.623), as amended by 1994 PA 294.

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

Senators Dingell and Berryman introduced

Senate Bill No. 577, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 558 (MCL 168.558), as amended by 1996 PA 583.

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

Senator North introduced

Senate Bill No. 578, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 43; 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 Appropriations.

Senators Byrum, Young and Hart introduced

Senate Bill No. 579, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 812 (MCL 257.812), as amended by 1989 PA 280.

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

Senator North introduced

Senate Bill No. 580, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 621 (MCL 418.621), as amended by 1994 PA 271.

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

Senators Hoffman, Carl, Schwarz, Bennett and Geake introduced

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 801 and 802 (MCL 257.801 and 257.802), section 801 as amended by 1995 PA 226 and section 802 as amended by 1996 PA 551.

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

Senator Carl introduced

Senate Bill No. 582, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal

certain acts and parts of acts," by amending the title and sections 1c, 1d, 3, 5a, 7, 10, 10a, 10c, 10k, 11, 11b, 12, 12c, 13, 13a, 14, 16, 17, 18a, 18b, 18c, 18d, 18e, 18l, and 20a (MCL 247.651c, 247.651d, 247.653, 247.655a, 247.657, 247.660, 247.660a, 247.660c, 247.660k, 247.661, 247.661b, 247.662, 247.662c, 247.663, 247.663a, 247.664, 247.666, 247.667, 247.668a, 247.668b, 247.668c, 247.668d, 247.668e, 247.668l, and 247.670), the title and section 11b as amended by 1992 PA 223, sections 1c and 10k as amended and section 12c as added by 1982 PA 438, section 5a as added by 1981 PA 184, sections 10, 11, 12, 13, and 17 as amended by 1993 PA 294, section 10a as amended by 1992 PA 137, section 10c as amended by 1990 PA 73, section 14 as amended by 1987 PA 234, sections 18b and 18e as amended by 1985 PA 201, and section 18l as added by 1992 PA 224, and by adding sections 1g and 11f; 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 Transportation and Tourism.

Senator Bouchard introduced

Senate Bill No. 583, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690).

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

Senator Rogers introduced

Senate Bill No. 584, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 31 (MCL 206.31), as added by 1996 PA 448.

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

Senators Schuette, Steil and Rogers introduced

Senate Bill No. 585, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 1996 PA 449.

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

Senator Bouchard introduced

Senate Bill No. 586, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 5 (MCL 141.1155), as amended by 1996 PA 455.

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

Senator Bouchard introduced

Senate Bill No. 587, entitled

A bill to amend 1985 PA 224, entitled "Enterprise zone act," by amending section 21c (MCL 125.2121c), as added by 1996 PA 444.

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

Senator Bouchard introduced

Senate Bill No. 588, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 1996 PA 445.

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

Senator Emmons introduced

Senate Bill No. 589, 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 section 11 (MCL 207.561), as amended by 1996 PA 446.

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

Senator Bouchard introduced

Senate Bill No. 590, entitled

A bill to amend 1978 PA 255, entitled "Commercial redevelopment act," by amending section 12 (MCL 207.662), as amended by 1996 PA 450.

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

Senator Bouchard introduced

Senate Bill No. 591, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 1 (MCL 211.181), as amended by 1996 PA 447.

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

Senators Rogers, Steil, Schuette, Stille, Bullard, Carl, Gougeon and Van Regenmorter introduced

Senate Bill No. 592, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as added by 1995 PA 187 and section 411j as amended by 1996 PA 80.

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

Senators Rogers and Schuette introduced

Senate Bill No. 593, entitled

A bill to authorize certain interceptions of communications and the use of interception devices for certain offenses; to provide for and regulate the application, issuance, and execution of interception orders; to prescribe the powers and duties of certain agencies, officers, and employees; to regulate the use and disclosure of communications and evidence intercepted or obtained under this act; to provide remedies and exemptions from liability; to prescribe penalties; 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 Gaming and Casino Oversight.

Senators Rogers and Cisky introduced

Senate Bill No. 594, entitled

A bill to create the Michigan law enforcement investigative fund; to prescribe the powers and duties of certain state agencies and departments; to provide for deposits into the fund; and to provide for expenditures from the fund.

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

House Bill No. 4218, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 1996 PA 303.

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. 4289, entitled

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

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. 4462, entitled

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts

unlawful; and to prescribe means of enforcement and penalties for violations of this act," by amending section 22 (MCL 423.22).

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 Human Resources, Labor and Veterans Affairs.

House Bill No. 4629, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 1996 PA 143.

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

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

House Bill No. 4810, entitled

A bill to amend 1968 PA 330, entitled "Private security guard act of 1968," by amending sections 10 and 32 (MCL 338.1060 and 338.1082), section 10 as amended by 1994 PA 326, and by adding section 16a.

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 Human Resources, Labor and Veterans Affairs.

House Bill No. 4812, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 355b. 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 Human Resources, Labor and Veterans Affairs.

Resolutions

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

Senate Concurrent Resolution No. 32

Senate Concurrent Resolution No. 33

Senate Concurrent Resolution No. 34

Senate Concurrent Resolution No. 35

The motion prevailed.

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

Senate Resolution No. 67

Senate Resolution No. 70

The resolution consent calendar was adopted.

Senators Dingell and Hart offered the following resolution:

Senate Resolution No. 67.

A resolution to recognize John Martin for the long and productive career in both private and public service.

Whereas, The official recognition of John's retirement will be held on Friday, June 6, 1997, at the Lincoln Park Knights of Columbus Hall. John leaves a legacy of dedication and ability to accomplish the most difficult of tasks, where he has been the city of Lincoln Park's Controller since January 21, 1986. John's presence will be missed; and

Whereas, His career has been diverse and challenging. John was the Controller for a regional Hospital in McKenzie, Tennessee, for Methodist Health Systems. He worked here in the Michigan Senate as the Administrative Assistant to former Senator Patrick McCollough and even worked in the brewing industry in Detroit for a while. John's expertise and work ethic have brought him far. Now it is time for him to take a step back and enjoy the life he has built for himself; and

Whereas, John Martin was married on June 11, 1955, to his wife, Elaine. They will be celebrating 42 years of marriage this month. John's family is his pride and joy. His daughter, Cindy Martin, is doing well and living in Ann Arbor. His other daughter, Debbie, and her husband, Michael Burke, have two beautiful daughters, Meaghann and Meredith, who will certainly look forward to having more time to spend with their grandfather. We believe John's life will certainly be changing for the better; now, therefore, be it

Resolved by the Senate, That we congratulate and honor John Martin on his retirement, June 6, 1997; and be it further

Resolved, That a copy of this resolution be transmitted to John Martin as a symbol of our respect and admiration. Senators Stallings and Schwarz were named co-sponsors of the resolution.

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

Senate Resolution No. 70.

A resolution to commemorate the 75th Anniversary of the Portage Public Schools.

Whereas, Several small, rural school districts in Kalamazoo County's Portage Township were consolidated to form the Portage Agricultural School District in 1922. The newly-formed district was so small, it required only five teachers to instruct the students enrolled. By 1946, however, several other districts—Rockne, Lake Center, Pershing, Prairie Edge and Boyton, as well as primary districts in Texas and Pavilion Townships—were consolidated into the Portage Township Schools. Student enrollment in the district then totaled about 1,000, served by fewer than 40 teachers; and

Whereas, Until midway through the 20th century, Portage remained a sleepy rural village. Explosive growth during the 1950s fueled growth in school facilities, enrollment and teaching staff. In 1962, the citizens of Portage Township voted to incorporate as a city. As a result, the Board of Education officially changed the name of the school district from Portage Township Schools to Portage Public Schools; and

Whereas, The Portage Public Schools now consists of eight elementary schools, three middle schools, two high schools, a community education center and an administration building. Approximately 8,900 students are served by 600 professional staff in more than 1.5 million square feet of instructional area. Portage students continue to score above state and national averages on standardized tests as they prepare to meet the challenges of the future; and

Whereas, This 75 year history of growth and development by Portage Public Schools was made possible through the contributions of time, talent and resources by past and present school board members, teachers, administrators, parents, private benefactors and volunteers; now, therefore, be it

Resolved by the Senate, That tribute be accorded to the Portage Public Schools in honor of their 75th Anniversary and to the school district's school board members, teachers, administrators, parents, benefactors and volunteers, past and present, whose dedication has enriched the lives of the citizens of Kalamazoo County for generations; and be it further

Resolved, That copies of this resolution be transmitted to the Portage Board of Education and James H. Ridders, Superintendent of the Portage Public Schools.

Senator Stallings was named co-sponsor of the resolution.

Senator Bouchard offered the following resolution:

Senate Resolution No. 66.

A resolution to memorialize the Congress of the United States to ensure that public safety agencies are allotted sufficient access to radio frequency space.

Whereas, Our country is in the midst of remarkable change in the amount and the variety of information communicated across the spectrum of radio frequencies. The communications age is having an effect on all Americans. Radio frequencies are a finite resource used to handle news, information, entertainment, education, vital services, and commercial activity. Computers, cell phones, television and radio, and emergency equipment compete for access to the spectrum of radio frequencies; and

Whereas, As the federal government, through the Federal Communications Commission, allocates space on the spectrum, it is critical that local police and fire operations have enough access to handle the communications challenges of saving lives in emergency situations. This has long been a point of concern for those closest to public safety issues. The FCC last allocated channels for public safety in 1987. Since that time, the number of communications devices and capacity needs have exploded. During crisis situations, for example, heavy use of cellular phones in a disaster area can impede the lifesaving work of emergency personnel; and

Whereas, Authorities need space on the radio frequency spectrum not only for voice communications, but also for transmitting fingerprints, mugshots, medical information, and other data. Without adequate access to communications, the results in a specific incident or community will one day result in a disaster that is entirely preventable if we act wisely today; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to ensure that public safety agencies are allotted sufficient access to radio frequency space; and be it further

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

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

Senator Stallings was named co-sponsor of the resolution.

Senators Koivisto, McManus, Gast, Vaughn, V. Smith, North, Hoffman, Steil, Bennett, Emmons, Berryman, Dingell, Hart, Young, Cherry, O'Brien, Byrum, Shugars, Schuette, A. Smith, DeBeaussaert, Cisky and Gougeon offered the following resolution:

Senate Resolution No. 69.

A resolution to memorialize the Congress of the United States to provide for the distribution of the Leaking Underground Storage Tank Trust Fund's proceeds to the states for cleanup projects determined by the states.

Whereas, In 1986, Congress created the Leaking Underground Storage Tank Trust Fund through legislation amending the Resource Recovery and Conservation Act. The fund was financed through a 0.1 cent tax on each gallon of motor fuel sold. The tax levy, which was reauthorized in 1990, expired on December 31, 1995. The fund has approximately \$1.5 billion in it; and

Whereas, The purpose of the money generated by the Leaking Underground Storage Tank Trust Fund is two-fold. It seeks to enforce corrective actions where the owner of a leaking tank is known and cleanup activities where the owner is not known or is unable or unwilling to pay. The fund's proceeds are distributed to the states on a formula based on criteria determined by federal officials. Factors include levels of contamination, the number of leaking tanks, the number of cleanup efforts, and danger to drinking supplies; and

Whereas, Over the years, not enough money from the trust fund has gone to fighting the effects of leaking underground storage tanks. Almost all of the fund's proceeds go toward administration and enforcing the program. It is estimated that only 1 percent of fund money spent each year goes to clean up orphan tanks; and

Whereas, In an effort to increase cleanup initiatives and to deal with a problem that gets worse with the passage of time, Congress is considering legislation to revamp the manner in which the money in the Leaking Underground Storage Tank Trust Fund is distributed. The legislative proposals offer a more pragmatic approach by providing for the Environmental Protection Agency to distribute the money to the states with more authority for the states. The states are in far better positions to determine how best to meet the aims of cleanup and enforcement. With a formula for distributing the funds based on what the states contributed to the fund, a far greater positive impact can be made in cleaning up our environment; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide for the distribution of the Leaking Underground Storage Tank Trust Fund's proceeds to the states for cleanup projects determined by the states; and be it further

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

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

Senator Stallings was named co-sponsor of the resolution.

Senators McManus, Gast, Schwarz and Cisky offered the following resolution:

Senate Resolution No. 71.

A resolution concurring in the tribal-state gaming compacts negotiated between the Governor and the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi.

Whereas, The voters of Michigan approved the Michigan Gaming Control and Revenue Act as the Michigan Initiated Law of 1996 authorizing state regulated casinos in the state; and

Whereas, The United States Congress enacted the Indian Gaming Regulatory Act of 1988 (IGRA) to provide a statutory framework for the establishment of regulatory roles for the states, the federal government, and Indian tribes in tribal Class III gaming operations; and

Whereas, Each of the tribes, the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi, is a federally recognized Indian tribe; now, therefore, be it

Resolved by the Senate, That, pursuant to requirements of the IGRA and pursuant to Section 11(B) of each of the proposed compacts, we hereby concur in the following compacts signed by the Governor and the representatives of each of the tribes: "Compact Between the Little River Band of Ottawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Little River Band of Ottawa Indians," "Compact Between the Pokagon Band of Potawatomi Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Pokagon Band of Potawatomi Indians," "Compact Between the Little Traverse Bay Bands of Odawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Little Traverse Bay Bands of Odawa Indians," and "Compact Between the Nottawaseppi Huron Band of Potawatomi and the State of Michigan Providing for the Conduct of Tribal Class III Gaming by the Nottawaseppi Huron Band of Potawatomi"; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the tribes, and the United States Secretary of the Interior.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be referred to the Committee on Gaming and Casino Oversight.

The motion prevailed.

Senators McManus, Koivisto, Gast, Shugars, Steil, Bennett, Schuette, Vaughn, O'Brien, Hart, Berryman, Byrum, Emmons, Dingell, A. Smith, DeBeaussaert, Cherry, Cisky and Gougeon offered the following concurrent resolution:

Senate Concurrent Resolution No. 36.

A concurrent resolution to memorialize the Congress of the United States to provide for the distribution of the Leaking Underground Storage Tank Trust Fund's proceeds to the states for cleanup projects determined by the states.

Whereas, In 1986, Congress created the Leaking Underground Storage Tank Trust Fund through legislation amending the Resource Recovery and Conservation Act. The fund was financed through a 0.1 cent tax on each gallon of motor fuel sold. The tax levy, which was reauthorized in 1990, expired on December 31, 1995. The fund has approximately \$1.5 billion in it; and

Whereas, The purpose of the money generated by the Leaking Underground Storage Tank Trust Fund is two-fold. It seeks to enforce corrective actions where the owner of a leaking tank is known and cleanup activities where the owner is not known or is unable or unwilling to pay. The fund's proceeds are distributed to the states on a formula based on criteria determined by federal officials. Factors include levels of contamination, the number of leaking tanks, the number of cleanup efforts, and danger to drinking supplies; and

Whereas, Over the years, not enough money from the trust fund has gone to fighting the effects of leaking underground storage tanks. Almost all of the fund's proceeds go toward administration and enforcing the program. It is estimated that only 1 percent of fund money spent each year goes to clean up orphan tanks; and

Whereas, In an effort to increase cleanup initiatives and to deal with a problem that gets worse with the passage of time, Congress is considering legislation to revamp the manner in which the money in the Leaking Underground Storage Tank Trust Fund is distributed. The legislative proposals offer a more pragmatic approach by providing for the Environmental Protection Agency to distribute the money to the states with more authority for the states. The states are in far better positions to determine how best to meet the aims of cleanup and enforcement. With a formula for distributing the funds based on what the states contributed to the fund, a far greater positive impact can be made in cleaning up our environment; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to provide for the distribution of the Leaking Underground Storage Tank Trust Fund's proceeds to the states for cleanup projects determined by the states; and be it further

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

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

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

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 165, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 1998; to implement the appropriations within the budgetary process; to make appropriations for planning and construction of state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to

provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of 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 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 Technology and Energy submits the following:

Meeting held on Tuesday, June 3, 1997, at 3:00 p.m., Rooms 425 and 427, Capitol Building

Present: Senators Dunaskiss (C) and Byrum

Excused: Senators Schuette, Rogers and Berryman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Retirement submits the following:

Meeting held on Wednesday, June 4, 1997, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Steil (C), Cisky and A. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Meeting held on Wednesday, June 5, 1997, at 9:30 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Hoffman (C), DeGrow and O'Brien

Notice of Intent

Pursuant to Joint Rule 16, Senator Peters filed a Notice of Intent to reconsider on the next legislative day the vote by which the following bill was passed:

House Bill No. 4306

Scheduled Meeting

Insurance Issues Subcommittee, Legislative Retirement Board of Trustees - Tuesday, June 10, at 1:00 p.m., 3rd Floor Conference Room, Roosevelt Building (3-0575).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:40 p.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.