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STATE OF MICHIGAN  
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Senate Chamber, Lansing, Thursday, December 4, 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 Assistant Secretary of the Senate, who announced that a quorum was present.

Bennett—present  
Berryman—present  
Bouchard—present  
Bullard—excused  
Byrum—present  
Cherry—present  
Cisky—present  
Conroy—present  
DeBeussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present  
Emmons—present

Gast—present  
Geake—present  
Gougeon—present  
Hart—present  
Hoffman—excused  
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 Steve Brown of the First Baptist Church in Laingsburg offered the following invocation:

Our Father and our God, we thank You so much for the privilege of being born in America and for privilege of being here today. Thank You for these folks represented. I pray that You give them strength of character and strength of conviction. Lord, thank You for the privilege for serving in this capacity. I pray, most of all, that everyone here would honor and glorify You, their God, for we ask it in Your name. Amen.

Senators Rogers, Miller and Posthumus entered the Senate Chamber.

### Motions and Communications

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

Senator DeGrow moved that Senators Bullard and Hoffman be excused from today's session.  
The motion prevailed.

Senator Dunaskiss entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 3:

**House Bill Nos. 4048 4254 4849 5115 5121 5125 5136 5222 5371 5373**

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, December 4:

**House Bill No. 5370**

By unanimous consent the Senate proceeded to the order of

### Resolutions

Senators Vaughn, Cherry, North, Stallings, Miller, A. Smith, Dingell, Young, Byrum, Berryman, Koivisto, O'Brien and Schwarz offered the following concurrent resolution:

#### **Senate Concurrent Resolution No. 54.**

A concurrent resolution of the very highest praise, tribute, gratitude and thanksgiving offered as a memorial and celebration of the good life of the Honorable Coleman Alexander Young, Tuskegee Airman, Civil Rights Leader, Michigan Legislator and beloved Mayor of the people. He was the city of Detroit's first African American mayor and a legend in his own time. A strong and tenacious leader, he will be greatly missed by his family, friends, admirers and many people throughout the city of Detroit, the state of Michigan and the world.

I will not follow where the path may lead,  
but I will go where there is no path, and  
I will leave a trail.

—Muriel Strode

For I am now ready to be offered and the time of my  
departure is at hand. I have fought the good fight,  
I have finished my course . . .

—II Timothy 4:6-7

If there is no struggle, there is no progress.  
Those who profess to favor freedom and yet deprecate  
agitation are men who want crops without plowing up the  
ground. They want rain without thunder and lightning.  
They want the ocean without the awful roar of  
its many waters.

—Frederick Douglass

Whereas, It is with a deep sense of loss and heartfelt sorrow that the members of the Michigan Legislature, the citizens of our great state and the city of Detroit record the passing of the Honorable Coleman Alexander Young. Gone from among us is a remarkable, gifted man who so steadfastly fought for human dignity and advocated the progress of human rights through his entire life. The highly esteemed mayor of our state's largest city for 20 years, he was also one of our nation's most renowned civil rights leaders. Throughout his impressive life, he had a tremendous impact due

to his penchant for hard work, his tenacious and dynamic personality, and his strong leadership, which he offered generously. A man of pride and dignity, he worked diligently to champion the causes of those whose voices could not be heard; and

Whereas, Mayor Coleman Young was born on May 24, 1918, in Tuscaloosa, Alabama, the oldest of five children to the loving union of Mr. William Coleman Young and Mrs. Ida Reese Young. The Young family moved to Detroit in 1923, where Mayor Young was one of two Black students in his class at St. Mary's Catholic School. A top student throughout his education, he attended Eastern High School and graduated second in his class. Despite his excellent grades, the University of Michigan and Wayne State University refused him academic scholarships because of his race. These events would serve as catalysts that fueled his desire to make fundamental social changes; and

Whereas, The myriad achievements of Mayor Coleman A. Young have been channeled through a host of important and distinguished positions. Indeed, he has directed his limitless energies and creative leadership through his efforts to organize labor unions, which got him blacklisted and kept him unemployed for long stretches of time. As a Tuskegee Airman and the nation's first African American bombardier during World War II, he protested racial discrimination in housing. Not allowed to fight in the War due to racial discrimination, Airman Young established a group of 100 African American officers who staged a sit-in at the "Whites Only" Officers Club at Freeman Field, Indiana. Imprisoned for their actions, the strong stance led to the end of segregation at the club; and

Whereas, After the War, Mayor Young renewed his commitment as a union organizer, where he was elected the director of the Wayne County AFL-CIO and he served as executive secretary of the National Negro Labor Council (NNLC). In 1952, his efforts brought him before the House Un-American Activities Committee that tried to get Mayor Young to give testimony that would implicate his associates as Communists. Mayor Young repeatedly challenged the committee's existence, saying it was unconstitutional for them to question his patriotism for his work to enable Black workers to fight for decent working conditions and salaries. He reprimanded Southern committee members for denying Blacks the right to vote and the right to economic opportunity through intimidation and lynching. As the sixties dawned, he directed his energies to politics, becoming a force in shaping national social policies; and

Whereas, Mayor Young was a delegate to the Michigan Constitutional Convention in 1961, where a new State Constitution was drafted. In 1964, Mayor Young won a seat to the Michigan Senate and his colleagues selected him as Democratic Floor Leader two years later. While serving nine years in the Michigan Senate, he also became the first African American of the National Democratic Party. As a state and national leader, Senator Young fought for integration of police departments. Thus, in 1973, Senator Young ran for election as the first African American mayor of Detroit. In addition to implementing his affirmative action policies, Mayor Young's alliances kept many major businesses in Detroit and provided for the expansion of Cobo Conference/Exhibition Center. During his tenure, Detroit suffered through the 1974 oil embargo that crippled automakers, economic instability and a population exodus. Mayor Young remained committed to his vision of a renaissance city and led Detroit to a rebirth. He initiated projects that expanded City Airport and he focused on riverfront development, provided for affordable housing and strong neighborhoods; and

Whereas, This pioneer was re-elected as mayor of Detroit for an unprecedented fifth term. His profound and positive influence was strongly felt in Detroit even after he did not seek re-election in 1994. Mayor Young met all his challenges with a full head of steam and a limitless passion for his belief. His fans, friends, colleagues and family are grateful for his contributions, but deeply saddened at his passing; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we pause in our deliberations to offer these words of praise, gratitude and respect as a memorial for the good life of a legend in the truest sense of the word, the Honorable Coleman Alexander Young; and be it further

Resolved, That a copy of this resolution be transmitted to his dear family and the city of Detroit, where he was Mayor for 20 years, as a reflection of the Michigan Legislature's enduring esteem.

Unselfish and noble acts are the most radiant  
pages in the biography of the souls.

—James Thomas

Each honest calling, each walk of life, has  
its own elite, its own aristocracy based on  
excellence of performance.

—James Bryant Conant

What I have done...serves to validate my own  
personal worth and dignity. You know, as a  
poor person, as a person of working class origin.  
I think people of these characteristics have been  
kicked around. I was determined to do something about it.

—Coleman A. Young, 1977

Mayor Coleman Alexander Young cannot be described as just a great man. He was an exceptional leader and his contributions to social reform and to our lives will long be remembered. He has truly left his mark of excellence on our government and our society. Thus, as the mighty oak rises to grasp the rays of sun, so shall his presence remain etched in our consciousness.

—Senator Jackie Vaughn III  
Associate President Pro Tempore  
of the Michigan Senate  
Chairperson, Michigan Martin Luther  
King, Jr. Holiday Commission

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 question being on the adoption of the concurrent resolution,

Senator DeGrow moved that senate concurrent resolution be read in its entirety.

The motion prevailed.

The senate concurrent resolution was adopted by a unanimous standing vote of the Senate.

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

Senators Vaughn, V. Smith, Stallings, O'Brien and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Vaughn's statement is as follows:

I'd like to just say thank you very much from all of the people of the state of Michigan, particularly those in Detroit. I recognize that this is not often done, but I think in this case, deserve this kind of recognition. I want to thank you because it is interesting in a body like ours we have differences and that's one of the things that makes our country great when we have the opportunity to dissent and not to agree with everything that's said on this Floor. So I wanted to just thank you very much for all the people in the state of Michigan for this tremendous recognition.

Senator V. Smith's statement is as follows:

I have anguished over making a statement regarding the Mayor. I have a lot of different thoughts when it comes to Mayor Young and a lot of ideas that I would like to pass on to this body about the Mayor, about his service here, about his service to the people of the City of Detroit. I probably won't have words that are adequate enough to express my feelings about the Mayor and I do call him Mayor for very specific reasons.

Coleman Young, one, was a friend of my father. My father was about four months older than the Mayor and they were old friends and they were contemporaries. The Mayor reminded me a lot of my dad because my dad was as tough as nails. He was a very tough man and he was a man who was tough because of the times that he lived in and the way he had to be in order to raise his family the way he felt he needed to raise them and to represent his manhood in the way he felt he should sufficiently represent it. And the Mayor reminded me a lot of him. I think if you reflect on Black people in this country and where we have come from, what we have had to deal with, you can understand the personality of a Coleman Young or the personality of a Virgil Smith, Sr. and you can understand the tenacity that comes from that—the readiness to battle, the readiness to engage in a fight, the readiness to try to be truthful and honest and speak to one's true convictions.

Now I know that Mayor Young was not a beloved figure throughout this state and I know there were many in this Capitol who have disagreed with him at one time or another. I know that he has been attacked, if you will, from this Capitol. He served here, he was a member here. He knew this process. He knew many of the players here but in order to understand Coleman Young, Mayor Young, I think that you need to understand what he represented not only to me but to all of the Black people in the City of Detroit and probably around this state and probably throughout this country.

Coleman was unique. He was unique because of timing. If you look at the country, many of us don't reflect on the racial divide in this country. We don't reflect on what it means and we don't reflect on how it impacts us as a people. But it indeed impacts us. Race is a tough issue in America and I think it's such a tough issue because we have never really dealt with it. We set it aside; we don't like to have it in our face. We don't really want to think about race because when we think about race, it brings up all of the history that race represents. It brings up all of the history of this country.

Now, a lot of the history of this country regarding race is good history because we have had a lot of good people stand up. We had a lot of good people who said that it is wrong to treat humans as nonhumans, to treat them as shadow, to treat them as property. It is wrong to divide families, it's wrong to destroy people's culture. It's wrong to not recognize the diversity and strength of other individuals and cultures. I think that if you look at this country and the history of slavery from the beginnings of this country up until slavery was ended in this country in 1860 by President Lincoln and then a hundred years later in 1954, from 1860 to 1954, slavery is gone but it is replaced by a system that still separates people, that still divides them, that still puts barriers between them and still creates a subclass and an underclass. We had Jim Crow, segregation after slavery was ended and all of that was done to keep people subjugated, to keep them enslaved, to keep their minds enslaved, to keep them in a way where they continue to offer free service to this country—free service which, by the way, helped build the economies in both the South and the North. Many times you've heard me say that America was built on the backs of Blacks and in a lot of ways, that's true. So, if you understand, get a feel a little bit for that history, you get a feel for the Blacks trying to escape the South in the 1930s and 40s, trying to escape the lynchings, trying to escape the level of degradation. Can you understand your grandmother or your grandfather who worked all of their life, who raised your parents, who raised you, who have tried to give you the culture and the direction of family being treated in a disrespectful way. A man who may have lived 70 or 80 years of his life still being called boy, still not having a name where he is given any type of recognition, still being asked to give deference to those that are half his age or three-quarters of his age, to have a mother or your grandmother be talked about and referred to in a disrespectful fashion?

If you can understand that, you might understand where we come from as a people, where the ghettos that were created in the North. As we moved from the South to the North, we didn't reach equality. We didn't reach the heaven land. We came to the North and we still face racism. We still face prejudice. We still face segregation. We still face being crowded into the ghettos of urban cities and given the worst and the dirtiest, hardest jobs in the plants. We were brought up here with the \$5 a day wage and, believe me, the South didn't like it when it happened. There were arguments going on in industrial sectors about you stealing our workers but Henry Ford knew he needed workers to fill his plants. He attracted workers here and then use the Blacks to try to divide the Whites.

So, we have such a history and Mayor Young was in the middle of a lot of that history. He was an early union organizer. He believed in the unions. He believed that the unions would at least want to stand by the principal that every working man should be treated the same and fairly and if they stood by those principals, then maybe he could stand by them. He demanded respect. He wanted equality. He wanted to see this country recognize the value of this diversity. He might have been overboard at times. He might have been abrasive at times but he legitimately represented the aspirations of the Black community out of the City of Detroit and probably around this country.

The attacks that occurred to Mayor Young were not attacks on him. They were attacks on Jackie Vaughn. They were attacks on Henry Stallings. They were attacks on Virgil Smith because we understood in my community that the attacks on Mayor Young were really attacks on our community as a whole. And he was being attacked because he represented a legitimate thrust of involvement and power in the system and there were many in this country, there were many in this state did not want to see us involved on any level. They didn't want to see a Black state Senator standing on the Floor of the Senate having the ability to be here and speak to his colleagues. They did not want to see us involved in economic, political or any other system. We had been a subservient people. We still to a great deal now are still a subservient people. We did not have a voice—we had never had a voice and he was a legitimate representation of that voice. He did it in a way that was made those in my community very proud because he didn't step back, he didn't chuckle, he didn't smile the way Blacks were allowed early on in the screen industry. The only way we could appear in the movies as if we were shuffling and trying to make you laugh. We couldn't appear as a man. We couldn't appear like we had any sense. We couldn't appear like we had a family and like we had a participation and an involvement in this country. We had to be buffoonish before any images of us were allowed to get out to the media at large, the people at large. So, Coleman Young was not that way. He was not a buffoonish man. He did not appear as a buffoonish man. He did not represent himself in that way. He represented himself in a way that he knew represented the legitimate aspirations as the first Black mayor of the City of Detroit.

It was a long road to get there. We've had Black folks in Detroit for almost 200 years. Our numbers were small. As our numbers grew, we were forced into these little ghettos. You should have come out to black bottom. You should have come out to south-west Detroit and seen eight or nine families stuffed into a two- or three-bedroom house trying to make a living for themselves and their families and trying to have the legitimate aspirations of any other American wanting a home for their family, a yard for their children to play in, a good education for their kids and a better life for their children than they have for themselves. And that's part of the American dream. That's what the American dream should be about.

The diversity of this country is its strength and one day we might recognize it. One day we might even honor it and wallow in it because, if we do, we will be stronger for it. Coleman, Mayor Young, and I call him Mayor Young because I have a respect for the man and when he first became Mayor, we saw time and time again what the newspapers would want to refer to him as Coleman, Coleman or Coleman Young or Mr. Young; they didn't want to give him any respect. They didn't want to respect the fact that after all of those years of fighting in the City of Detroit, from Bill Patrick, the

first Black councilman in 1956 to Alvin Davenport, the first Black recorder's court judge in 1962, and every step was hard for us. Every step we took we were pushed two steps back—maybe three steps back. When the first Black judge was elected to recorder's court, he was appointed. He was appointed by Governor G. Mennen Williams and he lost in the next election. He lost in the next election because Black people were not in the majority in the City of Detroit and you and I both know that for a long time, historically, people have voted along racial lines and that is still true to a great extent today.

You have to understand, I just want you to try to understand a little bit of what it meant to be raised in the City of Detroit when you didn't have the ability to seek opportunity and it didn't make any difference about your personality, it didn't make any difference whether you were a good person, it didn't make any difference whether you were a hard worker, it didn't make any difference whether you had a good education, it make any difference. The difference was, if you were Black, you were excluded. I can cite you Bible and verse, time and time, things that I've seen in my lifetime, and I'm 50—I've seen a few things, but the things that I've seen in my lifetime, what I've experienced to understand what Mayor Young meant, you'd have to understand how we were locked into our communities, how we were set upon by a police department that was hostile, that was racist, that was some 96 percent White when Coleman Young took over as Mayor, in a city that was over half Black when he became Mayor, a police department that was 99 percent White. I mean, it's a shame that in 1997 I can sit here and talk about the first Black this or the first Black related to my particular community. We were excluded and we were excluded as a people.

Mayor Young represented the legitimate aspirations and the legitimate growth of our involvement in the political process to the extent where we finally had elected a person who got to have some input as to what happened in our community and whether we could have some say as to how we were treated as a people within the state of Michigan and within the City of Detroit. I think the Mayor represented all of those things so that's why today you'll see lines and lines of people standing out in the rain. That's why you saw them standing out in the rain past midnight last night. Standing out there to go and view his body. They were lined up this morning at 4:00 in the morning. At 4:00 in the morning the lines starting forming outside of the African-American Museum to view Coleman Young. I know how many of you in this state may not have understood all of what he represented and where he came from but some of us did. Not only did we understand, we were trained to help fight back.

I can tell you that I was blessed to know the man. I can tell you that I have been a loyal supporter of his and I have had that loyalty returned to me. I feel kind of like *deja vu* to be standing here in the position that I hold because I am only the second Black in this state's history to stand here as the Floor Leader of one of the major parties in this state and to be able to lead the fight for Democratic principles on my side of the aisle. I'm proud of that fact, too, and I'm proud of my colleagues for electing me to that position.

I'll end my comments. I'll let my other colleagues give you their thoughts. I know there are not many here—maybe no one here—that served with the Mayor when he was here from 1964 to 1973 but he is deep within our hearts and his legacy will live on. It will hopefully live on in all of us.

Senator Stallings' statement is as follows:

I rise today in support of the resolution honoring Mayor Coleman Young. History will long recall Young's fight for justice. Coleman Young may be gone, but clearly he will be a man for all the ages and times to come. As I sat here and I listened to my distinguished Floor Leader talk about our Mayor, I was reminded of my long history with this great man. His legacy as Detroit's first Black and longest serving mayor, as a proud, dedicated and loyal Democrat and as a pioneer in the Civil Rights Movement will long endure the test of time.

I had the pleasure of knowing the Mayor because he was a good friend of my father and my family. There were many evenings that he would be in the basement of my father's or uncle's home because he had a penance for fine champagne. It was wonderful to just be able to sit in a corner listening to them talk about the politics of the day. Little did I know that in 1973 I would be in another basement, with the then-infamous Bob Millandar and a number of other Detroit notables, where he was discussing his run for the Mayor's office. All of you will recall during that time that there was gentlemen by the names of Judge Bell and Ravits who were the opposing candidates. No one wanted to embrace the Mayor. He ran on an affirmative action and elimination of stress campaign and ended up winning the primary. I can recall the day after the primary all of the people who came to the table to support his then obvious election went to the Mayor's office in the city of Detroit.

Is it important for us to recognize that here's a man who was a tailor's son, who overcame racism to become Detroit's first Black mayor. Although we mourn the passing of this legend, known as Coleman Young, it is important for us to understand some of the things that made him who he was and how we will recall Coleman Young in years to come. I think in the long-term he will be thought of as a great mayor. When historians do a cold analysis of him, they will say, "This was a guy who tried to keep the city from falling apart while the economy was undergoing tremendous change." If you will recall during the tumultuous 70's and 80's, we were going through basically a depression and the city fell apart. They weren't able to get federal funds, the state funds were slow in coming, and yet, we had a mayor who a lot people remembered as a brash, tough talking mayor with a mind of a political genius and the instincts of a brawling street fighter.

I remember when the Mayor was first elected to the DNC and he was an intensely loyal old-fashioned Democrat who vigorously fought for the bread and butter issues of common people, especially African Americans. I remember a quote from him where he would always say, "That I am an African American first and then a Democrat." That kind of embodied the mindset of this wonderful mayor. He was also a person who was able to change public policy to benefit African Americans and also help spur the Civil Rights Movement. To me, that's what Coleman Young represented—the Civil Rights Movement. He paved the way for today's generation of big city Black mayors. I am reminded of a quote from our current mayor who says that he now can emphasize and realize the major task that Coleman Young was confronted with governing this city.

His legacy, although we have heard a number of those items memorializing in this resolution and heard the distinguished Floor Leader talk about some of them, I would like to share some of the things that come to my mind in terms of what made Coleman Young a legacy. It's true that he was credited with steering Detroit clear of bankruptcy in 1981, leading businesses, rebuilding residences along the Detroit River and racially integrating the fire and police departments. I think that anyone you talk to will speak to that. We already know that in 1974 he was the first African American Mayor for the city of Detroit. But then three years later, what's interesting is that he secured the City Council approval to build Joe Louis Arena. Then in 1977, again, he secured a deal with the Detroit Tigers for the city to take over and renovate Tigers Stadium, so that the team could play there into the 21st Century. So it is not unusual when we look back just a few months and we see that now we have not only the Tigers' building—a brand new stadium in downtown Detroit—but we have the football team building—a new stadium in downtown Detroit. So what we see here is Coleman Alexander Young's footprint again, ever present in economic development initiatives here in the city of Detroit.

In 1977, it was Coleman Young who persuaded the Red Wings to cancel their move to Oakland County and to play at the Joe Louis Arena. So here's a person who had insight—who had introspection and understood—to pull a major city of this magnitude together.

I talked about him steering Detroit of bankruptcy in 1981, but let me just speak to you about that in some degree of specificity. Here's a mayor who kicked off and implemented complicated bail-out plans to reduce a \$135 million budget deficit, and then only five months after unveiling the plan, all of the components were in place, putting the city's budget back in balance. This is phenomenal. You can ask anyone on Wall Street and they will equate that to almost being miraculous.

In 1983, the Mayor broke ground on the \$202 million People Mover that went around in a circle and people made fun of it. Why are we having a People Mover that simply just goes around in circles? As we look to 1997, it becomes even more evident as to the logic behind it, because he had a vision that casinos, stadiums and other downtown development would take off and people needed a method of transportation to move people around the downtown area. Now with the three casinos, two stadiums and the existing entertainment network that is already in place, the People Mover development plan makes a lot of sense.

He wasn't one to gloat in accolades that people bestowed upon him, but I want to take time to talk about 1984 when Mayor Young received the Mayor of the Year Award from the National Urban Coalition for his outstanding contributions and initiatives in urban America and what happened in the city of Detroit.

All of us remember the fires that used to take place during the Halloween weekend. In 1985, he was instrumental in reducing Devil's Night arsons after mobilizing thousands of city employees and volunteers to watch over abandoned houses and abandoned buildings. That same initiative is being carried on today by our present Mayor with tremendous success. But he had the insight that we needed to use our own to protect our own assets and it worked.

I remember in 1988, when the Mayor appointed a 64-member committee to study casino gaming in the city of Detroit. He knew then that that initiative would be something that would help spur the revitalization of the city of Detroit, and three referendums later after he's out of office, we now see it coming to fruition. Again, we see Coleman Alexander Young's footprint ever present in the city of Detroit.

In 1990, when we were looking at the possibility of losing federal and state funds based on our million-person census count, again, it was Coleman Alexander Young, our Mayor, who launched an effort that found 120,000 Detroit residents who were missed by the U.S. Census.

Then in 1993, the Mayor made a tremendous decision that impacted the lives of so many people. He decided that he would not seek re-election. All of us were hurt because we knew that we were losing a tremendous leader. Here's a man whom I am sure history would judge him as a linchpin in the renaissance of Detroit. He was truly a person who showed everyone across this country, this state and this city how to build effective coalitions to get things done; how to build coalitions that brought to the table financiers like Toddman, Fisher and Ford to turn the city of Detroit around to build the Renaissance Center; to build the shopping centers that are taking place in the city of Detroit; the housing developments and so many developments that are too numerous to mention.

So when I reflect on the life and performance of Coleman Alexander Young, I am left with this one comment: His legacy will live on in the hearts of many. We will remember his life and the stand that he took for us. And hopefully, we will never let those memories die.

Senator O'Brien's statement is as follows:

I think I would first like to say that Senator V. Smith and I both came to know the Mayor as very young men. Through our fathers. There use to be an office in this building that had a sliding glass door wall and that was the Mayor's, then Senator Young's office. That relationship continued from the mid 1960's. I believe the Mayor was elected to the Senate in 1964. That is very shortly thereafter, when he was the Democratic Floor Leader, that was the office he had and that is where I met him along with my dad. We kind of passed in the doorway here, when he was elected mayor. In the same token I was allowed the privilege, when he came back to Lansing to do certain business that he had to do, somehow he wound up using my office a lot. To do whatever he had to do. I was most grateful at that time, while I was willing to share my office, he was also willing to allow me to participate in his conversations.

I think the Mayor, if he were in this room right now and simply told us the time of day, everyone of us would leave with a different opinion. This man was so multi-faceted. He defies description. I have heard good things. I have heard bad things. The bad things I do not recognize. I can not see them. Maybe I am short sighted, but I have had the privilege of a long time personal relationship with the Mayor.

In political circles in Detroit, about the quickest way to bring a discussion to end is very simply all that it implied: "What the man say?" What the man say. He was the Mayor, everybody knew that, but the bottom line is - stand in any group today and somebody says: "Well, what the man say?" The first thing you are going to get from me and a whole lot of folks down in Detroit is: "who?"

He captured hearts. He may have been controversial, there is no question about that. But he had the unique ability to capture the heart and the mind. There is no question that the Mayor and the man did not suffer fools. I learned that quite quickly, not to imply that I was one, but we all start in politics and we certainly do not know everything. There is one thing that I learned very early on. You never asked a question of the Mayor, or the man and then try to come back on him with it. Because his response was, rather salty at least, by virtue of the fact look you have already asked me. I already told you. What don't you understand? That is the kind of man he was.

I have had the opportunity to set with him and an international leader of a major union in this country, who I also shared a close personal relationship with, and had been allowed the privilege to observe, to learn. Many of the accusations that I find that I do not recognize, then I say those that would make those kinds of remarks never got to know the man. Never got to know the Mayor. Never benefited from his council.

I have been summoned to the Manoogian for a one-on-one and that was like walking into the den of the tiger. Because to truly look and to reflect upon his life you knew that if you had a friend in Coleman, the man and the Mayor, he was your friend. The Mayor valued one thing most highly. I was told many years ago by both this labor leader and the Mayor to remember three things and you won't have a lot of trouble son. That is loyalty, loyalty and loyalty. Those that gave got. Those that pretended got what they deserved. He was a man's man. He was a friend to all people, of all races, of all creeds, of all colors.

Tomorrow is the kind of day that I certainly do not relish, because I have had the opportunity to experience a very unique individual. There will never be another. That is probably the greatest shame of it.

I did seek his council after he retired. We did have chats on the phone after he retired. To have had the ability, because of his unique grasp. The Mayor was a quick study. That is why he suffered fools poorly. The thing to remember is that he was truly the Mayor of all of the people of the City of Detroit. I can fight that argument and I can fight that statement. I can fight any remarks made about the man, because he was truly unique, truly multi-faceted. It is being demonstrated now. The last few days. That city has ground to a stand still. That is because they are all standing in line. They are all standing in line. Simply because there is a deep abiding need to do that. He had the ability to reach out and simply touch the hearts and minds of people. I think he will long be remembered as one of the greatest individuals this state has seen and probably ever will. That is a pretty broad statement, but he was a big man and he is remembered as such. That is how he will always be held in my heart and mind. He is the man. He was the Mayor. There is a whole lot of us who are going to have a tough time with this.

Senator Young's statement is as follows:

I rise to certainly make a few comments about Coleman Alexander Young. And in doing that, I would like to build a little history around how it is that I came to know this individual. Being very young, one of the things that my father, former Representative Joe Young, Sr., believed in was that he had a responsibility to not only watch us as my mother did, but that each experience had to be one in which he was providing us with an opportunity.

So therefore, through my youthful experiences, I had an opportunity to know a lot of giants. I had an opportunity to know former Senator David Holmes, whose seat I am told I'm sitting in. I had an opportunity to know former Basil Brown. In addition, of course, I had an opportunity to spend about 12 years in the Michigan House of Representatives with my father, Joe Young, Sr. As well, and at a very young age, I had an opportunity to know Coleman Alexander Young.

One of the memories that I have most of all—I've said this him during the time that he and I used to hold meetings—is that he owed me for one specific reason. That reason was that I was a young person of 12 years old playing softball at Chandler Elementary and my father came up to the playground, took me off the playground, took my bat, ball and glove and told me that I had to go work at the polls to help then-Con-Con Delegate Coleman Alexander Young become a State Senator. That became my introduction to Coleman Alexander Young. I think when we're younger, we don't like those kind of experiences that later we come to understand. What my father was teaching



me by way of Coleman Alexander Young becoming the first State Senator in our area—of which we knew—was as important as the decisions that are being made not only in your family, but in your community as well. In order to do that, you had to put yourself in a position to be at the table to negotiate. You had to put yourself in a position in which people respected you. Then, most important, you had to believe that education was the key for you to escape any kind of circumstances you wished to during the time that you were growing up.

Later in life, I found that he actually lived that. He read a lot. He watched a lot of TV. I don't know how many meetings I had an opportunity to meet with him one-on-one where we watched six different monitors of news from around the world and around the country. He was a commanding consumer of that information and well-read, which allowed him to make decisions which he felt would impact upon the lives of all people.

I want to make the point that it was for the lives of "all" people. While we recognize that Coleman Alexander Young was one to fight for the underdog, that underdog did not have to be Black; that underdog did not have to be a woman; that underdog did not have to be fat and didn't have to be short; and that underdog did not have to be a perfect citizen. But he fought for the underdog. I think throughout his career you can see this because later as Mayor of the city of Detroit, he was responsible for bringing economic development projects to the city, of which we can speak to which was a great controversy, and that was Poletown, the GM-Cadillac Plant. But yet, early in his career, he was the one who actually shepherded legislation and sponsored legislation that made sure that individuals who were removed from their homes for an economic development project were so compensated.

I think also we need to look at some of the other things that he did because we talk about his position as being the Minority Leader here. But what's most important is that position allowed him to negotiate on behalf of all individuals here in the state of Michigan. Our bails person laws that we currently have in which you're able to provide 10% to the court, as opposed to going to a bails bondsman, was due to Coleman Alexander Young.

As I mentioned, urban renewal—to make sure that people were duly compensated for being removed for a project was due to Coleman Young. But over the 50 years of his political career, we had an opportunity to see what it takes for one to survive the timeliness of issues as they change. I think that's what we ought to have learned from the experience of his life.

Being first is fine. Being second is more difficult. Being third is extremely difficult. But if we don't have the kind of experiences that take us into the future, that give us the vision of where we ought to be and ought to be going, then we haven't listened or watched or experienced the life of Coleman Alexander Young.

It's important for us to realize that if you believe in fairness—and fairness doesn't come in colors; if you believe in fairness—fairness doesn't come to you whether you're rich or whether you're poor; if you believe in fairness, then it means fighting for the underdog and giving that individual the opportunity to contribute to society. That's what I believe Coleman Alexander Young was all about. He was all about teaching, if there's such a word. I was always taught that experience was all we had, whether we learned anything or not is one thing. But it provided the experiences for people and individuals to have a stake and to participate in what we call the Great American Dream. There's a great sacrifice for that. I remember that being said not only by him, but by my father. What you put in is what you get out. Regardless of our principles and what individual he or she may think they are, there's a sacrifice to be paid for that. At the point that we lose sight of that fact, then we've lost what we're here for.

So if we were to eulogize the Mayor; if we were to eulogize the Senator; if we were to eulogize the Con-Con Delegate; if we were to eulogize the almost-State Representative; if we were to eulogize the labor leader; and if we were to eulogize the individual, I think what we ought to be saying is that Coleman Alexander Young was for the underdog. And that's what I would like for him to be remembered for.

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

**Senate Resolution No. 71**

The motion prevailed.

**House Concurrent Resolution No. 21.**

A concurrent resolution to memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

**Senate Resolution No. 106.**

A resolution to accept and endorse the findings of the Michigan Environmental Science Board regarding directional drilling under the Great Lakes; to urge the Department of Natural Resources and the Department of Environmental Quality to implement the report's recommendations promptly; and to offer legislative support for efforts to further protect Great Lakes bottomlands.

The question being on the adoption of the resolution,

The resolution was adopted.

**Senate Concurrent Resolution No. 37.**

A concurrent resolution to approve a designated open space land application and a local open space land application on appeal.

The question being on the adoption of the concurrent resolution,

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

**House Concurrent Resolution No. 46.**

A concurrent resolution to memorialize the Congress, the President, and the Federal Trade Commission to maintain existing standards for the use of the "Made in USA" label.

Whereas, The consumers of this country are well served by regulations on the labeling of products. A requirement that has been most effective in informing potential purchasers of the quality of an item is the standard for indicating where something is made. Since 1994, this has been even more helpful to consumers by regulations set for "Made in USA" (or "Made in America") labels. At that time, federal law was amended to require that "all or virtually all" of a product had to be domestically made to qualify for the label; and

Whereas, The Federal Trade Commission is reviewing the impact of the "Made in USA" standards. One proposal suggests that the standards be changed significantly, so that a product could carry the label with less American-made content. Under the proposal, a product would qualify for the label with at least seventy-five percent of manufacturing costs incurred in the United States or with the final two production steps completed here; and

Whereas, The proposed new standards would amount to false advertising. Making it easier for foreign-made products to be identified as made here is misleading to our consumers. Our national policies should encourage other countries to increase their standards for workers and conditions rather than make it easier for them to pass their goods off as American made. To alter these requirements would be an affront to companies and workers already adhering to practices Americans appreciate highly; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress, the President, and the Federal Trade Commission to maintain existing standards for the use of the "Made in USA" label; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

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

Senator A. Smith offered the following resolution:

**Senate Resolution No. 111.**

A resolution to urge the Department of Environmental Quality to include in its proposed new rules on groundwater certain provisions to protect the quality of the state's groundwater.

Whereas, The Department of Environmental Quality is presently working on a proposed rules package on groundwater permits. The proposed rules allow the discharge of pollutants into uncontaminated groundwater sources; and

Whereas, With its unique location amid the largest volume of accessible fresh surface water in the world, Michigan has a strong interest in preserving water resources. Our commerce, agriculture, recreation, health, and character are dependent upon safeguarding water for present and future generations; and

Whereas, Michigan law prohibits polluting the waters of the state. It is illegal to discharge, either directly or indirectly, harmful substances that are or may become injurious to the health of our citizens or impair the use of the state's waters for agriculture, commerce, or recreation; and

Whereas, Cleaning up contaminated groundwater is both exceedingly time consuming and prohibitively expensive, for it costs the taxpayers of Michigan hundreds of millions of dollars and small amounts of chemical contaminants can render large amounts of groundwater unusable; and

Whereas, Proposing to permit chemical pollutants to be discharged into uncontaminated waters also increases the likelihood of more development in open areas of the state instead of redeveloping and cleaning up other areas. The proposed Department of Environmental Quality rules redefine "nondegradation" in a manner that will not encourage the redevelopment of brownfields. This will impede efforts to deal with long-term problems facing this state, including moves to better use our infrastructure, especially in our cities; and

Whereas, Michigan's future is closely tied to the quality of our water resources. Steps should not be taken to jeopardize them or to initiate measures inconsistent with our statutes; now, therefore, be it

Resolved by the Senate, That we urge the Department of Environmental Quality to include in its proposed new rules on groundwater provisions to encompass more closely the concept of “nondegradation” currently included in the rules; provisions to foster the redevelopment of brownfield areas and to discourage urban sprawl; and provisions to require pollution prevention before any discharge is allowed to the groundwater of this state; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Environmental Quality and to the Office of the Governor.

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

Senators Young and Berryman were named co-sponsors of the resolution.

Senator A. Smith offered the following concurrent resolution:

**Senate Concurrent Resolution No. 53.**

A concurrent resolution to urge the Department of Environmental Quality to include in its proposed new rules on groundwater certain provisions to protect the quality of the state’s groundwater.

Whereas, The Department of Environmental Quality is presently working on a proposed rules package on groundwater permits. The proposed rules allow the discharge of pollutants into uncontaminated groundwater sources; and

Whereas, With its unique location amid the largest volume of accessible fresh surface water in the world, Michigan has a strong interest in preserving water resources. Our commerce, agriculture, recreation, health, and character are dependent upon safeguarding water for present and future generations; and

Whereas, Michigan law prohibits polluting the waters of the state. It is illegal to discharge, either directly or indirectly, harmful substances that are or may become injurious to the health of our citizens or impair the use of the state’s waters for agriculture, commerce, or recreation; and

Whereas, Cleaning up contaminated groundwater is both exceedingly time consuming and prohibitively expensive, for it costs the taxpayers of Michigan hundreds of millions of dollars and small amounts of chemical contaminants can render large amounts of groundwater unusable; and

Whereas, Proposing to permit chemical pollutants to be discharged into uncontaminated waters also increases the likelihood of more development in open areas of the state instead of redeveloping and cleaning up other areas. The proposed Department of Environmental Quality rules redefine “nondegradation” in a manner that will not encourage the redevelopment of brownfields. This will impede efforts to deal with long-term problems facing this state, including moves to better use our infrastructure, especially in our cities; and

Whereas, Michigan’s future is closely tied to the quality of our water resources. Steps should not be taken to jeopardize them or to initiate measures inconsistent with our statutes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Department of Environmental Quality to include in its proposed new rules on groundwater provisions to encompass more closely the concept of “nondegradation” currently included in the rules; provisions to foster the redevelopment of brownfield areas and to discourage urban sprawl; and provisions to require pollution prevention before any discharge is allowed to the groundwater of this state; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Environmental Quality and to the Office of the Governor.

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

Senators Young and Berryman were named co-sponsors of the concurrent resolution.

Senator Emmons offered the following resolution:

**Senate Resolution No. 112.**

A resolution to memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations.

Whereas, Our country has made significant strides in revamping our system of welfare. Through landmark federal legislation and the leadership and cooperation of the states, disincentives have been replaced by workfare opportunities to help people gain self-sufficiency; and

Whereas, The new federal provisions on assistance require those able to work to move to employment and/or training. However, this effort is hampered by a recent ruling by federal labor officials. In April 1997, the United States Department of Labor ruled that a host of labor laws and regulations apply to welfare recipients as well as to other employees. This policy is a major blow to welfare reform efforts; and

Whereas, Subjecting welfare/workfare employment to the same laws and regulations as other employees is counterproductive to the ultimate aims of encouraging all people to seek work and encouraging employers to provide meaningful opportunities for these men and women. The requirements of the Fair Labor Standards Act, Social Security

taxes, unemployment insurance benefits, and prevailing wage provisions will not open more doors to people needing work. Instead, these provisions make it much easier for recipients and employers alike to abandon a partnership that holds great promise for our nation. There are clearly other means to protect these workfare participants without jeopardizing the advances we are making in replacing welfare with work; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations; 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.

Senators Bouchard, Berryman, Bennett, Gougeon and Miller offered the following resolution:

**Senate Resolution No. 113.**

A resolution to affirm the independent authority of the state to regulate insurance in Michigan.

Whereas, The National Association of Insurance Commissioners (NAIC) is a quasi-governmental association that was created as an advisory body. Its original functions centered around the development of model solvency regulation statutes. Over the years, this organization has expanded its role to accreditation and various regulatory practices. Recently, state officials in several areas of the country have expressed concern that this organization is usurping authority that belongs to the state; and

Whereas, Examples of the conflicts of proper jurisdiction of the state and the NAIC include matters of accreditation, varying standards of accounting and record keeping, and requirements by the NAIC that states adopt specific insolvency provisions. Increasingly, the requirements of the NAIC conflict with state law. Insurance industry representatives in Michigan have also expressed frustration with requirements for voluntary contributions under certain NAIC policies; and

Whereas, Several states have enacted measures to strengthen the authority of their states to regulate and monitor insurance. Maintaining the sovereignty of the state, with accountable lines of authority through elected government, is the key feature of these recent enactments. Michigan is also in the process of considering legislation to tighten our insurance statutes to ensure that state authority is clear; now, therefore, be it

Resolved by the Senate, That we affirm the independent authority of the state of Michigan to regulate insurance in our state; and be it further

Resolved, That copies of this resolution be transmitted to the National Association of Insurance Commissioners and the legislatures of all of the other states.

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 resolution was adopted.

Senators Gast and Schwarz offered the following concurrent resolution:

**Senate Concurrent Resolution No. 55.**

A concurrent resolution to increase the total project cost of the Kellogg Community College Great Lakes Fire Training Institute project.

Whereas, The Kellogg Community College Great Lakes Fire Training Institute project was authorized with a total cost of \$12,000,000 in 1996 PA 321; and

Whereas, Kellogg Community College has estimated that the cost to complete the total project for the Great Lakes Fire Training Institute has increased to \$13,000,000; and

Whereas, Kellogg Community College has agreed to fund the increase in the project cost of \$1,000,000, with the state commitment remaining at \$6,000,000; and

Whereas, Pursuant to Section 246 of 1984 PA 431, being MCL 18.1246, the release of funds for construction may not occur until a total project cost has been established in an appropriations act or revised by concurrent resolution; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Kellogg Community College Great Lakes Fire Training Institute project to an amount not to exceed \$13,000,000 (State Building Authority share \$5,999,900, State General Fund/General Purpose share \$100, Kellogg Community College share \$7,000,000) and that the Legislature intends to continue to appropriate funds for construction, subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the director of the Department of Management and Budget and Kellogg Community College.

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 question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

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

Senator Young offered the following concurrent resolution:

**Senate Concurrent Resolution No. 56.**

A concurrent resolution to urge the President of the United States and the American Heritage Rivers Interagency Committee to designate the Detroit River as an American Heritage River.

Whereas, The President of the United States issued an Executive Order on September 11, 1997, that provides federal support for specific programs to promote natural resource and environmental protection, economic revitalization, and historic and cultural development. This effort, the American Heritage Rivers initiative, encourages local community groups to work together to present ideas for restoring their river communities; and

Whereas, Under the provisions of the Executive Order, the American Heritage Rivers Interagency Committee will select ten rivers for the initiative's first phase. The committee includes numerous federal department heads or their designees, as well as officials dedicated to historic preservation; and

Whereas, Several communities in southeastern Detroit are working together to identify projects and coordinate an application to have the Detroit River included in this program. This is certainly most appropriate, for the Detroit River is a unique resource not only for Michigan, but for the entire interior of North America. The Detroit River, part of the friendliest international border in the world, is strongly linked to the region's past, present, and future. From furs to farming and from mining to manufacturing, the Detroit River has been a vital contributor to the progress of generations; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President of the United States and the American Heritage Rivers Interagency Committee to designate the Detroit River as an American Heritage River; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States and to the American Heritage Rivers Interagency Committee.

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

**Senate Concurrent Resolution No. 49.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Science Facility.

(For text of resolution, see Senate Journal No. 75, p. 1531.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

**Senate Concurrent Resolution No. 50.**

A concurrent resolution approving an increase in the total project cost and a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Power Plant Project.

(For text of resolution, see Senate Journal No. 75, p. 1532.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

**Senate Concurrent Resolution No. 51.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Wayne State University relative to the Wayne State University Undergraduate Library.

(For text of resolution, see Senate Journal No. 75, p. 1533.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

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

**Senate Bill No. 181**

The motion prevailed.

**Senate Bill No. 6, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 217b. The House of Representatives has amended the bill as follows:

1. Amend page 1, line 4, after "BY" by striking out "A" and inserting "THAT".
2. Amend page 2, line 4, by striking out all of subsection (3) and renumbering the remaining subsection.
3. Amend page 2, following line 12, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act takes effect January 1, 1998."

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

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

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

**Roll Call No. 638**

**Yeas—34**

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

**Nays—0**

**Excused—2**

Bullard Hoffman

**Not Voting—1**

Posthumus

In The Chair: President

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

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 full title of the bill.

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

**Senate Bill No. 788, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 1995 PA 216; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1991 PA 179, entitled "An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date," by amending sections 316 and 361 (MCL 484.2316 and 484.2361), section 316 as amended and section 361 as added by 1995 PA 216; and to repeal acts and parts of acts.

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

Senator Posthumus entered the Senate Chamber.

### Third Reading of Bills

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

**Senate Bill No. 200**

**House Bill No. 5228**

**House Bill No. 5229**

**House Bill No. 5230**

**House Bill No. 5232**

**House Bill No. 5233**

**House Bill No. 5234**

**House Bill No. 5235**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 200, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 329a.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 2, following line 4, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following occur:

(a) This amendatory act is submitted to the qualified electors of the state at the general election to be held November 5, 1998, in the same manner as provided by law for proposed amendments to the state constitution of 1963, and approved by a majority of electors voting on the question. If approved by the electors in the manner prescribed in this section, this amendatory act takes effect January 1, 1999.

(b) Senate Bill No. 653 of the 89th Legislature is approved by the Senate and House of Representatives and submitted to the qualified electors of the state at the general election to be held November 5, 1998, in the same manner as provided by law for proposed amendments to the state constitution of 1963."

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

The question being on the adoption of the amendment,

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

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

The motion prevailed.

Senator Schuette's first statement is as follows:

I rise in opposition to the amendment offered by Senator Peters. I am opposed to this amendment for a number of different reasons that involves a hard problem in how we talk about and how we deal with loved ones. How we talk about and deal with and how we perform our responsibilities as legislators when a loved one is on his or her last days.

I support the Van Regenmorter bill and I don't think it should be amended at all. The Van Regenmorter bill is 129 words that says—we're going to stop homicides in Michigan and we will not permit the legalization of homicide in the state of Michigan to continue. And that is what euthanasia, medicide, physician assisted suicide—all of these slick words really are trying to cover up is the death and act of killing of people. The Van Regenmorter bill says we're going to stop that.

There is one good thing that's happening out of this debate in this amendment. It's causing all of us to talk about this issue, which we don't do very well; nobody does. And we can talk about it and discuss it to help people across the state become more informed and become fully informed of the options and choices that people have today. What we can do today, so that families understand better how you minimize pain and how you relieve the suffering of loved ones; and this isn't talked about very easily because—and all of us I know have had this experience—when you see a loved one go through those last days or months or weeks, it is a terrible experience. Because, the body doesn't work very well; breathing becomes labored. You try to administer as much pain medication and sedation as that person can handle. Then there is a spark of life and the family gets together and then maybe there is a period of time when it's not as hard. In this road you continue to travel and the family gets together, the breathing becomes even more labored, the pain is certainly more severe. You try to give more sedation and medication to try to help that loved one. So this isn't easy to talk about, and then when you witness it, I think you think about yourself, and it's scary. You wonder how you are going to perform, behave, act and what you might feel during that similar period of time. That's why this issue is so hard for us to grapple with and that's why there are so many diverse opinions. Because we don't talk about it very much, not a lot of people know about the options and choices that people have today to minimize pain and to relieve the suffering and to help.

As a result of inadequate information and uncomfortable discussions—it's a hard subject to talk about. I think there is indeed a large body of people out there that superficially on the face of it, some of the activities in this slick posturing of Dr. Kevorkian and cool-handed allies, it has some appeal. But we have a responsibility to talk about these options and choices for people, so there is some good coming of this debate, which is what this process is all about.

I think it's important that people know that in the state of Michigan today there is a Dignified Death Act that requires a physician to tell the patient about hospice care. And hospice, I tell you, they're a wonderful organization and this is part of their creed: "The support of highly qualified, specially trained team of caring professionals to meet the physiological, psychological and spiritual needs so that a person may live life to the fullest and die with dignity." And these are available to people 24 hours a day, 7 days a week.

So there are choices today. Much is made of this amendment that there are insufficient choices today—there is a choice.

We also have, a physician is required under law today to tell a patient about pain management options that indeed people have. We have choices today—we don't need the amendment.

It requires today a physician to tell about the alternative methods of treatments and to have the physician required to tell a patient about the opportunity for a patient advocate. We have choices today about whether you can withdraw treatment. You can halt treatment. There are "Do not resuscitation" clauses in statutes. So there are choices that people have today and they are available today.

So whether it is withdrawing or withholding treatment, we have those opportunities. We have the choices of "Do not resuscitate." We have the choices with respect to patient advocates, hospice care, to help on the issue of pain and the different medical treatments to do just that. So, we do have choices today to try to minimize the suffering of a really hard issue for families.

Now, I have to tell you, I am shocked that some would want to put this on the ballot based on the analogy that we do this for animals, why don't we do this for people? I'm just shocked. Bears and people are different. Animals and people are different. We have more rights for people than animals. So that is not an argument to make why we ought to do this. That's nonsense in my book.

We make decisions all the time. I'm not trying—for myself and my family. I'm not making decisions for anybody else. This bill that Van Regenmorter has makes sure that people have decisions and choices, not Dr. Jack. The amendment offered would give Dr. Jack that decision and choice instead of people. It's another reason to vote against the amendment.

Now our job is to make decisions, not to punt, not to have slick political maneuvers. Now, if citizens on their own by initiative get the requisite number of signatures, that's fine and the people speak. But we have a decision here today to pass a law that stops it now and that's what we should do. We should reject this amendment. If you were to vote for it, you're really in favor of legalized homicide in adopting these nuances and languages and talk of physician assisted suicide or medicide or euthanasia is an act of killing. It's nothing involuntary. So, the fact is, the Van Regenmorter bill says "no" to legalized homicide and we should not amend it.



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. 639****Yeas—28**

Bennett	Emmons	Miller	Shugars
Bouchard	Gast	North	Smith, V.
Cherry	Geake	O'Brien	Stallings
Cisky	Gougeon	Posthumus	Steil
DeGrow	Hart	Rogers	Stille
Dingell	Koivisto	Schuetter	Van Regenmorter
Dunaskiss	McManus	Schwarz	Young

**Nays—7**

Berryman	Conroy	Peters	Vaughn
Byrum	DeBeaussaert	Smith, A.	

**Excused—2**

Bullard	Hoffman
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protests**

Senators DeBeaussaert, Conroy, A. Smith, Berryman, Peters and Byrum, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 200.

Senators DeBeaussaert and Berryman moved that the statements they made during the discussion of the bill be printed in the Journal.

The motion prevailed.

Senator DeBeaussaert's statement, in which Senators Conroy and A. Smith concurred:

When the debate began on this bill yesterday, the sponsor asked us to pay heed to the lessons of history lest we repeat the failures and the mistakes. I think that is always good advice. I have listened to the debate today. He offered that advice as it related to embracing a state sanctioned mechanism for terminating a life. I too have serious concerns about going down that road and I voted against the amendment offered previously, which would have taken us on that path.

But that proposal has been rejected and the question before us is not really any longer about legalizing assisted suicide. The Supreme Court has already ruled that there is an underlying ban on assisted suicide in Michigan. The question before us is the bill that has been presented from the committee. I follow the sponsors suggestion yesterday that we continue to look at the lessons of history and as I said, this state chose not to go down a new path but we have been down this path before. We have had a statutory ban in place. The Supreme Court says we have, already, a common law ban in place. Public opinion polls show a lack of support for the previous actions of the legislature and no jury has convicted anybody. Now we are being asked to pass another bill. It differs from the previous statute. It is broader in its scope and tougher in its penalties.

As much as members here might say that we should not pay attention to the public opinion polls, history has shown that we pay a price when we do not do that. There are consequences to passing laws without public support. The question is not whether we can get 20 votes in this chamber out of 38, but whether you can get a unanimous vote out of a jury on this question.

I think it would have been appropriate to allow the voters to vote on this proposal, because if we do not allow the public to be engaged in this discussion. If we shut out their voice at the ballot box, we cannot be surprised if they do continue to raise the same voice and we hear the same pronouncements from the jury box. Putting this issue before the voters would not have created legal limbo because, as I said, the Supreme Court has already ruled that we have a ban in place. I do not think it is going to immediately effect the actions of the one person that this seems to be targeted at. I am concerned that we are not going to do anything to impact the actions of a jury. But I am concerned because the provisions of the bill, I think, could impact in an unintended way actions of other caring individuals in this state who are humanely trying to care for family members and loved ones dealing with a terminal illness.

When this bill was introduced, it included a provision that was also I believe in the statutory ban that had previously been in place. That would have provided a protection from prosecution for physicians and for family members who have prescribed or who was administering medication in order to relieve pain and not to terminate the life, but to deal with the pain issues that the person was suffering from. That provision was struck from the bill as it came before us from the committee. There is something to be said for simplicity, but I think that the shortening of the bill in this regard has taken out an important protection for family members who are humanely attempting to care for their dying loved ones. For that reason I am going to be voting against this bill today.

Senator Berryman's first statement is as follows:

The amendment is to put two issues on the ballot. I agree with the amendment. As the previous speaker said, he hopes that he would change my mind. I'm not going to change my mind. When it comes to giving people of the state of Michigan a choice between an out-and-out ban or some kind of guidelines, strict guidelines, in giving someone in a terminally ill position of life, a way that they can work with their physician and family in their own faith and in their own wishes and to leave this world with some kind of dignity.

When we say that we should not put this on the ballot, and I have in front of me a letter from Right To Life that says, and there will be an amendment to this, that they oppose giving the people of the state of Michigan a choice to vote on this issue. But I contend that we do it over and over and over again. We put Proposal A on the ballot and asked the people of the state of Michigan, "Do you accept this or do you turn it down?" I didn't support Proposal A. I didn't think it was the best long range plan for the state of Michigan. But I voted to put it on the ballot to give the people of Michigan a chance to voice their opinion.

Then when it came to the Cub Proposal, about how we hunt bear, there was a referendum. People went out and they worked. Whether you believed in it or not people worked and they got signatures and they got a referendum. But there are individuals here who did not like what they were doing. So instead of working to go out and get signatures on a referendum, we did it the easier way and just passed a bill in the House and Senate by 2/3 vote and we did it the easy way. We put it on the ballot. In a press release that went out it talks about one side of the ballot proposal being passed by this legislature that calls for sound scientific management of wildlife, in opposition to a policy governed by politics and emotion. If I can quote from the press release it says, "I feel the people of Michigan deserve a choice."

So I guess it's okay to have a choice when it comes to how we kill a bear. If we have choice on which animal is going to be put on the endangered list and who is going to live and who is going to be shot. But you can't give people a choice when it comes to an out-and-out ban or to give them the credibility to have the intelligence to make a decision between an out-and-out ban and choosing a way in their own life, with their own feelings, with their own religion, with their own family involved, their own physician involved at a position in life where they are terminally ill. That's what we're talking about. We get off the subject, Mr. President, of bringing Jack Kevorkian into these ballot proposals.

This is about individuals, not Jack Kevorkian, not Jeff Fieger. These are putting issues on the ballot for individuals who are terminally ill, that are defined in the opposite bill as terminally ill as being diagnosed with having less than six months to live. I disagree with how assisted suicide or death with dignity has been going in Michigan because I don't believe it has been death with dignity. Because we have not acted in the last seven years, we have allowed Jack Kevorkian to set the guidelines. He is setting the parameters and I think that's wrong. I think the people of Michigan, as was stated in this press release when it comes to animals, that people deserve a choice.

I think this amendment should be adopted because when it comes to individuals they may differ from you and I. But just because you believe so strongly that is not an option for you, and it's a very sincerely held belief, that is your right! But why don't you give someone that has a different opinion the same level of credibility? They believe just as strongly in their willingness to leave this earth in a dignified manner. Why is their belief any different than yours? Why should it have any more weight than yours? That is your opinion. You are entitled to it. Another individual should have their opinion and they ought to be entitled to that.

That's all this amendment does. It gives the people of the state of Michigan with different opinions a chance to go to the polls on a very serious issue—not about killing animals and hunting season. This is about the life and death, death with dignity, of individuals at the end of their life. I'm not or will I ever vote to determine someone else's level of pain that they must endure before they leave this earth. That's all this amendment does. It gives individuals in the state of Michigan the right to choose what policy they think the state of Michigan and what direction the state of Michigan ought to go in.

Senators Berryman, Peters, A. Smith, Conroy and Peters moved that the statements they made during the discussion of the amendment offered by Senator Peters be printed as their reasons for voting "no."

The motion prevailed.

Senator Berryman's second statement is as follows:

Because of the failure of the Peters' amendment, I am going to vote "no" on passage of this bill. I wanted to make it very clear, and I am going to use this as part of my "no" vote explanation, that in no way should a "no" vote on this bill—and I will let everyone else speak for themselves, as I wish we would let people in the state speak for themselves—this does not mean I condone the actions of Dr. Jack Kevorkian.

I have said over and over again I think it is too bad this whole issue has focused on Mr. Kevorkian and been taken away from individuals—individuals who are dying of a terminal illness. They have been lost in this whole fight. I think that is unfortunate. I do not support his antics. I think he has hurt the cause. I wish he could be stopped, because I think many of the individuals he has helped certainly did not fall in the category of someone who was terminally ill. That is why I have always supported this issue, had bills in committees and supported Senator Peters' bill—because it set very stringent guidelines in place, unlike what we haven't done in dealing with the issue and allowed "Dr. Jack" to set the parameters. So I, as you who would vote for this, would like to stop him. The only thing I want to do is not turn my back on individuals who may have a different opinion of you and I in how they want to leave this world.

I do find it offensive that one of the previous speakers said if you find this offensive, you ought to go to church more often. I don't think those kind of comments are needed on this Senate floor; certainly not needed in this debate. This is about an issue, and should be about an issue, of whether you believe there ought to be some guidelines of how someone ends the last days of their life, and we can have that debate. Those kind of comments are out of line.

So, having said all that, I am going to vote "no." I think it is very unfortunate the people of the state of Michigan, at least through this body and this vote, will not have an opportunity to voice their opinion on a very important subject. May the petition drive referendum have success so people in this state would truly have a choice.

Senator Peters' first statement is as follows:

The issue before us is certainly a very emotional issue and a tough issue by all respects and one that, in order to deal with, involves a number of very complex issues. Because it deals with death I think it's also a very difficult and very uncomfortable position for a lot of folks to talk about and an issue for us to talk frankly about. I think we have to do that and we need to do that in this legislative body today.

It's an issue that's certainly not going away with the passage of Senate Bill No. 200 by itself. Especially, it's not going to go away if the only say on this issue is being said by a few individuals, here within this legislative chamber. The only way we're going to be able to effectively deal with this issue as a society and deal with this issue as a state, is to have a consensus and some closure from all of the people of the state of Michigan, coming together in a full and frank debate on physician-assisted suicide and the terms of those last few days of our lives and how we deal with that issue.

There's no question that everybody in this room will likely be touched by this question at some point, either directly, ourselves, or a loved one. It's the same for everybody in the state of Michigan—they're going to have to be dealing with this issue at some point. I believe very strongly that we need to put this issue before the voters of the state of Michigan. That is the only way that we're going to have some sort of closure as to what the people of the state of Michigan believe is an appropriate option for them in those last few days.

We've heard a lot of rhetoric on this issue and I heard a lot of it yesterday. Quite frankly, I want to try to dispel some of the misinformation that's being put out. We'll do that over the course of the debate. I know a number of my colleagues have some comments that they would like to make to dispel some of the misinformation being put out about this very important issue.

The amendment before us now would place the issue on the ballot. It would say that Senate Bill No. 200 would not go into effect until 1999 and after it has been placed before the qualified electors of the state. But in addition to putting this ban, which is currently before the body right now, it would also require another bill, Senate Bill No. 653, to be put before the voters of the state of Michigan. Senate Bill No. 653 allows physician-assisted suicide under very carefully prescribed circumstances.

By adopting this amendment, we would be able to give the people of the state of Michigan a clear choice in November on this most important issue. They could either vote for an outright ban, or they could vote to allow it under very carefully prescribed circumstances—very detailed bill in order to protect folks who may not choose this option on a voluntary basis.

Michigan is in a unique situation relative to other states in that we already have a great deal of information about this issue floating around. We know that it's in the media on almost a daily basis. I have yet to meet one citizen in this state that doesn't have a strong opinion on this issue. In fact, as we had hearings across the state, we heard many of those opinions. They were very eloquent. They were very well thought out. I have no question in my mind whatsoever that the people in the state of Michigan are able to make a very qualified, thoughtful decision at the voting booth in November. I am also positive that those individuals would truly like the opportunity to have that vote and to have that say.

We've heard that the legislature needs to make decisions and we have been delegated the authority to make decisions. That is true. Day in and day out we make an awful lot of decisions that impact this state. However, there are some fundamental issues that the people of the state of Michigan deserve the right to have a say on and I certainly believe that the terms of our death and the terms of how we deal with the last few days of our life is an issue that the people of the state of Michigan deserve the opportunity to have a say on.

I'd like to go forward and describe Senate Bill No. 653 a little bit, which is the companion to this amendment which would allow physician-assisted suicide under very carefully regulated circumstances. Again, I want to stress, this is completely voluntary. It's an individual decision made by that individual, whether or not they would like to go through these procedures.

Senate Bill No. 653, which is a part of this amendment, would require that the individual must be suffering from a terminal illness. It must be incurable and irreversible. Also, that patient must submit a statement that he or she has been informed by the physician that that terminal illness is likely to result in death within six months or less. This is truly a patient who is suffering from an incurable, irreversible illness, and is within the last few months of life. They also must voluntarily express their choice in right-to-die assistance. They must be a resident of the state of Michigan or a close relative of a resident of the state of Michigan. They must be 18 years of age or older and they must state and prove competency. They would also be entitled to rescind this at any time. They must submit a statement indicating that they have been informed by a physician about comfort and hospice care and all elements of pain control and they must submit a statement indicating that they understand that they can rescind it at any time. There are also a number of other qualifications, a number of procedures that an individual needs to go through, but I'll expand just a little bit on the physician responsibilities.

Again, for a physician, it is completely voluntary on the part of a physician that would give this right-to-die assistance to a patient. There is no mandatory provisions whatsoever in this proposal that would be submitted to the voters as part of this amendment. Participation is voluntary, as I mentioned. The physician would have to determine that the patient definitely has a terminal illness and would have to inform the patient of the medical diagnosis, the prognosis, potential risk associated with medication, probable result of taking the medication, and must fully describe all alternative choices—comfort care, hospice care and pain management.

It would also require the patient to get another second opinion by a specialist in whatever disease they may be suffering from, and if it is likely their condition is terminal, a specialist needs to be called in for consultation. There also needs to be consultation on behalf of a psychiatrist, who would determine that the patient is indeed making this decision voluntarily and is not suffering from any diagnosable mental disorder, is not suffering from clinical depression, and is making this decision truly on their own volition.

Moving forward, a couple of other provisions I think need to be emphasized based on some of the rhetoric that we've heard the last few days. One, it specifically excludes age or disability as a criteria for qualification under this act. This bill is not about disabled. It's not about vulnerable people. It's about someone who is making a fully informed, conscious decision about how to deal with the last few days of their life due to the insufferable pain, the incredible pain that they are suffering at that time.

This bill also requires that any physician, any licensed physician, who is offering this type of service to their patients have continuing education in comfort care, hospice care, pain management, sedation, coma, counseling. A full range of options need to be explored with that patient. We heard testimony in our hearings about the wonderful aspects of hospice care and those of us who support putting this on the ballot agree totally that hospice care is an important component in the treatment of the last few days of an individual's life and needs to be strengthened. This legislation does that. That will be before the voters to make that decision.

This bill also specifically prohibits a lower standard of practice or care for patients with terminal illness. This is not about a lower standard of care for patients. It's providing the best possible care for that patient, but still giving another option to them.

Finally, in terms of penalties, you'll find that penalties under Senate Bill No. 653 are actually more severe than you will find under Senate Bill No. 200. If a non-licensed or a non-physician performing or administering right-to-die services performs those services it's a penalty punishable by imprisonment for terms of years up to life imprisonment. There's been a great deal of talk about one individual who has been performing these services who is not a licensed physician. Under this bill the penalty is even stiffer than under Senate Bill No. 200. It also has very strict penalties up to a term of years to life for forgeries or alterations of the request for medication. Also, an individual who coerces or

exerts undue influence on a patient to make a request would have a felony, punishable by imprisonment for a term of years up to life. Physicians who willfully do not follow the procedures of this act would have a felony punishable by a fine of \$50,000 and imprisonment of five years, or both. Again, more severe than what you will find under Senate Bill No. 200.

The most important provision of Senate Bill No. 653 as well as this amendment that is before us, is that it puts the issue to the voters. It lets the voters decide. Unless we get that kind of closure, I don't believe Senate Bill No. 200 is even going to be effective. We've seen similar legislation pass this legislative body and yet when you go into a courtroom and you go before a jury, that jury acquits. Because the jury hears extremely compelling evidence about what that family went through and the stories of how difficult it was for that patient in those last moments. There's no way that jury is going to convict when that physician may be acting an act of compassion for a family who's going through a horrible time. You're not going to get jury convictions unless there's some closure, some public statement that either they don't want this option or that they would like this option. Otherwise, Senate Bill No. 200 is not going to be effective. We need to have a comprehensive approach to this issue. We need to deal with it as a complex issue, which it is.

I've heard that this is putting a finger to the wind. Well, we've seen public opinion polls that show that over 60 percent of the people of the state of Michigan would like this option. We've also actually seen a vote in the state of Oregon. They voted twice—most recently with over 60 percent of the people in the state of Oregon, they would like this option. I would argue that if we were to defeat this amendment that I'm putting forward, it's not about putting our finger to the wind to find out what the public is thinking. It's rather thumbing our noses at the public and saying we don't care. I would urge adoption of this amendment.

Senator Peters' second statement is as follows:

I am going to try to get back, as much as I can, to the focus of the amendments. Which is to open up this debate that we are having here among the Senate and bring that debate to the entire state of Michigan, to the people of the state of Michigan. Before bringing it to some of the focus I feel compelled to go back and talk about some of the comments that were made by my colleagues regarding provisions in the bill.

I know one of my colleagues has questioned whether or not some homework was done. It certainly is apparent by the comments I have heard by some speakers that they certainly have not done their homework. In fact I do not even think that they read the bill. If they did read the bill, they must have read it upside down because it does not say anything that they are saying it says. So let me go through some of the comments that were made.

First off, the previous speaker talked about the practitioner. That if they do not participate in this that they will lose their license. That they are forced to participate in right-to-die services. That is absolutely, positively, false. I will read from the bill: "A professional organization or association or health facility or other health care provider shall not subject a person to censure, discipline, suspension, loss of license, loss of privileges, loss of membership or other penalty for participating or refusing to participate in the procedures authorized by this part." Now maybe that is confusing to the previous Senator, but it sure is not to me. It is not allowed in the bill.

The Senator also talked about cost counseling. That when discussing options, cost may become a factor. The bill realizes that cost considerations could be difficult for a patient and the bill actually authorizes and demands that the physician refer the patient who can identify possible financial assistance for the patient. It is our intent to make sure that no one is going to make this decision based on a lack of financing. That the money is always available for them to make a clear decision. I certainly hope that same Senator will stand up and fight for continued funding to take care of our most vulnerable citizens of this state. So far I have not necessarily seen that from some of my colleagues here who continually cut back on quality care to some of the most vulnerable people in this state. But we are going to make every effort to make sure that that care is always available and never, never enters into the decision, as to whether or not this option may be exercised.

The other comment made was that doctors are going to be required to go through pharmacology training, additional training. They are only required to go through that additional training if they perform these services which I mentioned earlier are completely voluntary. No mandate whatsoever. They should have that training so that they can perform their services in a professional manner. We believe it is an essential part of the bill, but not all physicians are going to be required.

The other comment that I heard from some of my colleagues dealt with confidentiality and somehow this is a secret bill that allows secrecy. Well it does allow some secrecy for medical records. I will say that is indeed the case, but we always allow private medical records of an individual to be confidential. We have always shielded that from the prying eyes of the public and will continue to do so. However, we are not shielding it to the point where compliance with this law may be circumvented. There is every provision to allow proper oversight, to make sure that all provisions of this bill are indeed being complied with. When a death certificate is filled out, I have heard that you are not required, in fact are prevented from, writing suicide on a death certificate. That is absolutely false as well. It is true that the terminal illness is the underlying cause, but as any physician would tell you often times all of the different causes that

led to the death of that patient would be listed on that death certificate. Suicide certainly will be on that death certificate. The way suicide appears on that death certificate, the medical examiner and the police will immediately review to make sure that the provisions of the bill have been complied with. To make sure there is not a sinister motive on the part of individuals, physicians or anybody else involved in the night's activity. So you have immediate oversight by the police and by the medical examiner. It is not a bill about secrecy. There is proper oversight to make sure that the innocent are not taken advantage of.

I also heard some discussions about the oversight committee. That individuals who are on the oversight committee are folks who are not opposed to physician assisted suicide. The reason for that is quite straight forward. We would not want someone who is strictly out try to undermine this very important individual right. But we do want individuals who are definitely professionals who will make sure that the law is being complied with. To make the statement that just because someone may support physician assisted suicide, to make the leap that they would condone an illegal act, a criminal act, I think is absolutely outrageous. Physicians that would appear on this board, as all physicians are, are individuals of the highest integrity. In fact I am surprised that some members stand up here and tell me and are basically saying that these physicians have no integrity. That they are willing to see criminal actions go forward and would stand silent. I do not know physicians like that. Perhaps some physicians, licensed physicians in Michigan are people who should be respected and I think would do an outstanding job on that board.

I also heard some discussions from a Senator who talked at length about some of the difficulty in the last days of an individual's life and talked about the power of hospice. I could not agree more the power of hospice and that is why the bill talks very specifically about the option of hospice available for individuals. It is a wonderful service. It needs to be promoted to the fullest extent possible. It needs to be available to patients. It is someday going to accommodate the needs of the vast majority of patients who need that sort of treatment.

All this bill, Senate Bill No. 653, does is allow one additional option for those patients. In testimony that we had before our committee from the hospice organization themselves, I asked the question: can you treat all pain? Can all pain be treated by the hospice organization? The answer was: well we can, but it all depends on the level of consciousness that the patient would like. Now, we have to consider that some patients may determine that their choice is two fold. One, to suffer intolerable pain and live the last few days of their lives in that situation with that intolerable pain. Or they have to be sedated to the point where they do not know who they are, who their family is or where they are. Now if an individual chooses that, all the power to them. I will support them. I believe it is definitely their right to choose that. Another patient may choose to live with intolerable pain. That is their choice and I would support that. But please do not stand here today and try to stand in that individual's shoes. For that individual who says: I do not want either one of those options. I want to die peacefully on my terms, with my loved ones surrounding me. Please do not stand in judgement of those individuals in saying you are wrong. That is wrong. You have to either suffer or you have to be sedated to the point of being unconscious. Do not make that decision for that individual. Let that individual make that decision for themselves. That is what this bill is about. That individual making that choice. That physician voluntarily participating as well as the medical facility that they may be in.

The other point that was made is that the bill is too long to place on the ballot. That individuals may not know what is in the bill. I can guarantee you that if we open up this debate to state as a whole and put this issue on the ballot. Truly give voters of this state a true choice between two competing measures. One an outright ban and one to allow it under very carefully regulated circumstances. Our friends in the media who are heard today and those that are outside, will do a very good job of explaining the ins and outs of the proposed legislation and the ins and outs of this bill. You will have experts talking about the pros and cons of this issue. The voters will be able to sit back and carefully reflect: is this something that they would want for themselves. Would they like this as an additional option. In addition to all the other options that are available. Would they like this as an additional option.

I strongly believe that that debate needs to be held out there with the public. Has to be held out there in the state as a whole. Not within just 38 members, were it is occurring right now, and perhaps some of those members are concerned about it, particularly special interest groups. They may make their re-election effort very difficult if they allow this to go to vote. I don't think that is the environment to make this very important life and death decision. We need to have an environment where people from the state of Michigan can sit back and carefully reflect on these issues and make a decision for themselves.

We heard from the sponsor of Senate Bill No. 200 that says that this is a deep moral principle. There is no way we can put a deep moral principle on the ballot and let the people of Michigan decide that. The legislature is the best equipped body to do that. Well, I couldn't disagree more. It is exactly those deep principles—those principles that touch each and every one of us in this room and each and every one of us in the state of Michigan—those are exactly the types of issues that should go to the ballot, and that is what this amendment is about—is giving the voters a true choice and letting them make the final decision as to whether or not they would like this option in those very difficult last few days or last few weeks of their lives.

So, I again ask this body: "Please support this amendment.", don't thumb your nose at the will of the people of the state of Michigan. They're fully capable of making an informed and wonderful decision for their own best interest, and I urge you to support this amendment.

Senator Peters' third statement is as follows:

On the issue of a physician losing their license, the Senator from the 22nd District quotes a section. It is important to notice that a physician will lose their license not if they refuse to offer these services to the patient, but if they use such things as fraud and deceit. Such things as false and misleading advertising. Such things as negligence or failure to exercise due care. Negligent supervision. Such things as not providing the applicable standard of care of conduct and procedures for quality of care. That is why a physician would lose his license and I would certainly hope that physicians would continue to behave in a professional manner and would abide by the highest principles and the highest conduct of their profession. Only when they fail to do that would they be sanctioned. They would never be sanctioned for providing these services. We need to be clear.

Senator A. Smith's statement is as follows:

I rise to support the Peter's amendment. We have had a tremendous amount of debate on the issue today. I think that is valid and valuable. We have had a number of exchanges that accused people who would oppose one person's view or a group of peoples' view as being irresponsible, immoral and unethical. But the amendment before us is about putting this issue on the ballot for the citizens of Michigan to determine whether or not they want to treat people who exercise and assist in a suicide as felons.

The fear, of course represented by the indication that there will be legislation forthcoming, is that doctors who actually exercise pain medication that could result in death might be prosecuted by some overzealous prosecutor for a felony. I suspect that while the majority of the individuals voting in this chamber today are definitely opposed to assisted suicide or a right to "death-with-dignity"—as some people call it—do not reflect the opinion of the majority of citizens in the State of Michigan or even the opinion of the majority of individuals in the chamber across the aisle. I suspect that is the case. I think the fear of putting this on the ballot is engendered in that suspicion and that fear.

I think the citizens of the State of Michigan have an absolute right to vote on an issue that says that they, as an individual person, want to be self-compassionate. As an individual they want to make the choice on whether or not after being diagnosed with a terminal illness and given an indication that they will not survive more than six months and that prognosis is, in fact, seconded—not shopped—to another physician who might say to you, "oh, yeah, you can go out and do yourself in", but a confirmation by a specialist in the disease that is creating the terminal illness that they, in fact, concur with the original physician that the diagnosis is correct—that the disease is terminal, that there is no reversal and there is no miracle cure out there. These individuals have the right to choose whether they will live alert and in terrible pain or will die sedated, unaware and certainly in no pain, but in no comfort to their families. I want the choice to make the decision to be compassionate to myself and to be compassionate to my family members.

The opinion in this body is that you don't want me as a voter in the State of Michigan to have the right to make that choice. It is interesting to hear people talk about how concerned they are about the poor, minorities and disadvantaged. I hope when we talk about affirmative action and capital punishment that those same concerns come to the forefront.

We have talked about hospice here today and how important that opportunity is for individuals, but hospice is costing money. If we are going to put hospice up as the alternative then we better put money behind it so that the uninsured, the underinsured and the indigent can in fact afford that. Pain management into death is what we have always had in the State of Michigan. Doctors have always had the option of pain managing their individual patients to death—so that their involuntary muscles no longer work and they die. Again, the fear is that pain management will be considered a felony. I think the voters of the State of Michigan have an absolute right to determine whether or not we will treat a "death-with-dignity" that people who are terminally ill choose as a felony or if we will treat it as something they as individuals have a right to decide.

Senator Conroy's statement is as follows:

In my district, I send out a newsletter that also has a questionnaire with it and in the past five or six years we've done this on this question of—and the question is to the residents of my district— "Should terminally ill patients be allowed to end their lives with the help of a medical professional?"

Now, the only one I'm sure that they're aware of that's involved in this is Jack Kevorkian. He clearly doesn't have, he's probably not the head of the list of who you would invite out to dinner. You know, he's a different kind of a person, clearly.

But, the people of my district who have written back and answered this one question have been consistent for the last six years during the same time that Jack Kevorkian has been operating in this state and they have been right around the early 60 percent crowd. That's pretty high when you have an issue that you are in favor of where over 60 percent of the people are in support of you. Usually, it's pretty popular.

You know, even the undecided are about the same each year. Hardly any variance in those six years and the average respondents are over 2,500 people writing back. So it's not some public hearing that you had 40 people come to and 30 out of the 40 are in favor of what you are proposing. These are 2,500 people who have sat down, put postage stamps on and told me that this is what their position is.

Well, frankly, I don't always agree with my constituents. I try to vote here what I think is the best thing to do and sometimes I have to go back and say, "This is why I voted this way." I try to educate the people at least as to what my vantage point is if an overwhelming number disagree.

But, in this case, apparently I'm in agreement with them. It seems to me that the bill that is in front of us needs to be amended and the Peter's amendment is one that seems to fit in.

Here we have an issue where year after year, case after case, prosecutors after prosecutors, juries after juries haven't been able to convict a guy that you call a murderer and they haven't been able to convict him because the juries don't believe he murdered anybody—that somebody came up to Dr. Kevorkian and said, "Dr. Kevorkian, I want you to help me out of my misery. I've got cancer and I'm about to die and I don't want to spend the next three months languishing under the control of the doctors of this state or of my county or of my town. I want it over. I'm done. I'm no more use to my family. I don't feel good about myself."

So, old Dr. K., he gets in his little Volkswagen bus—I don't know if he still has that or not—but in his polyester suit and he gets over to some Motel 6 and there it goes! Reported it in the Free Press the next day: Jack is at it again.

Right to Life and all those folks that want to make sure that we protect life just can't seem to do anything about it. The law doesn't help them and it goes on and on.

So, here comes Senator Peters with this amendment that says, "Let's decide it, one way or the other."

Apparently, there are people out getting petitions to get this ballot on the ballot. So, I think it'd be a fair test and I typically am not too excited about loading up a ballot with a bunch of questions that this elected body can decide but it seems like whatever we've decided can't get implemented very well—that Kevorkian still exists, he still operates. As George says, somebody up in his district asks for Kevorkian to come up and end her life and somebody else wanted to get in on it, so they did two of them. Well, it's clear to me that there are people who are overwhelmingly agree with their right to end their life in some kind of a way that they feel is sensible to them.

Senate Bill No. 653 has some medical protections in it in that there are physicians involved and that the questions have to be answered and it's tightly regulated and at least this bill gives an option to the state's citizens.

I do think that the sponsor of Senate Bill No. 200 and others are kind of fanning the flames of ignorance when they talk about euthanasia because, to my knowledge, euthanasia is an involuntary act. It is an act that occurs to kill somebody who shouldn't live, I guess, and I don't believe that I support that kind of stuff.

Assisted suicide doesn't fit that description. There is a voluntary act that somebody is going at great lengths to try to drop out of their diminished health, their terminally ill capacity and to be able to choose what they want in this state rather than having this Legislature dictate to them and apparently dictate a result that they don't want because when 60 percent of my district are in agreement, it's probably 60 percent of the state or more. Some of these years it was 64 percent. They are very clear with what they want—they don't want you to mess with the late days of their life in a way that's going to eliminate their options.

I believe that Senator Peters has introduced an option that is something that they can consider in the privacy of their own home with their loved ones, with their friends, with their family physician and decide on that very personal decision which ought to be theirs, not yours.

Senator Byrum's statement is as follows:

I rise in support of the Peter's amendment. I find that dealing with issues of death and dying are very emotional issues for all of us to deal with, but I also believe that putting this issue on the ballot will engage the greater public in the debate. That is very necessary.

If you just take a look at where we have come over the last five to six years of this issue, I believe society has benefited from the debate that has occurred. Because prior to this discussion coming forward we did not fully embrace hospice. Hospice was not widely talked about. Doctors were hesitant to refer individuals to hospice care. We did not talk about "do-not-resuscitate" orders. We were not aggressively pursuing pain management alternatives and choices. All of this has come about because we have been forced as a society and as a legislature to deal with these issues.

My fear is that as we go forward with capitated managed care for the elderly is that it will silence the debate and the public policy issues that need to be brought forward as we talk about "managed dying". Because we are not willing to appropriate the sufficient dollars in the state budget to take care of people in the final moments of their lives humanely and at a medically necessary level.

So, although I find this issue very, very difficult, I do believe that we need to put it on the ballot so that the greater public will have an opportunity to think long and hard, become better informed and engage in the debate so all of us are better equipped to make those very difficult decisions for ourselves. It is in that context that I think putting a ban in place now is wrong and that we should put the issue on the ballot. I support the Peter's amendment.

Senators Stallings, Schuette and Rogers asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.



Senator Stallings' statement is as follows:

I rise in support of Senate Bill No. 200 and would like to reiterate my remarks made during the committee report, if I may.

In the dying process, there is still a great scope for personal choice and responsibility and how we face the mysteries of suffering, dying and death makes a critical difference for us and for our loved ones who wish to offer us compassionate support. When we say "No" to assisted suicide, we are choosing life and choosing death by one's own hands contradicts our deepest identities as sons and daughters made in the likeness of our Creator. Such an action also conveys a tragic message to our friends and family—that we reject their genuine love and our solidarity with them.

Suicide, the conscious choice to destroy one's own life, is always morally wrong. Concurring with one's intentions to commit suicide and cooperating in the process can never be condoned. Such assisted suicide is a perversion of genuine mercy. It is especially tragic when undertaken by physicians whose very professional code charges them never to harm but always to respect life.

For several years there has been a continuing debate about the legality and practice of assisted suicide in Michigan. On the national scene, the United States Supreme Court upheld laws banning assisted suicide in the states of Washington and New York and said there is no constitutional right to assisted suicide. We need such a statutory ban in our own state to protect the vulnerable, to prevent unscrupulous and unethical medical practices, to guarantee the best possible medical care for all and to affirm the value of human life.

Above and beyond what civil laws may say, I as a Christian am ultimately responsible to my constituency and to our Creator and as a Christian, I definitely say "no" to assisted suicide because say "yes" to life. From the first moment of conception until our last natural breath, suicide in any form prevents us from uplifting and fulfilling the plan that our Creator intended for us when we were given life.

Euthanasia, or so-called "mercy killing," may at first sound like an appealing form of death because it proposes to eliminate all suffering. It is not all what it seems. By definition, euthanasia is any action that of itself and by intention causes death so as to relieve suffering. I believe euthanasia is morally wrong because it is the destruction of life. It also opens the door to other potential crimes against life, especially against those who are chronically ill or disabled. Euthanasia is unnecessary as well as wrong because suffering and pain can be relieved in many morally acceptable ways.

Dying patients who request euthanasia should receive loving care, psychological and spiritual support, and appropriate remedies for pain and other symptoms so that they can live with dignity until the time of natural death.

You know, I do have respect for pain management. I recognize that life is not an absolute which must be preserved at all costs. We are not required to continue life in each and every circumstance.

Dying patients and their caregivers have the right and responsibility to determine whether a particular means of treatment is necessary. If, in consultation with their physician, they rightly judge a treatment to be useless or unduly burdensome, patients are free to undergo the treatment or to forgo it. When death is clearly inevitable and close at hand, a patient or caregiver can make the decision to forgo aggressive medical treatment which would impose an excessive burden on patient and family. In such cases, I particularly encourage pain management and hospice care for the dying. Further, patients and their caregivers have a legitimate right to insist on the best and most effective pain management and treatment to minimize suffering. One may even legitimately choose to relieve pain by use of medications which may have the unfortunate side effect of decreasing consciousness or shortening one's life, if this is done with the intent of relieving pain, and no other means are available to serve this goal. This is very different from the direct intention to take life, as in euthanasia.

As family and friends gather together around a dying person, powerful and mysterious gifts often emerge—reconciliation and healing where once there had been brokenness and division; peace and acceptance for all that has been; and the opportunity to express gratitude for a life well-lived. For such things to happen, we need time and the presence of supportive family and friends. These gifts cannot come to fruition when someone dies all alone in a motel room or in the back of a parked van.

I would urge my colleagues to support this legislation.

Senator Schuette's statement is as follows:

I am speaking today in my support for Senate Bill No. 200 and the leadership that Senator Van Regenmorter has provided. I think what the thrust of this bill does today is really protect the rights of minorities in our society: the frail, the young, the poor, the disabled, the elderly. The most vulnerable in our society are those who are most susceptible to be deemed expendable, not worthy of the protective cloak of laws to try to help people who may be going through a very hard time. People, whether young, disabled, frail or going through a terminal illness, are not expendable. They are worthy of every protection of the laws; of every option, choice and opportunity to minimize pain. As I have said earlier, that is part of what we are doing today.

The genesis of this issue has been an individual the Oakland County Medical Examiner, Dr. Dragovic, has deemed has killed people who have not faced—not faced—terminal illness. Twenty-nine people were murdered by Dr. Kevorkian who did not have a terminal disease. Those people shouldn't be discarded. Four people had no

anatomical evidence of any disease whatsoever. I think this bill is important because it stops euthanasia, it stops physician assisted suicide—all of these words and misnomers and nonsense. It really is homicide and what we would be doing today is stopping legalized homicide. That is why I am so strongly supportive of the efforts of Senator Van Regenmorter.

Senator Rogers' statement is as follows:

This is an emotional and a passionate issue, Mr. President, and I argue that it should be. Certainly, it's my belief that passion is the conscious of politics. Without it, we miss that and we tend to get in the wrong direction. So I hope that everybody gets up and give 45-minute passionate speeches. I think that will keep this state and this country on the right track.

I was thinking back on the way in this morning about my first Sergeant when I was in the Army. He was a great guy who came from the Projects in Chicago and was one of the toughest, most ethical individuals I've ever met in my life. He had a big influence on me as I was learning to grow to be an Army officer. He always used to tell this story that he told every Friday to the troops. He'd gather them up and tell this story. He told a story about a man who was up in the mountains and he happened to stumble across a rattlesnake. The snake said, "If you would just tuck me into the front of your shirt and carry me down into the desert, I promise I won't bite you." He looked and said, "But you're a rattlesnake." The snake said, "Yea, but I won't bite you." So he put the rattlesnake into his shirt and marched down the mountain and got down into the desert and just as he was ready to take the snake out and lay him down on the ground, the snake turned around and bit him. He looked down in somewhat of a shock and he said, "I don't understand. I carried you down the mountain, saved your life and you bit me." The snake replied, "You knew that I was a rattlesnake when you picked me up. I was a rattlesnake when you put me in your shirt and I was a rattlesnake when you went to lay me down in the desert. You knew what I was at all times, but you chose to believe something different."

This is our rattlesnake. You can call it something else and you can try to make believe that it does something wonderful and compassionate. Or we can recognize it for what it is. It's a rattlesnake. It's going to bite us in the end.

I've heard the debate today where they've said two things: individual choice and we've got to get this thing on the ballot. That's the only fair way to look at it, and this is not about Dr. Jack Kevorkian or Jeffrey Figer. But I submit to you, it is. He is the symptom of what's wrong. He's the cancer that's growing that if we don't nip it in the bud and get rid of it, it's going to cause great concern, and, quite frankly, death amongst innocent people in the state of Michigan. There's already four whom we know that Jack Kevorkian has put to death. They could find no terminal illness. That's four mistakes out of 87. Is that a good ratio? Are you willing to live with those odds? I'm not. Is the disabled community willing to live with those odds? They're not. Are senior citizens across the state willing to live with those odds? They're not and they're afraid. They're afraid because they don't have a voice at the table.

You've talk about polls. Well, when you run the cross tabs on some of that, they find that people with more money tend to support assisted suicide and the people who are on the poorer side don't. Do you think that's a coincidence? They're afraid. And I submit to you, they ought to be afraid. They ought to be afraid of what's in this bill, what we're proposing to do and what Senator Peters is trying to put on the ballot.

When you talk about individual choice, we have a choice now and I think Senator Schuette outlined that right now. I heard the statement, "Well, what we're forcing people to do is go in the basement and blow their brains out." Oh my God, there is no dignity in that. That's not a rational decision. That person did not make a rational decision. If we're equating this to forcing people to blow their brains out in the basements of Michigan, then we have really missed the boat.

What you proposed by your own arguments is that these people are going to make a rational decision. Well, if they make a rational decision today, they have a way to end their lives with dignity and without pain today in the state of Michigan. That's important. It's an important component of this debate because I keep hearing in the news media and in the debate today that it's about this individual choice. By telling them that you can have a doctor come into their house and kill them, that's taking away an individual's choice. How wrong we are. Is it going to be an individual choice when the government, because of the this bill, Senate Bill No. 653, that's going to be on the ballot if Senator Peters and others get their way, creates a 17-member commission. This 17-member commission created by the government, supported with taxpayer dollars is going to figure out a way that we ought to exterminate people in the state of Michigan. That's what we ought to call it because that's what it is. So now you have the government into something that you keep saying is an individual's choice. Well, I'm sorry you can't do that. You've already engaged the government. You've also engaged the whole medical profession. You're forcing them to do something they may not want to do. That's individual choice. That has nothing to do with individual choice. There's a provision in Senate Bill No. 653 that says if a doctor refuses to participate, he could lose his license. He could lose his license to practice medicine in the state of Michigan. Where's the individual choice in that?

The other dangerous thing in that bill that we don't talk about very much is that we give government the right to promulgate rules about how to conduct and carry out assisted suicide in the state of Michigan. As a freshman legislator, I learned very quickly how important the rule-making process is in these bodies. I forget who it was, but I think it was a Congressman who said, "You can take policy and I'll take the rules. And I'll beat you every time." The longer I've

served the more, I realize he was exactly right. You're going to empower the state of Michigan to promulgate rules, which means we're not doing it as legislators to decide who lives and who dies in this state based upon this package. That ought to scare everyone in here.

How many think we collect taxes in the most humane way? We can't fill our potholes right as a government. But now we're going to entrust the state of Michigan, the government of the people of Michigan, with determining the ways and means to carry out death in this state for people who obviously are under duress. That's the other part of this that just absolutely blows my mind and why this should not be on the ballot.

Here's a provision that says once you've figured out that you have a terminal illness, you have to get counseling on the financial cost of keeping you around, as the bill quotes, "comfort care, hospice care, or pain control." There was a comment earlier that said this isn't about age and this isn't about disability. This has nothing to do with it. This is about people who want to kill themselves—wrong. We've already engaged the government. We've already told the medical profession you must do this. There is, again, two reasons why this is not individual choice.

The third—you're putting financial pressure on everybody who comes to this determination and God forbid a horrible part in their life and said, "By the way, we're going to run up a bill. We're going to tell you exactly how much it is going to be to keep you around." You have just put a price on every head in the state of Michigan— man, woman, child. Disabilities, without disabilities. If that doesn't sound reprehensible to you, then you need to be traveling to church on Sunday a couple more days than you are because you have inadvertently, if you don't know it, brought the picture of economics into a life and death decision—something that we have all argued I think in the past to stay as far away from as we can and we ought to. Now the state of Michigan, through this promulgation of rules and by this bill—and by the 17 government commission that is overseeing this whole thing—is going to make the determination whose life is worth more than another life. You know, in Canada recently, they just had a big case where a man killed his 12-year-old daughter because he made the determination that her life wasn't worth going through and that maybe it was too painful for her. And the court, in the first ruling in the history of Canada, after he was convicted—and rightly so—departed from the guidelines. They estimate he'll serve two months instead of the mandatory two years for the conviction of murder. They're hailing it in the streets as an act of compassion. You need to ask yourself it was that an act of compassion or an act of convenience.

Is assisted suicide compassion or is it convenience? I tell you it's convenience and it's wrong. It tears at the very moral fiber of this state and this country. We should stand up very proudly today and sound the trumpets and explain to our constituents exactly why we're banning assisted suicide today and exactly why it doesn't go on the ballot. I just told you some things that were in the bill that ought to scare you. You're going to put all those things in that little 100 words and put it on the ballot? Is that going to be in there? Are you going to tell them they have to go and figure out how much money they're worth in the next six, or eight or 10 months? Are you going to tell them that there's a section of the bill that says you don't even have to be in physical pain? You can be under mental torment. Is that going to be in the 100 words? I thought this was about pain. You've already expanded in the bill where you're going and I think intentionally misleading the people of Michigan by not explaining that there's a bunch of garbage in there that ought to scare all of us.

There's a provision in the bill that says doctors must take pharmacology training to learn how to kill people. I was with a group of doctors recently who told me they don't have enough time to learn about all the drugs to save people. And "now you're going to take time away from me, against my will, to learn how to kill somebody?" What are we doing? Where's the compassion there? I'd rather have them spending every minute of every day learning how to do the right thing to make people well. That's why most of those doctors went into the profession.

This doesn't get rid of Dr. Kevorkian. This gives us 100 or 150 or 200 Jack Kevorkians out there running around. They can't make it in medical practice because they're no good. Now they're going to go out there and go into the death business. We protect that, Senator. We protect that in the bill because you have to have two physicians say that this is okay. But it says right in there that if you don't like one of your physicians telling you "no," you can go find one who tells you "yes." There's no protections in this bill. This thing is dangerous on the face of it. It's dangerous.

Everyone talks about Oregon. Oregon's great. They put it on the ballot. Sixty percent of the people voted for it. We ought to be embracing Oregon. We ought to be doing what Oregon is doing. Do you know that Oregon rations health care? The discussion has already taken place where they are going to put and pay for assisted suicide, but they're not going to pay for some procedures that will save peoples' lives. Is that what we want in the state of Michigan? Is that where we ought to be? And guess what? It's government that makes that decision, not the individual—government. So you poor folks who are having a hard time getting health insurance and getting your act together, we give you Plan B. Plan B will pay for assisted suicide but won't pay for that heart bypass. We're not going to pay for that extra Chemotherapy but we will pay for your assisted suicide if you want. Step right up. That ought to scare everybody in here. Can you honestly look your children in the eye and say that's the right thing to do for them and their future and the future of this state?

We can harp on individual choice all day long. Again, I keep hearing that theme and I keep hearing the beat in the news. You have individual choice today. Don't ask the medical community to do something they don't want to do. I heard one Senator give a statistic—60% of his medical community supports this. There was a poll recently done by the

AMA and 50% supported it. When they informed them of other alternatives, it even got far less than 50%. Doctors don't want to do this. In your assurance of so-called individual choice, you're forcing them to do it and you're even going to take away their license if they don't do it. Putting it on the ballot, matter of fact, interestingly enough, they say, "Why don't you want to put it on the ballot then? This should be a cut and dry issue. We haggle over details everyday.

I was sent here because my constituents have families to take care of. They have jobs to go to. The last thing they want to do is worry about paragraphs, periods, sentence ends, whereases and wherefores. That's why I'm here. That's why we have a Republic. That's what makes this country great. Their vote will come in 1998 where they will either want to give me another chance or send me home. Yes, this is a tough issue. It's not easy. There's confusion in this bill.

One of the Senator's, prime sponsor of this package, in committee said, "Well, there's nothing in there about putting on a death certificate, suicide." They would put suicide on the death certificate. There's nothing in there that says they have to put anything else on there. This is the Senator who is involved in the bill. Let me quote you from the bill, page two: "Cause of death is the terminal illness for which the deceased was being treated." Now if we can't get our act together and we're not confused about it, how do you expect the people to show up at the polls and go through this 48-page bill and not be confused? It's not fair to ask them to do it. They're not going to have all 48 pages. They're not going to know about the financial aspect of the external pressure of trying to punch out so you're not a burden on your mother and your father or your son or daughter. They don't know about the secrecy clause that's in here that you can't even use some of the information in the process in the court of law. You're not even allowed as any public record the ability to get the lethal dose. So what if there's some quack out there writing these lethal doses around? Hey, he holds this up and says, "You can't get it. You can't take it to court. You can't do anything with it." That's the problem when you get government involved in death. We ought not to tax you when you go out and we ought not to help you go out.

Don't hold Oregon up because of the reasons I stated. If this is about pain, then let's talk about pain management. I disagree with the Senator yesterday who said we talked it to death and done it to death. I disagree. There's a package of bills coming up that I think are pretty important. It creates administrative immunity for doctors to give large doses, if they need to, to alleviate pain. And Doctors are afraid to do this because they're afraid they are going to lose their licenses. Let's fix it. It talks about disclosure and recommended standards and comes up with a pretty comprehensive plan. I had a relative who tried to contact Dr. Jack. He hadn't worked in seven years and has had 26 back surgeries. Every time he takes a breath, he is in pain. When I got a hold of him and tried not to choke the Hell out of him for trying to make that phone call, I asked him Why would you do something like that? You have two young children. He said, "With me gone, at least I know my mortgage will be paid for." He wasn't working. Are those the kinds of decision we want people to make because that's exactly what we're going to do. That's exactly where we're going.

This is not about making my own choice. You have that right today and if I don't repeat that 500 times, I haven't done my job at this podium. You know it, and I know, as sure as we are all sitting in these chairs, there will be a mistake if assisted suicide is legal in the state of Michigan. I think one mistake is one mistake too many.

I know you'll stand with me and support that pain management bill as it works its way through the Senate because that's the right thing to do. Let's not make the determination that disabled are not worth any more than someone else, because that's what they did in Canada and that's exactly why the disabled community is deathly terrified about this. This is not about aged people. If you've ever been on a porch with somebody who has been abandoned by their family, you know that it is exactly about age and caring. That's compassion to say we want you around. We're going to do everything we can do to help you through this and we are not going to involve the government in making the decision on when you ought to punch out.

One last story—there was a man in my district, about 60 years old, healthy as a horse, hardworking, hardest working individual I think I've ever met in my life. He goes to the doctor one day and he finds that he has kidney cancer and that it's growing in his vena cava up to his heart. He goes through the first round of surgery, and it looks pretty good. They took out the kidney and took out the cancer in his vena cava. But about a month later it comes back. He goes to the doctor and it shows up on the X-ray. The doctor pulls him in and told him he has six months to live. Now every year he would take his family—he has five boys—fishing every year into Canada. Just the boys, into Canada on a fishing trip. The doctor told him that day, "Don't do it; you'll never make it back. Cancel your trip. Make your plans and prepare to go. Now, under this bill, that person would have been taken into a room and counseled about how much it would cost him to keep him alive for the next six months if we do that. And then you have seven days, where you want to say, "Yup, I want to go." Seven days later you're dead by this bill—seven days. I own a house that I rent out and Michigan laws tells me I can't get my renters out for 28 days. I can't get you off my piece of property in 28 days, but I'll kill you in seven days. Again, that's when you get the government involved in punching out. Anyway, this person didn't have to go through that. This is an extremely proud, proud man. So if they had told him that he would have been any kind of a financial burden on his family, I know what he would have done. That was in 1992. Today he is alive and well and working six days a week like he has since I can remember. That individual is my father and he is with us today because he didn't have the pressures like this bill would put on a man like that. He's a man who would be too proud to let him be any kind of a burden. We ought to be ashamed of ourselves if we think it's the right thing

to do to put external pressure on anybody in the state of Michigan if they are poor, if they're rich, if they're lonely, if they're happy or if they're sad. It should never matter. We should never let the government make those decisions and that's what this bill does. You can't get around it.

We don't put it on the ballot for the reasons I talked about. You say, "This isn't about sticking your finger in the wind." It is, absolutely. The more we talk about what's in the bill, the more we tell people with alternatives, the less they agree with assisted suicide. They understand that it's not about an individual's choice. They have an individual choice. This is about engaging the system of government and the whole established medical community into a process that ought to be left up to you anyway. We need to take our fingers out of the wind and have the courage to go out there and explain to people what we're doing, why we're doing it and the direction we want to go. Take your finger out of the wind and put it in the hand of an elderly woman and look her in the eye and tell her what we haven't done—probably everything we can do to make sure that there are things in place so that you don't live in pain. But we're working on it and we're going to fix it. We're going to pass it early next year. I'd pass it now if it were over here in the Senate. That's what we ought to do. This is a scramble for politics at its worst because you're not willing to stand up and take the courage to explain what assisted suicide is all about. I would venture to guess that if they put slavery repeal back on the ballot in the 1800's, it probably wouldn't pass. The public will. I don't think at the time understood what a horrible crime we were committing against humanity. Today is no different. We allow this to happen. We allow a 48 page bill with all of that crap in it to get into 100 words on the ballot we're going to commit a crime against humanity again today and we're going to pay for it with innocent lives of the disabled, the aged and the innocent.

I strongly urge opposition to the Peters' amendment. Stand up and do what we were sent here to do and, certainly, support Senate Bill No. 200 when it's up for passage.

The following bill was read a third time:

**House Bill No. 5228, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 25.

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. 640**

**Yeas—33**

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

**Nays—2**

Bouchard	Steil
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**Excused—2**

Bullard	Hoffman
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**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.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

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

The Senate agreed to the full title of the bill.

The following bill was read a third time:

**House Bill No. 5229, 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 1997 PA 24.

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. 641**

**Yeas—33**

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

**Nays—2**

Bouchard	Steil
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**Excused—2**

Bullard	Hoffman
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**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.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title of the bill.

The following bill was read a third time:

**House Bill No. 5230, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1279f (MCL 380.1279f), as added by 1996 PA 169.

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. 642**

**Yeas—33**

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

**Nays—2**

Bouchard	Steil
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**Excused—2**

Bullard	Hoffman
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**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.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

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

The Senate agreed to the full title of the bill.

The following bill was read a third time:

**House Bill No. 5232, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513).

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. 643**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Bullard	Hoffman
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**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.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

"An act to establish a postsecondary enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts."

The Senate agreed to the full title of the bill.

The following bill was read a third time:

**House Bill No. 5233, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1277 (MCL 380.1277), as amended by 1995 PA 289.

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. 644**

**Yeas—33**

Bennett	Dunaskiss	Miller	Shugars
Berryman	Emmons	North	Smith, A.



Byrum	Gast	O'Brien	Smith, V.
Cherry	Geake	Peters	Stallings
Cisky	Gougeon	Posthumus	Stille
Conroy	Hart	Rogers	Van Regenmorter
DeBeaussaert	Koivisto	Schuette	Vaughn
DeGrow	McManus	Schwarz	Young
Dingell			

**Nays—2**

Bouchard	Steil
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**Excused—2**

Bullard	Hoffman
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**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

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

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

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

The Senate agreed to the full title of the bill.

The following bill was read a third time:

**House Bill No. 5234, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 1995 PA 289.

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. 645****Yeas—32**

Bennett	Dingell	McManus	Schwarz
Berryman	Dunaskiss	Miller	Shugars
Byrum	Emmons	North	Smith, A.
Cherry	Gast	O'Brien	Smith, V.
Cisky	Geake	Peters	Stallings

Conroy  
DeBeaussaert  
DeGrow

Gougeon  
Hart  
Koivisto

Posthumus  
Rogers  
Schuette

Stille  
Vaughn  
Young

**Nays—3**

Bouchard

Steil

Van Regenmorter

**Excused—2**

Bullard

Hoffman

**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.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

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

The Senate agreed to the full title of the bill.

The following bill was read a third time:

**House Bill No. 5235, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1282 (MCL 380.1282), as amended by 1993 PA 335.

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. 646**

**Yeas—33**

Bennett  
Berryman  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert  
DeGrow  
Dingell

Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Koivisto  
McManus

Miller  
North  
O’Brien  
Peters  
Posthumus  
Rogers  
Schuette  
Schwarz

Shugars  
Smith, A.  
Smith, V.  
Stallings  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—2**

Bouchard

Steil

**Excused—2**

Bullard

Hoffman

**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.

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

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

The Senate agreed to the full title of the bill.

**Protests**

Senators Steil and Bouchard under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of House Bill Nos. 5228, 5229, 5230, 5232, 5233, 5234 and 5235.

Senator Bouchard protested against the passage of House Bill Nos. 5228, 5233, 5234 and 5235.

Senator Steil’s statement is as follows:

I voted “no” on this package of bills because the educators and students in my district have made it clear to me that the High School Proficiency Test should be eliminated. Legislative changes will not improve the inherent problems with this test. Businesses don’t use the tests in hiring decisions. Colleges don’t use it in admissions and many parents doubt the value for their children spending so much time taking the HSPT. That is why I sponsored Senate Bill No. 770, which would eliminate the HSPT and replace it with a requirement that all students take the ACT, SAT or the ACT Work Keys Test. The Proficiency Test is not working and we should discontinue using it.

Senator Bouchard’s statement is as follows:

I rise to explain my “no” vote on House Bill Nos. 5228, 5233, 5234 and 5235. First, let me extend my sincere appreciation of the Chair of the Education Committee, Senator Emmons, for an incredible job of listening to, and more importantly, responding to many of the concerns expressed over the High School Proficiency Test, known as the HSPT. She crafted a fine bill that did its level best to improve what I think was a terribly flawed process. However, I have concluded that no amount of stitching can turn this sow’s ear into silk purse. I believe that it began on a faulty foundation and no amount of reinforcements will repair the structure.

Originally, the HSPT was in part an effort to make diplomas mean something. The discussion was about schools issuing diplomas to individuals who couldn’t read or write. The HSPT endorsement was supposed to set good diplomas apart from bad. But over its brief history, it has been contorted into a mechanism to achieve all sorts of other goals, some of which depend upon who you ask.

Listen to the following letter that I picked up in the Wall Street Journal:

"It's about a story on the 11.5-hour Michigan high school achievement test. Well, if we're lucky, it will start a revolt against the craze for performance testing that has swept through Legislatures in several states. Performance tests require students to write essays, explain problems, interpret events, and in short, do things rather than just fill in bubbles. Sounds good. Unfortunately, the growing and quite justified reaction against these long, defective performance tests by parents and the A+ students may, as you report, spark a reaction against testing altogether. But if testing goes, so will accountability and all real hope for educational improvement.

In Michigan, the fault lies not in testing, but in the current fashion for a time-consuming, hugely expensive, undependable mode of testing. Despite a well-orchestrated and well-financed campaign in favor of performance tests, accompanied by a misleading smear campaign against multiple choice tests, performance tests are the most unreliable tests known. After much experience with their undependableness, the medical profession abandoned them. When a child scores 770 on verbal SAT, has a grade point of 3.993, plus perfect grades in advanced placement English, yet is ranked "novice" on a writing sample, there is a reasonable likelihood it's the test that failed rather than the testee. A salutary message sending writing samples can be obtained in an hour. Most other forms of performance tests are unneeded, inaccurate, wasteful, unfair, undependable and should be abandoned."

That's from a professor of humanities and education at the University of Virginia. My point, Mr. President, is that this test has been another experiment dropped in the laps of our local schools. The result has found a series of critical flaws in this less-than-thought-out test. It takes a great deal of time and effort away from teachers and students, including instructional time which we have demanded that they increase. They gave them no data to study and thereby improve on the next rounds of tests. The HSPT is not normed and it has not been used on the national level. And for that matter, it has no state recognition by our colleges or universities. So I arrive at this question: Why try to improve a test that no college utilizes? With all the other problems the test engenders, should we spend more time, effort and resources on it? I think the simple answer is it seems that we should not. If we want another test on top of the MEAPs and all of the other tests that are already given, why not use a nationally regulated, accepted and utilized test like the ACT or the ACT, as was ably described by legislation introduced by Senator Steil.

I feel that if we need the individualized tests like we have, we could create a writing section for subjects that need extra attention, like writing or composition. Many students are already taking these other tests. It seems every week there's a new thought on how to test or improve education. The HSPT was a new thought prematurely set into motion without being properly researched and is unable to produce any quantifiable results. We have recently empowered school districts with more power, yet we continue to try to go in and tweak just one more thing. I suggest that we stop, observe the situation, listen to the educators, students and parents, and study the changes we've already made before we change the changes. It would be my preference that the HSPT go quietly into the night.

So again, while I commend the Chair for a great deal of improvement, from the first day, this bird had simply too much weight ever to allow it to soar. I believe it will continue to crash on our students and schools, and for that reason, I voted "no."

By unanimous consent the Senate returned to the order of  
**Resolutions**

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

**Senate Resolution No. 114**

The resolution consent calendar was adopted

Senators Gougeon, Steil, Bouchard, Van Regenmorter and Stille offered the following resolution:

**Senate Resolution No. 114.**

A resolution commending and congratulating the Ogemaw Heights High School Football Team and its coaching staff for their achievements in securing the 1997 State Class BB Football Championship Title.

Whereas, It is with great appreciation for the dedication, enthusiasm, skill and teamwork that we honor the members and coaches of the Falcons Football Team. We commend them for the hard work and sacrifices which made this victory possible and extend our best wishes for continued success; and

Whereas, The game of football has helped to instill character, perseverance, and hope within the game's athletes. The families, students, fans, and school administration have given their support to cheer on their home team and help overcome obstacles and celebrate its victories; and

Whereas, We salute the following **1997 Ogemaw Heights Falcons Team** members:

Steve Manz	Josh Funsch	Mike Money
Josh Kimball	Dean Thompson	Brock Fegan
Jedidiah Wood	Craig Freeman	John Tousciuk

Tim Wangler  
 Ryan Wangler  
 Klint Marshall  
 Nathan Kolberg  
 Alex Pauley  
 Drew Watson  
 Mike Wauldron  
 Bob Winter  
 Justin Fournier  
 Shane Hock  
 Jim O'Connor  
 Brandon Zimmerman

Darian Neubecker  
 Dallas Smock  
 Ken McClusky  
 Todd Bennett  
 Marcus Crandall  
 Chad Watson  
 Don Oldaugh  
 Erik Hill  
 Randy Scot  
 Kevin Nault  
 Jock Kartes  
 Jason Buhlman

Eric Wangler  
 Chris Worden  
 Beau Everitt  
 Jeff Williams  
 Andy Zettel  
 Tim Benjamin  
 Jeremiah Shields  
 Dustin Brewer  
 Nate Swiger  
 Tim Schaiberger  
 Nathan Taylor  
 Don Dobler

**Head Coach:** Larry Bellor

**Assistant Varsity Coaches:** Jim Beach, Bill Foster

**Assistants:** Jim Tuttle, Sean Petri, Bill Inman, Larry Boyce, Pete McNally

**Managers:** Rich Riling, Don Caverly, Art Tennant

**Trainer:** Deb Potter

**Student Trainers:** Tiffany Jameson, Dave Bartal, Leslie Jameson

Whereas, Principal Jamie Richards, Athletic Director Ellen Pugh, Coach Larry Bellor and their staff have been committed to the players and to the school for the enhancement of each; now, therefore, be it

Resolved by the Senate, That tribute be accorded to salute the Ogemaw Heights High School Football Team, Class BB State Champions, and the coaching staff on their outstanding season and championship victory; and be it further

Resolved, That a copy of this resolution be transmitted to the Ogemaw Heights High School, each team member, Coach Larry Bellor and his staff as evidence of our respect and best wishes.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

#### **Senate Bill No. 491, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 6232.

The House of Representatives has passed the bill and pursuant to Joint Rule 20, inserted the full title of the bill.

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

Senator DeGrow moved that further consideration of the bill be postponed for today.

The motion prevailed.

#### **Senate Bill No. 490, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the

judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending the title and sections 13a, 18, 18f, 19, and 19a of chapter XIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), the title as amended by 1982 PA 398, section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIA.

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

#### **Senate Bill No. 492, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending the title (MCL 722.111 to 722.128), as amended by 1994 PA 209, and by adding section 8b.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and amended the title to read as follows:

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending the title and section 3a (MCL 722.113a), the title as amended by 1994 PA 209 and section 3a as added by 1986 PA 140, and by adding section 8b.

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

#### **Senate Bill No. 503, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 1988 PA 372.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and amended the title to read as follows:

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 8 (MCL 722.628), as amended by 1997 PA 59.

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

#### **Senate Bill No. 504, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding section 7b.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and amended the title to read as follows:

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," (MCL 722.621 to 722.636) by adding section 7b.

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

**Senate Bill No. 516, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 17, 17c, 19, and 19b of chapter XIIA (MCL 712A.13a, 712A.17, 712A.17c, 712A.18f, 712A.19, and 712A.19b), sections 13a and 17 as amended by 1996 PA 409, sections 17c and 19b as amended by 1994 PA 264, and section 19 as amended by 1996 PA 16, and by adding section 13c to chapter XIIA.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4 ) and amended the title to read as follows:

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 17, 17c, and 19b of chapter XIIA (MCL 712A.17, 712A.17c, and 712A.19b), section 17 as amended by 1996 PA 409 and sections 17c and 19b as amended by 1994 PA 264, and by adding section 22 to chapter XIIA.

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

**Senate Bill No. 517, entitled**

A bill to amend 1984 PA 422, entitled "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties," by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3) and amended the title to read as follows:

A bill to amend 1984 PA 422, entitled "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties," by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74, and by adding section 7a.

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

**Senate Bill No. 543, entitled**

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 4 (MCL 400.204).

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3).

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

**Senate Bill No. 515, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 8 (MCL 722.627 and 722.628), section 7 as amended by 1995 PA 225 and section 8 as amended by 1988 PA 372, and by adding sections 8b and 8c.

The House of Representatives has substituted (H-7) the bill.

The House of Representatives has passed the bill as substituted (H-7) and amended the title to read as follows:

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding sections 8b, 8c, 17, and 18.

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

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Bennett and Geake introduced

#### **Senate Bill No. 832, entitled**

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending the title and sections 2, 5, 6, 7, and 11 (MCL 207.372, 207.375, 207.376, 207.377, and 207.381) and by adding sections 6a and 6b.

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

Senators Vaughn, Cherry, V. Smith, O'Brien, Young, Stallings, Berryman and Koivisto introduced

#### **Senate Bill No. 833, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1175 (MCL 380.1175), as amended by 1995 PA 289.

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

Senators Gougeon and DeGrow introduced

#### **Senate Bill No. 834, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8138 (MCL 600.8138).

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

#### **House Bill No. 4048, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2946 and 5827 (MCL 600.2946 and 600.5827), section 2946 as amended by 1995 PA 249, and by adding section 5828.

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 Health Policy and Senior Citizens.

#### **House Bill No. 4254, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 752.

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

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

#### **House Bill No. 4849, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14505, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

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. 5115, entitled**

A bill to amend 1867 PA 83, entitled "An act to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records," by amending section 2 (MCL 35.32).

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 Human Resources, Labor and Veterans Affairs.

**House Bill No. 5121, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2 and 11a (MCL 125.2152 and 125.2161a), section 2 as amended by 1996 PA 270 and section 11a as amended by 1996 PA 452.

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. 5125, entitled**

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 5 (MCL 397.555).

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. 5136, entitled**

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

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 Natural Resources and Environmental Affairs.

**House Bill No. 5222, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2102a.

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 Natural Resources and Environmental Affairs.

**House Bill No. 5370, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 629, 1225, 1351, and 1351a (MCL 380.629, 380.1225, 380.1351, and 380.1351a), section 629 as amended by 1991 PA 187, section 1225 as amended by 1994 PA 103, section 1351 as amended by 1990 PA 352, and section 1351a as amended by 1994 PA 278.

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. 5371, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2949a (MCL 600.2949a), as added by 1995 PA 249.

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 Economic Development, International Trade and Regulatory Affairs.

**House Bill No. 5373, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 6313.

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 Economic Development, International Trade and Regulatory Affairs.

### Statements

Senators DeBeaussaert and A. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator DeBeaussaert's statement is as follows:

The Senate today, completed action on the package of bills dealing with changes and improvements to the high school proficiency test in the state, and I want to thank the Chair of the committee for her work, and members of the House in a bipartisan basis in reaching this final point. I think the House will likely concur in those changes and send this bill to the Governor for his signature. I think it's important to note, that one of the many reasons why there were problems with the high school proficiency test, and as I sat through some of those hearings, one of the issues that kept coming up is that the test did not necessarily match with the curriculum that was being offered across this state. It goes back to one of the long standing debates we've had in this Chamber—the mistake I think that was made when the Majority here repealed the state-wide mandatory core curriculum. I think it is important to note that the bills we passed today, set out the purposes of this high school proficiency test, and it is interesting to note that it says in House Bill No. 5229, that the assessment under this section, provides a common measure of data that will contribute to the improvement of the Michigan schools curriculum in instruction, by encouraging alignment with Michigan's curriculum framework standards. That's one step towards insuring that we have high standards in the state. It seems to me that it is sort of a back door attempt, and it is unfortunate that the Majority continues to stand blocking the school house door from entry of a state-wide mandatory core curriculum; so that every child, regardless of the district they attend, has the opportunity to have the basics of math, science, reading and writing in the curriculum that's provided so that they can do well not only on this examination, but as they proceed throughout their days of life and in the workforce.

I hope that we will continue to work and the members on this side of the aisle will continue to press forward, to try to make sure that those high standards are achieved and that every student has the opportunity of the excellence in education that they deserve.

Senator A. Smith's statement is as follows:

Thanks to our bicameral bipartisan work, House Bill Nos. 5228 through 5235 passed today. Those bills revamp the high school proficiency tests which was certainly a controversial issue in the state of Michigan. The concept of the high school proficiency test I think is solid. It was meant to test the core curriculum that was enacted when Proposal A was under consideration and passed. We heard that there were a number of problems in the school districts in the state from administrators, from high school principals, from the students and from the parents; and the legislature responded to the concerns. We changed a number of components of the test that we hope will make it better—that we hope will have it serve a more fulfilling purpose for the students that we hope will actually see it testing students and encouraging their performance so they can demonstrate that they have learned what we as a state expect them to learn.

As a result of our work, the test hopefully will be fairer. It will be scored on a more timely basis so the students can actually assess their performance and make some changes. Of course, we still have a lot of work to do to make the schools their absolute best, and I believe that some of that work deals with a core curriculum. The inherent problem and the crucial problem with the high school proficiency test was that there is not a core curriculum in the state of Michigan. That may still be the fatal flaw for the high school proficiency test, but until that concept is tested and we find that the test does not work, because we don't have the core curriculum, we have made the appropriate corrections today. And we hope this goes forward for the students and their advantage as they go into the next round of HSPT.

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 2:55 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, December 9, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.