**No. 27**

# JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 26, 1997.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

Senator George Z. Hart of the 6th District offered the following invocation:

This morning our prayers go out to the Fred Carlton family, Kathy Carlton’s father. Kathy has worked on the Republican staff for a long time and our prayers are with her family. As we gather here today in fellowship with one another to celebrate this occasion, Holy Week, and in continuing the tradition of a prayer, I would like to sing a prayer and song. “Amazing Grace, how sweet the sound that saved a wretch like me. I once was lost; but now I’m found; was blind but now I see. Through all the years that have come and gone, Your spirit has made me see that man may live as one with Thee throughout eternity.”

**Motions and Communications**

Senator V. Smith moved that Senators Cherry, Miller, O’Brien and Stallings be temporarily excused from today’s session.

The motion prevailed.

Senator DeGrow moved that Senators Bouchard, Bullard, Dunaskiss, Geake, Hoffman and Schuette be temporarily excused from today’s session.

The motion prevailed.

The following communication was received:

State Court Administrative Office

March 3, 1997

As indicated in my December 12, 1996 letter regarding family counseling services, I am enclosing annual fund balances as reported by each friend of the court office. This information was drawn from the Friend of the Court Annual Statistical Reports submitted to our office. We have not yet received data for the 1996 reporting year, therefore, we are including figures from 1989 through 1995. Information reported for 1994 and 1995 indicates whether responsibility for the fund has been delegated to the friend of the court.

We have also conducted telephone surveys with a sample of chief circuit judges, court administrators, friends of the court and county clerks to determine the feasibility and level of effort required at the local level to provide the information identified in 1996 Public Act 375, Section 314. We have found that local county clerks or court staff can provide financial accounting reports for the last six years from their year- or month-end closing reports. Financial data at this level of detail from prior years is not consistently available, since detailed financial data is generally purged after audit and after six years.

Our plan for conducting the study includes the following elements:

Extracting available information in most counties will be an automated process. SCAO/JIS staff will provide a report generator or specifications for local automation staff to use in implementing an automated report. Some courts will have to manually collect the information.

A statewide survey using the input received from our telephone poll will be developed and distributed. Since authority for the family counseling fund is with the circuit court pursuant to 1980 PA 16 (MCL 551.331), we will direct the survey to the chief circuit judge. The chief circuit judge may solicit information from county or court staff, or service providers as appropriate.

The survey will be designed to elicit the information as outlined in the section, however, preliminary indications are that family counseling service providers do not necessarily keep detailed records which parallel either the requirements outlined in Section 314 or the Family Counseling Services Act.

In many jurisdictions, there are more programs and services than the Circuit Court Family Counseling Services fund can support, meaning programs are funded from other sources, depending on local factors. It is our intent to collect information on all programs falling under the authority of the Family Counseling Services Act and to the extent possible, identify alternate funding sources.

Our strategy to complete the requirements of Section 314 is detailed in the following planning steps:

| Step | Description | Completion Date |
|---|---|---|
| 1 | Finalize survey instrument based on input received from informal telephone surveys and requirements of Section 314. Survey will include introductory information and instructions explaining the elements of Section 314 and the Circuit Court Family Counseling Services Act (1980 PA 16; MCL 551.331). | March, 1997 |
| 2 | Design and test database program to input survey responses; adjust survey instrument based on database design. | March, 1997 |
| 3 | Distribute survey instrument. | April, 1997 |
| 4 | Respond to questions and provide assistance from judges or others completing the survey. | May-July, 1997 |
| 5 | Entry of completed surveys into database. | May-July, 1997 |
| 6 | Survey deadline. | July, 1997 |
| 7 | Follow-up contacts for non-respondents. | July-August, 1997 |
| 8 | Final database entry of surveys. | July-August, 1997 |
| 9 | Compile and review data; preliminary analysis. | September, 1997 |
| 10 | Final report. | September, 1997 |

We will provide an update on this project prior to distribution of the final survey instrument. Please feel free to contact me if you have any questions or need additional information.

Sincerely,
John D. Ferry, Jr.

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

March 18, 1997

Enclosed is a copy of the financial statements, together with Auditors' Report, for the Bureau of State Lottery for the year ended September 30, 1996.

If you have questions regarding this report, please call me; Michael J. Mayhew, C.P.A., Director of Audit Operations; or Wayne V. Birkmeier, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

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

The communication was referred to the Secretary for record.

The following communication was received:
Department of Management and Budget

March 19, 1997

I am pleased to provide you with a copy of the State of Michigan Comprehensive Annual Financial Report (SOMCAFR) for the fiscal year ended September 30, 1996. This is the second SOMCAFR prepared using the State's completely new financial management system, the Michigan Administrative Information Network, which was implemented on October 1, 1994. This year, we are especially proud of the timely issuance of this report—well before the legally required due date and over a month earlier than for the prior fiscal year.

To obtain an overview of the State's financial condition and a summary of fiscal year 1995-96 financial highlights and ongoing initiatives, I draw your attention to the transmittal letter which appears on pages iv-ix of the introductory section. The "general purpose financial statements," which contain combined level financial information and additional disclosures for all of the State's fund types, and the independent auditor's report issued by the Auditor General, immediately follow the introductory section of the report. If you are interested in financial information for a specific

State fund or component unit, individual fund and component units financial statements appear on pages 66-181. To easily find the location of the financial statements for a specific fund or component unit, refer to Footnote 2, "Funds and Component Units by Classification," on page 22.

I hope you find the information presented in the SOMCAFR useful. If you have any questions about the SOMCAFR, please call the Office of Financial Management at 517-373-1010. If you are interested in reviewing more highly summarized financial information about the State, we have also issued for the first time this year a "popular report" Michigan Financial Focus. It is available on the Internet (at http://www.state.mi.us/dmbhome/) or by calling us at the above telephone number.

Sincerely,
John J. Linderman, C.P.A.
Director, Office of Financial Management

The communication was referred to the Secretary for record.

The following communication was received:
Department of Civil Service

March 20, 1997

Enclosed is the Appropriation/Fiscal Analysis Report for the Department of Civil Service for fiscal year 1995-96. This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,
John F. Lopez
State Personnel Director

The communication was referred to the Secretary for record.

Senators O'Brien, Cherry and Geake entered the Senate Chamber.

## Messages from the Governor

The following messages from the Governor were received and read:

March 21, 1997

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

**Michigan Capitol Park Commission**

Ms. Sharon L. Kellogg, 421 West Ionia, Lansing, Michigan 48933, county of Ingham, as a member representing the Governor, succeeding herself, for a term expiring on February 17, 2001.

Mr. Mark A. Murray, 2211 S. Hampden Drive, Lansing, Michigan 48911, county of Ingham, as a member representing the Governor, succeeding himself, for a term expiring on February 17, 2001.

March 21, 1997

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

**State Child Abuse and Neglect Prevention Board**

Mrs. Gail M. Nugent, 1225 Forrester Road, Frankfort, Michigan 49635, county of Benzie, as a member representing educators, succeeding herself, for a term expiring on December 19, 1999.

Mrs. Gratia K. Lousma, 2722 Roseland, Ann Arbor, Michigan 48103, county of Washtenaw, as a member representing parents, succeeding herself, for a term expiring on December 19, 1999.

Ms. Pamela Posthumus, 7815 Alden Nash, Alto, Michigan 49302, county of Kent, as a member representing parents, succeeding Mr. James J. Bonsall of Bloomfield, who has resigned, for a term expiring on December 19, 1998.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

EXECUTIVE ORDER
No. 1997 - 5

**Michigan Department of Management and Budget**
**Michigan Family Independence Agency**
**Michigan Department of Community Health**
**Executive Office of the Governor**

**Executive Reorganization**

Whereas, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

Whereas, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

Whereas, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

Whereas, Article IV, Section 51, states that the public health and general welfare of the people of the state are matters of public concern; and

Whereas, the welfare of Michigan’s senior citizens is of primary concern to the State; and

Whereas, the Department of Community Health is currently allocated over $850 million for services pertaining to aging and long term care, and it is important to directly involve the aging network in the planning of the future long term care delivery system; and

Whereas, the future in state-funded and administered health, behavioral and support services lies in integrating administrative systems and pooling state purchasing power for more efficient use of resources; and

Whereas, the administration of services dedicated to older Michiganians can be enhanced by integration with similar services in state government; and

Whereas, Executive Order 1996-1 provided for a foundation of integrated administration of health related programs; and

Whereas, the protection of the health and safety of the citizens of Michigan can more effectively and efficiently be carried out by continuing the alignment of health-related administrative functions in state government; and

Whereas, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

Now, therefore, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

**I. Department of Management and Budget**

1. All of the statutory powers, duties, functions and responsibilities of the Office of Services to the Aging, including but not limited to its statutory authority, powers, duties, functions and responsibilities set forth in Act No. 180 of the Public Acts of 1981, as amended, being Section 400.581 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Management and Budget to the Department of Community Health by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Community Health shall administer the budget, procurement and management related functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfers. The budgeting, procurement, and related management functions of the Office of Services to the Aging shall be performed under the direction and supervision of the Director of the Department of Community Health.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

5. The Directors of the Department of Community Health, the Department of Management and Budget, and the Director of the Office of Services to the Aging shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

**II. Executive Office of the Governor**

1. All the authority, powers, duties, functions and responsibilities of the Commission on Services to the Aging, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Act No. 180 of the Public Acts of 1981, as amended, being Section 400.583, Section 400.584, Section 400.588(1), Section 400.589, Section 400.591 and Section 400.592 of the Michigan Compiled Laws, are hereby transferred from the Executive Office of the Governor to the Department of Community Health by a Type I transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Community Health shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfer. The budgeting, procurement and related management functions of the Commission on Services to the Aging will be performed under the direction and supervision of the director of the Department of Community Health.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Executive Office of the Governor for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

5. The Director of the Department of Community Health and a designated representative of the Executive Office of the Governor shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

**III. Family Independence Agency**

1. All the statutory authority, powers, duties, functions and responsibilities of the Home Help Program and the Physical Disabilities Program, as set forth in Act 280 of the Public Acts of 1939, as amended, being Section 400.106, Section 400.109 and Section 400.109c of the Michigan Compiled Laws, and Title XIX of the Social Security Act, are hereby transferred from the Family Independence Agency to the Director of the Department of Community Health by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Community Health, in cooperation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Community Health.

3. The Director of the Department of Community Health shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

5. The Directors of the Department of Community Health and the Family Independence Agency shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.

6. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

7. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the date of filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 21st day of March, in the Year of our Lord, One Thousand Nine Hundred Ninety-seven.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

**Messages from the House**

Senators Dunaskiss, Miller, Schuette, Hoffman and Bullard entered the Senate Chamber.

**Senate Bill No. 127, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 19f (MCL 38.19f), as added by 1996 PA 487.

Substitute (H-2).

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

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 84** **Yeas—35**

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

**Nays—0**

**Excused—2**

Bouchard Stallings

**Not Voting—1**

North

In The Chair: Schwarz

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

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

The Senate agreed to the title as amended.

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

Senator Bouchard entered the Senate Chamber.

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

Senators Cherry, Berryman, Koivisto, Hoffman, Posthumus and V. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.
The motion prevailed.
Senator Cherry's statement is as follows:
I couldn't help but notice in this morning's press, an article that struck me as a bit disingenuous. This is the best way to describe it. Yesterday, Governor Engler and Transportation Director Welke, visited Detroit for a press conference to announce the construction program for this coming year in southeast Michigan. They unveiled a number of projects, many of which are very good projects and it's good to see those projects commencing. But, in the process of announcing it, the Governor pointed out to those of us who represent southeast Michigan, who live and drive in southeast Michigan, that potholes are really no worse this year than any other year in the past. Perhaps what helped him come to that conclusion was that he flew from Lansing to Detroit in the state plane to the press conference. If he'd drove, the press conference might have gone a bit different, or his conclusions about the state of the roads in southeast Michigan. I simply wanted to note that article, and clearly wanted to refute the notion, that somehow, at least in my district, the roads are no worse than in previous years. They are significantly worse this year. It's not just a function of the weather. Weather has obviously played havoc this year, but it's compounded by several years of inadequate maintenance. We are behind in keeping up with the adequate repair and maintenance of our roads, and that is beginning to tell. That is why many potholes are emerging. It is compounded by the weather. But, to somehow have the state of Michigan characterize the roads in southeast Michigan as being no worse in terms of their potholes than in previous years, does a disservice to all of us who live there and know the truth and it's just the opposite.

Senator Berryman's statement is as follows:
I wanted to respond to the Senator from the 19th. I know his concern is there and I believe that the good Senator feels very strongly about getting efficiencies. I supported that bill, I think it was Senate Bill No. 303 that went after efficiencies. I did not support the bills that took money out of the Budget Stabilization Fund. To somehow cast a light on this, that this is all rhetoric and there is no substance, and we are making political issues out of that; I take offense to, because every place I go in my district to speak, the issue that raises more questions than any other topic, is the roads. This is not something that is typical and every spring we have this problem. Yes, in Michigan every year we have pothole problems, but never to this magnitude. This is an issue not because the media is making it an issue, not because it is on television everyday or on the radio every time you turn it on, or pictures in the newspaper everyday. They are not generating this. It is being generated because the people we represent are very upset over the quality of roads that they drive on and they want us to deal with it.

When we say that we passed $180 million out of here last week, you give the impression that that money is there. It was a proposal. It left the Senate, but it hasn't gone through the House yet. This hasn't been sent to the Governor or signed into law. We're talking like this $180-190 million is fact. It is not fact. It's a long way from being fact. The projects that the Governor talked about yesterday in his press conference, the $600-and-some-million we have going out every year going out in projects. I think the budget last year was $1.1 to 1.2 billion, we are always doing that. We are not talking about new money for roads. You are talking about taking money out of the Budget Stabilization Fund. Taking money from the CPF, taking money from all of these different areas that are one time shots, that you can't go back and take from again next year. That is not solving a problem and that is what I've been yelling about for the last year, and you all attacked me when I put the gas tax in last year. In a press release you talked about being partisan. You put a press release out on me through your party chair on Berryman's tax increase. That doesn't bother me, I have always stood by that. I said that we have to have more money going into roads and I think the best way to do it is not to steal from other accounts. Deal with the issue and put more money towards roads, and that is what the gas tax does is put it in the trust fund. So at least I've been honest with people. You've been saying we need more money for roads when you are trying to take it and steal it from all these other different departments. You are the one who is not being honest with the public.

We have not addressed the issue of getting more money to the roads yet, because all of it has been theory, suggestions and ideas. Nothing has been signed into law that puts more money towards roads. No wonder Senator, when you say you lose the face of the public, because when they read something, they think that's new money going to the roads. There has not been any new money going to roads. To think that we want to keep talking about putting it on the ballot, to take pressure off of this legislature and off of the Governor, when that's what we were elected to do was to make those kind of decisions. I guess the next time we see a tax cut that comes before the Senate, I am going to get up and try to amend it and put it on the ballot to let the people decide if we want a tax cut or not. You have no problem passing those. But when it comes to an issue that is very important, when people are being injured on our roads because of the quality of our roads, you don't have the courage to address that issue. Not just a patch, but a long term, 20-25 year plan that is going to completely replace and rebuild the infrastructure in the state of Michigan.

Senator Koivisto's statement is as follows:

Something is going to happen when we are gone on break. Starting on April 1st a new driver's education law is going to be taking hold and students are going to be subject to the new law. There's going to be some problems, in my opinion, and I didn't support the legislation but I want to state what I feel are going to be some of the problems.

I think we are going to get as much criticism on what's happening with driver's education as you got on liquor privatization. What's going to happen, what the problem is, is first of all driver's education instructors are being told that the written test that's going to be given to the students is geared so 80 percent will fail. So, right out the chute, four out of five kids are going to fail the written test on driver's education. This is information that has been provided to the driver's education instructors by the department already. So, whoever is setting up this test has literally blown it, once again, and kids are going to start going through driver's education, spend 24 hours of instruction, six hours of driving and they're going to have to repeat it. Four out of five kids are going to have to repeat driver's education.

The other thing that's going to happen is that the driving road test will be given by private entrepreneurs and the charge will be $60.00 per road test. They're also going to have to pass a safety inspection as well as do the road test itself. If they fail any part of it, whether it's safety related to their vehicle, they have a headlight out or something of that nature, they have to pay them an additional $60.00 any time they fail any part of that test. This is going to private entrepreneurs and the driver's ed instructors are not allowed to administer the road test. You're turning this over to schools now that are going to be doing this and parents are going to be starting to complain.

You can imagine how important it is to young people to be able to secure their driver's license and many of them are going to fail in doing that. They won't even get to stage one. We have different stages for implementation, so, in effect, we are really putting the screws to those who are going to be getting their driver's licenses. So, all these are built into the system right away and then everybody's going to say, "Well, give us time, this will get worked out" and "Why do we do this in the first place?" It's just like with liquor privatization, you get into it and you're not set to handle it. Well, the same thing is going to happen on driver's education.

Senator Hoffman's statement is as follows:

Well I guess this is going to be the public hearing on Public Act No. 51. It is a pretty sad public hearing if this is the only hearing that we are going to have on such an important issue. This issue is an "us" against "them" within this body. It needs to be debated in a public hearing forum.

Last year I brought forth a bill to radically change Public Act No. 51. My colleagues in this chamber and a number of the people outside communicated to me effectively that they wanted it done in a public forum. Have plenty of hearings and have plenty of input. What we have done here, what Senate Bill No. 303 proposes, is a modest change in Public Act No. 51. Every time you open up something like this you run the risk of somebody going in and trying to grab the candy for themselves.

I would submit to the Senator from the 12th District that I would bet on Friday afternoons a good number of his constituents go to the north country, both in Senator North's country and in his backyard. When the folks from Macomb County go up to Otsego County snowmobiling, they expect good country roads. What this amendment will do is this will ensure the "us" against "them" mentality. It will divide this body, Republicans against Republicans, Democrats against Democrats, and that is not what we want to do. We want to develop here good public policy.

I would ask the members again to resist the urge or the temptation to satisfy selfish means, right now, at the expense of the good of the people of this state. You know when the citizens of your district come into my district, they do not say that these are Jackson County roads that I am riding on. They don't say that these are Horton Village roads that we are riding on. They say that these are Michigan roads and these are Michigan roads that need help. That is what we are here to do this afternoon. Take care of the issue of helping our Michigan roads, not dividing one against the other here. I would ask the members to turn this amendment down.

Senator Posthumus' statement is as follows:

I just want to remind the chamber that we did do a great job last week in putting additional funds into the roads. Unlike one of the speakers has said previously, that we have only passed theory, in fact we have passed legislation that would put the equivalent of a three cent gas tax increase funding into roads without raising taxes. That is what we are here to do. All we have to do is have the House of Representatives come to work and pass it. I challenge the House of Representatives to do that. If that is done, the Senator from Adrian will have his answer taken care of. I believe that is what we are sent here to do. Not just to raise taxes on our taxpayers, but to set priorities and put that money where it is needed. That is what we did on a bipartisan basis last week.

Senator V. Smith's statement is as follows:

It was not my desire to say anything in this back and forth. But, since the good Senator from the 19th District raised my city, I felt I had the need to respond. I have in hand, a letter from Clyde Dowell, the Director of Public Works to Mayor Dennis Archer, laying out $137 million worth of committed projects that are underway in the city of Detroit. It includes $80 million that Senator Hoffman is making reference to. The Mayor, as most of you know, is quite a methodical person. He didn't jump in to try to dispense this money. He wanted to dispense it in the best way. He had his director of public works work with the public works people at Wayne county. They have agreed on a list of resurfacing and pothole projects that the city is engaged in. It totals not only the $80 million balance from June 30, 1996, but also the $50 million out of the weight and gas tax money for fiscal year 1997. I will be glad to share this with the good Senator, since he is so concerned about getting his facts straight.

Senator North entered the Senate Chamber.

## Third Reading of Bills

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

**Senate Bill No. 167**

The motion prevailed.

Senator Stallings entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 167, entitled**

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

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 24, following line 23, by inserting:

"Sec. 207. (1) At least 14 days prior to entering into any personal service contracts or contracts with independent contractors in an amount in excess of $5,000.00, the department shall notify the members of the senate and house appropriations committees of the proposed contract. The notification shall include the proposed total dollar amount of the contract, the primary source of funding, the duration of the contract, the type of service, the name of the entity with which the state is entering into the contract (vendor), whether the vendor is an early retiree or the business vendor's owners are early retirees, whether the contract was competitively bid, and the standard under which the contract was approved.

(2) The department shall report before the fifteenth of each month to the members of the senate and house appropriations committees and the fiscal agencies the following information for each contract for services approved by the department appointing authority or preauthorized by the state personnel director:

(a) The name of the individual or entity with whom the state agency is contracting.

(b) The dollar amount, source of financing for the contract, the duration of the contract and the standard under which the contract was approved.

(c) Whether the contract was competitively bid.

(d) The name of any individual providing contractual services to the state, whether as a special personal service employee or as the employee of an independent contractor who has retired under sections 19a and 19f of 1943 PA 240, MCL 38.19a and 38.19f.

(3) Within 60 days after book closing for FY 1996-97, the department shall file a report with the members of the senate and house appropriations committees which includes:

(a) The total expenditures for contractual services approved by the department for FY 1996-97.

(b) The total expenditures from the state's accounting system coded as contractual services for FY 1996-97.

(c) The number of full time classified positions that correspond to the expenditures for contractual personal services. This shall be calculated by using the state accounting system total expenditure for contractual services and dividing the total expenditures by the average salary including fringes for the average state employee.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 85** **Yeas—16**

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

**Nays—22**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator DeBeaussaert offered the following amendments:
1. Amend page 13, line 20, by striking out "100,000" and inserting "150,000".
2. Amend page 13, following line 20, by inserting:
"Hazardous materials collection program.......... 100,000".
3. Amend page 14, following line 8, by inserting:
"Waste reduction fee revenue.......... 150,000"
and adjusting all subtotals, totals and section 201 accordingly.
4. Amend page 33, following line 20, section 1202, after "facilities." by inserting "The funds appropriated in section 101 for the hazardous materials collection program shall be used to help establish programs, or expand existing programs for the collection of household batteries and other household hazardous waste. These funds are considered work project appropriations and any unencumbered funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451(3) of the management and budget act, 1984 PA 431, MCL 18.1451:
(a) The purpose of the projects to be carried forward is to carry out the responsibilities of 1994 PA 451.
(b) The projects will be accomplished by contracts and state employees.
(c) The total estimated cost is identified in a line item appropriation.
(d) The tentative completion date is September 30, 1999.".
5. Amend page 33, following line 20, section 1301, after "March 1, 1998." by inserting "The report shall include an estimate of the total number of gallons of used oil which is being improperly disposed of in Michigan on an annual basis.".
6. Amend page 33, following line 20, section 1301, after "natural resources." by inserting "State facilities with motor transport functions shall be required to collect used oil for recycling purposes by November 1, 1997. These funds are considered work project appropriations and any unencumbered funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451(3) of the management and budget act, 1984 PA 431, MCL 18.1451:
(a) The purpose of the projects to be carried forward is to carry out the responsibilities of 1994 PA 451.
(b) The projects will be accomplished by contracts and state employees.
(c) The total estimated cost is identified in a line item appropriation.

(d) The tentative completion date is September 30, 1999.".

The question being on the adoption of the amendments,

Senator DeBeaussaert moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senators McManus and A. Smith offered the following amendment:

1. Amend page 33, following line 20, by inserting:

"**LOW LEVEL RADIOACTIVE WASTE AUTHORITY**

Sec. 1401. Of the funds appropriated in section 101 for low level radioactive waste authority, the department shall work with the public service commission in preparing a study to evaluate the effects that utility deregulation will have on the generation of high and low level radioactive waste, the funding necessary for dismantling nuclear power plants as they are decommissioned, and disposal of the resulting waste stream.".

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

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

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

**Roll Call No. 86** **Yeas—18**

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

**Nays—20**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

**Protests**

Senators McManus, Cisky, North, Gougeon, Shugars and Emmons, under their constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator DeBeaussaert to Senate Bill No. 167.

Senator McManus moved that the statement he made during the discussion of the amendment be printed as his reasons for voting "no."

The motion prevailed.

Senator McManus' statement, in which Senators Cisky, North, Gougeon, Shugars and Emmons concurred, is as follows:

I'm going to have to ask the Senate to turn down this DeBeaussaert amendment. As you know, we discussed this yesterday, and, in place of this amendment, we did offer another amendment which required the department to submit a report on the implementation of a statewide used oil collection system. So, we thought we had the problem taken care of yesterday. The Senator wants to go a step further but there's a real problem in the DeBeaussaert amendment.

For one thing, it requires a report by November 1, 1997, but, the budget is going into effect October 1 which will give them 30 days, which is a bit tight. We could probably change that date but that wouldn't solve the problem either because this has been in the budget for six years. So, the Senator has a good point in the fact that things are not being taken care of the way they should. We put the amendment on yesterday to take care of that and the basic problem is the DEQ doesn't have a fleet of trucks with used oil. The trucks are in State Police, they're in MDOT and they're in the DMB. What we would be asking in the DeBeaussaert amendment is somehow the DEQ force these other three departments to the table and come up with putting used oil facilities on the property that they manage. They haven't been able to do that for six years. In order to do that here we would have to put this amendment in the State police budget and in the MDOT budget in order to get that accomplished. So, even though the Senator, I'm sure he's as anxious as the rest of us to get this oil thing taken care of and is getting a little bit disgusted after six years and something hasn't been done about it, but this is not going to accomplish it. I think that what we did yesterday will accomplish it and if we don't get results out of that yesterday, next year when the budgets are submitted, we should put this oil proposition in these other budgets that actually have the property that the recycling and reception of used oil should take place.

The main problem is on the oil and the number six part of the amendment. The other part in terms of collection centers, we addressed that yesterday too, is that we have them around the state. We can receive reports about those collection centers, they could be expanded and we're moving along on that.

So, I think we took care of as much as we can do, even though I certainly sympathize with the good Senator about getting impatient about this situation over a period of years. But, I don't believe, in fact, I think his amendment will confuse the situation, so I would ask at this point that we turn it down.

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. 87** **Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 168, entitled**

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

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 19, following line 21, by inserting:

"Sec. 207. (1) At least 14 days prior to entering into any personal service contracts or contracts with independent contractors in an amount in excess of $5,000.00, the department shall notify the members of the senate and house appropriations committees of the proposed contract. The notification shall include the proposed total dollar amount of the contract, the primary source of funding, the duration of the contract, the type of service, the name of the entity with which the state is entering into the contract (vendor), whether the vendor is an early retiree or the business vendor's owners are early retirees, whether the contract was competitively bid, and the standard under which the contract was approved.

(2) The department shall report before the fifteenth of each month to the members of the senate and house appropriations committees and the fiscal agencies the following information for each contract for services approved by the department appointing authority or preauthorized by the state personnel director:

(a) The name of the individual or entity with whom the state agency is contracting.

(b) The dollar amount, source of financing for the contract, the duration of the contract and the standard under which the contract was approved.

(c) Whether the contract was competitively bid.

(d) The name of any individual providing contractual services to the state, whether as a special personal service employee or as the employee of an independent contractor who has retired under sections 19a and 19f of 1943 PA 240, MCL 38.19a and 38.19f.

(3) Within 60 days after book closing for FY 1996-97, the department shall file a report with the members of the senate and house appropriations committees which includes:

(a) The total expenditures for contractual services approved by the department for FY 1996-97.

(b) The total expenditures from the state's accounting system coded as contractual services for FY 1996-97.

(c) The number of full time classified positions that correspond to the expenditures for contractual personal services. This shall be calculated by using the state accounting system total expenditure for contractual services and dividing the total expenditures by the average salary including fringes for the average state employee.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

**Roll Call No. 88** **Yeas—16**

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

**Nays—22**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

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

**Roll Call No. 89** **Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:
**Senate Bill No. 172, entitled**
A bill to make appropriations for the department of military affairs for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.
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. 90** **Yeas—38**

| | | | |
|---|---|---|---|
| Bennett | DeGrow | McManus | Shugars |
| Berryman | Dingell | Miller | Smith, A. |
| Bouchard | Dunaskiss | North | Smith, V. |

| | | | |
|---|---|---|---|
| Bullard | Emmons | O'Brien | Stallings |
| Byrum | Gast | Peters | Steil |
| Carl | Geake | Posthumus | Stille |
| Cherry | Gougeon | Rogers | Van Regenmorter |
| Cisky | Hart | Schuette | Vaughn |
| Conroy | Hoffman | Schwarz | Young |
| DeBeaussaert | Koivisto | | |

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 173, entitled**

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

The question being on the passage of the bill,

Senator Vaughn offered the following amendments:

1. Amend page 9, following line 23, by inserting:

"Local law enforcement initiatives ........................................ 34,700,000".

2. Amend page 10, line 10, by striking out "$142,321,600" and inserting "$177,021,600" and adjusting all subtotals, totals and section 201 accordingly.

3. Amend page 24, following line 21, by inserting:

"Sec. 905. (1) Appropriations in section 101 for local law enforcement initiatives are for the purpose of hiring 1,000 new local law enforcement officers in the state. Local law enforcement agencies shall be required to provide a 20% match of local funds in order to receive state funding to hire local officers. Local law enforcement agencies that are interested in obtaining financial support for this initiative shall apply to the director of the department of state police by October 1, 1997.

(2) Officers hired under this section shall be used for community policing efforts, which could include assigning an officer to a specific neighborhood, working with local residents in identifying and solving community law enforcement problems, patrolling a neighborhood on a routine basis, acting as a liaison between residents and local law enforcement, performing security surveys, analyzing crime patterns, involving local businesses and encouragement of self policing measures.

(3) Law enforcement initiatives funds shall be used to supplement local funding for policing, not to supplant or replace local funds.".

The question being on the adoption of the amendments,

Senator Cisky moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senator V. Smith requested the yeas and nays.

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

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

**Roll Call No. 91** **Yeas—21**

| | | | |
|---|---|---|---|
| Bennett | Dunaskiss | Hoffman | Schuette |
| Bouchard | Emmons | McManus | Schwarz |

| | | | |
|---|---|---|---|
| Bullard | Gast | North | Shugars |
| Carl | Geake | Posthumus | Steil |
| Cisky | Gougeon | Rogers | Van Regenmorter |
| DeGrow | | | |

**Nays—16**

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

**Excused—0**

**Not Voting—1**

Koivisto

In The Chair: Schwarz

Senator Hoffman offered the following amendments:

1. Amend page 2, following line 18, by inserting:

"Law enforcement enhancement........................................................................................ 35,000,000".

2. Amend page 2, line 24, by striking out "3,825,800" and inserting "38,825,800" and adjusting all subtotals, totals and section 201 accordingly.

3. Amend page 20, following line 24, by inserting:

"Sec. 217. (1) The appropriation in section 101 for law enforcement enhancement is for the purpose of hiring 1,000 new local law enforcement officers in the state.

(2) A local government that may wish to apply for funds to hire additional law enforcement officers must agree to do the following:

(a) Apply to the department of state police using a form provided by the department.

(b) Provide a maintenance of policing effort by not reducing existing expenditures or the total number of police officers employed from fund sources other than from the law enforcement enhancement program.

(c) For five fiscal years following the hiring of an officer or officers under this section, fund those police officers hired under this section with its revenue sharing funds. Other fund sources may be used after revenue sharing funds are exhausted.

(3) Officers hired under this section shall be used for patrol or community policing purposes only.

(4) Law enforcement enhancement funds shall be used only to supplement local funding for policing, not to supplant or replace current local funds.".

The question being on the adoption of the amendments,

Senator V. Smith moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senator Cherry offered the following amendment:

1. Amend page 28, following line 10, by inserting:

"Sec. 1205. The department shall be prohibited from transferring FTE positions or funds from the fire marshal division to another department.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

**Roll Call No. 92** **Yeas—17**

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

**Nays—21**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator Cherry offered the following amendment:

1. Amend page 28, following line 10, by inserting:

"Enacting section 1. This act does not take effect unless House Concurrent Resolution No. 25 of the 89th Legislature is enacted into law.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

**Roll Call No. 93** **Yeas—16**

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

**Nays—22**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator Bennett offered the following amendment:

1. Amend page 28, following line 10, by inserting:

"Sec. 1302. If the school bus inspection program should fail to inspect school buses as required under 1949 PA 300, MCL 257.715a and 1990 PA 187, MCL 257.1839, the following appropriation in section 101 shall be adjusted by the following amount:

SUPPORT SERVICES

Management services .......................................................................................... (1,000,000)".

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

By unanimous consent the Senate returned to consideration of the amendments offered by Senators Vaughn.

The question being on the adoption of the amendments,

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

The motion prevailed.

Senators McManus and Emmons asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McManus' statement is as follows:

This morning I would like to have the body pay attention to the fact that we have a very important person retiring from state government. It is Betty Seats. Betty is my Executive Assistant. Betty began working in this legislature in 1973 as a part-timer in the House of Representatives. Bill Sederburg, who was Director of House Republican Programs and Research staff, eventually hired her full-time and then brought her to this side of the capitol when he became a Senator in 1978. Betty worked for Senator Sederburg until his retirement in 1990, as Executive Assistant. Then she went to work for me in the same capacity in 1991, after I asked my former classmate Gordon Guyer what he knew about this Betty Seats. Gordon said, "She is great. You are lucky you have her." When you can get a direct statement out of Gordon the first time around that is that solid you must figure that it is pretty good. In all, Betty Seats has provided outstanding service to the Senate for 19 years and five years to the House of Representatives prior to that, which is 24 years of service in the Michigan legislature.

At a little gathering last night I told her, "When you are retired you only have two things in life to worry about. You're either going to be sick or well. If you're well, then you don't have anything to worry about. If you're sick, you're going to live or die. If you live, you don't have anything to worry about. If you die, you're either going to go to Heaven or you're going to go to Hell. If you go to Heaven you haven't got anything to worry about. If you go to Hell, you're going to be so busy shaking hands with all your friends you're not going to have time to worry."

So, I would like to have Betty stand up and have the Senate recognize her for 24 years of state service.

Senator Emmons' statement is as follows:

I would be remiss, since Bill Sederburg is now my constituent, if I did not give his best wishes. I know he would be very, very proud of you and what you have achieved Betty. Most of all, I think he would want to send you his very best wishes for a wonderful retirement.

The following bill was read a third time:

**Senate Bill No. 277, entitled**

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 8 (MCL 830.418), as amended by 1994 PA 252.

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. 94** **Yeas—34**

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

**Nays—4**

| | | | |
|---|---|---|---|
| Berryman | Carl | Dingell | Shugars |

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protests**

Senators Berryman, Shugars, Dingell and Carl, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 277.

Senator Berryman's statement is as follows:

I voted "no" on Senate Bill No. 277 because of raising the state's indebtedness. I think you can compare the state's indebtedness to the national debt that everyone wants to see come down, and how that adversely affects the nation as a whole. I think this also affects the state as a whole. The per capita indebtedness in the state of Michigan in the last seven years has grown tremendously. The public has been told over and over again in the press that we've cut taxes, we've balanced the budget as the Constitution dictates. We've cut your taxes. We have a rainy day fund with $1 billion. But what they don't talk about is the indebtedness that continues to grow. This puts it up to $2.7 billion, we have borrowed from the build Michigan fund time and time again. We're not paying as you go. We are borrowing and we are paying dearly for that. The build Michigan program alone is going to cost the taxpayers $500 million worth of work. It's going to cost the taxpayers of this state somewhere between $1.2 and 1.5 billion, for $500 million worth of work. I don't think that makes a lot of fiscal sense. Because of the debt that continues to rise in the state of Michigan. I oppose this bill.

Senator Shugars' statement is as follows:

I voted "no" on Senate Bill No. 277 for several reasons. We are creating a massive debt for taxpayers of this state to pay. I believe it would be better if we slowed down the pace of spending so that we maintain our sound credit standing. While we are now paying the cost of these bonds out of the general fund budget, we are forcing colleges and universities to increase tuition or ask for more state aid to cover the cost of building projects. For state building projects, I believe we could have found a less expensive way to provide the needed services provided by some of these departments or agencies to be located in these new buildings. During the recent transportation funding debate, this legislative body chose not to increase taxes, but to cut inefficiencies in state government, prioritizing spending and pressure the federal government to return billions of dollars to Michigan citizens who have paid through the gas tax of the federal government. Senate Bill No. 277, however, is worse than increasing taxes. It is increasing spending without the revenue to pay for it. Finally, I couldn't justify voting for Senate Bill No. 277, when the Kalamazoo Community Mental Health Board was forced to cut their budget by $1.8 million during this fiscal year, leaving 302 people with mental illness or developmentally disabled disabilities, without services. Every dollar the state pays to retire this debt is a dollar we don't have available for services for those who need it the most.

Senator Dingell's statement is as follows:

As an engineer in a steel mill, I was always impressed by the ability of accountants to hide things that existed, or find things that didn't exist when directed to do so. They did not lose the ability to do so when I was elected to the Michigan Senate. I feel those employed by the state seem if anything, more skilled than those in the private sector. When Governor Blanchard left office, he proclaimed that Michigan had a balanced budget and his accountants agreed. Governor Engler appointed new supervisors for his accountants and they immediately proclaimed that we had a $1.8 billion debt. What those two teams of bean counters were arguing over, was the short-term debt picture of the state—the balance between money on hand and when bills should be paid. All of this ignores the long-term debt which we are addressing today. When Governor Engler took office the state had a long-term debt of $3 billion. Six years later it's up against the $10 billion cap. Just a few days ago, many of my Republican colleagues insisted that we vote to force the federal government to stop engaging in borrowing and spending. They made loud noises about how it was improper for the federal government to do so. Now with an opportunity to live up to the same standard on their own turf they don't. My dictionary defines hypocrisy as a fainting, to be what one is not, or to believe what one is not; or the false assumption of an appearance of virtue or religion; an act or instance of hypocrisy. I would love to hear comments on why this doesn't apply to some of the proponents of the balanced budget amendment support resolution several days ago.

Senator Carl's statement is as follows:

Even though consumer prices have not even doubled since I came here in 1985, we have seen nearly a 4 fold increase in bonded indebtedness of the State Building Authority. But when you take into account the inexorable rise in debt of the federal government, plus the relentless increase in local public debt, we are remembering our children and grandchildren in the worst possible way. As I have indicated before, this enshrines for the future a system of higher taxes and this is not a legacy I am happy or proud of.

The following bill was read a third time:

**Senate Bill No. 166, entitled**

A bill to make appropriations for the departments of consumer and industry services and Michigan jobs commission and certain other state purposes for the fiscal year ending September 30, 1998; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The question being on the passage of the bill,

Senator Cherry offered the following amendment:

1. Amend page 24, following line 23, by inserting:

"Sec. 211. (1) At least 14 days prior to entering into any personal service contracts or contracts with independent contractors in an amount in excess of $5,000.00, the department shall notify the members of the senate and house appropriations committees of the proposed contract. The notification shall include the proposed total dollar amount of the contract, the primary source of funding, the duration of the contract, the type of service, the name of the entity with which the state is entering into the contract (vendor), whether the vendor is an early retiree or the business vendor's owners are early retirees, whether the contract was competitively bid, and the standard under which the contract was approved.

(2) The department shall report before the fifteenth of each month to the members of the senate and house appropriations committees and the fiscal agencies the following information for each contract for services approved by the department appointing authority or preauthorized by the state personnel director:

(a) The name of the individual or entity with whom the state agency is contracting.
(b) The dollar amount, source of financing for the contract, the duration of the contract and the standard under which the contract was approved.
(c) Whether the contract was competitively bid.
(d) The name of any individual providing contractual services to the state, whether as a special personal service employee or as the employee of an independent contractor who has retired under sections 19a and 19f of 1943 PA 240, MCL 38.19a and 38.19f.
(3) Within 60 days after book closing for FY 1996-97, the department shall file a report with the members of the senate and house appropriations committees which includes:
(a) The total expenditures for contractual services approved by the department for FY 1996-97.
(b) The total expenditures from the state's accounting system coded as contractual services for FY 1996-97.
(c) The number of full time classified positions that correspond to the expenditures for contractual personal services. This shall be calculated by using the state accounting system total expenditure for contractual services and dividing the total expenditures by the average salary including fringes for the average state employee.".
The question being on the adoption of the amendment,
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 95** **Yeas—16**

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

**Nays—22**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator Dingell offered the following amendment:
1. Amend page 42, following line 21, by inserting:
"Sec. 327. The money appropriated in section 101 for the salary of the insurance commissioner shall not be expended unless, not later than October 1, 1997, the insurance commissioner files a written report with the regulatory subcommittees of the house and senate appropriations committees outlining the steps taken to insure that consumer protection issues have been addressed including, but not limited to, the following:
(a) Consumer complaints against insurance companies.
(b) Rates and form filings.
(c) Efforts by the commissioner to comply with regulatory and over sight requirements imposed by law.".
The question being on the adoption of the amendment,
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 96** **Yeas—19**

| | | | |
|---|---|---|---|
| Bennett | DeBeaussaert | Koivisto | Smith, V. |
| Berryman | Dingell | Miller | Stallings |
| Byrum | Gougeon | O’Brien | Vaughn |
| Cherry | Hart | Peters | Young |
| Conroy | Hoffman | Smith, A. | |

**Nays—19**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

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

**Roll Call No. 97** **Yeas—16**

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

**Nays—22**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator Byrum offered the following amendment:

1. Amend page 62, following line 5, by inserting:

"Sec. 432. Of the funds appropriated in section 101 for trade academy grants the department shall not grant this funding to any applicant unless the applicant demonstrates it is unlikely that the activities will expand so as to necessitate additional grants in succeeding fiscal years.".

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

The question being on the passage of the bill,

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

**Roll Call No. 98** **Yeas—36**

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

**Nays—2**

| | |
|---|---|
| Carl | Dingell |

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protest**

Senator Dingell, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 166.

Senator Dingell's statement is as follows:

Every once in a while you come across a regulatory agency that's completely out of control. Or perhaps, in the case of the Insurance Bureau under exceedingly tight control. In any event they're doing things they shouldn't, or at least they're not doing things they should.

In the case of the Insurance Bureau they're under tight control, and they're certainly not doing the things they should. They're simply not doing the kind of things to provide the kind of information they should regarding consumer protection. There's a wide variety of different information that they're supposed to provide the public that is not available in compiled form anywhere. They're supposed to go out and look for trouble in the insurance industry and they simply don't do it. They sit idly by while insurance companies engage in practices such as coercing redemption of workers' compensation claims—it happens openly, it's even advertised.

The Insurance Bureau has tried to rescind rules on oversight of advertising practices by the insurance companies. The Insurance Bureau has supported legislation which would eliminate the requirement for insurance companies to file rates and forms which serve a consumer protection function. The Insurance Bureau has supported legislation that would allow them to stop reporting to the legislature on insurance companies in receivership in Michigan. The Insurance Bureau is consistently nonresponsive to consumers; my constituents and your constituents who have complaints and problems, and they're nonresponsive even to legislator inquiries. The Insurance Bureau has unilaterally moved to eliminate the filings by insurance companies of any forms; that they have any kind of even superficial authority to eliminate.

The Insurance Bureau has continually pleaded that they don't have enough staff to complete the requirements of their office. Yet, they do not hire the 34 persons who have been allocated to them by the legislature and even paid for. The Insurance Bureau publishes a yearly guide on how to shop for auto insurance, providing examples of how much various households would pay in different parts of the state. They print only 7500 of those guides to serve over 6 million drivers in Michigan.

Consumer complaints are routinely forwarded directly to the person who the complaint is against. For a response, often complaints are denied by the company and then the matter is, of course, simply dropped by the Insurance Bureau. The Insurance Bureau is required by law to issue a report about medical malpractice. The market in Michigan, based on claims filed with Michigan-based insurers, issued the report once in 1991 and has refused to compile or even issue the report since then.

While criticizing the National Association of Insurance Commission numbers showing that Michigan no-fault insurers make record profits, the bureau has refused to compile data to show otherwise. The Insurance Bureau has opposed legislation to require insurers to report their profits and losses in Michigan so the bureau and legislators can monitor the industry.

I've tried to raise complaints of this sort with the Insurance Bureau, with the Commissioner's representatives and oral argument hasn't gotten me anywhere. When I was growing up and my dad had differences with me, we frequently had oral argument. If he couldn't make his point that way, he tried another method called 'reaching the seat of knowledge.'

This amendment which I offered to Senate Bill No. 13, the Regulatory budget, attempted to reach the insurance commissioners 'seat of knowledge' by cutting off their paycheck if they continue to do nothing.

Now, why should we pay anyone who refuses to do their job?

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

**Senate Bill No. 173, entitled**

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

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 368.)

The question being on the adoption of the amendments offered by Senator Vaughn,

Senator Cisky offered the following amendment to the amendments:

1. Amend Senator Vaughn's Amendment No. 3, page 24, following line 21, after the first "initiatives" by striking out the balance of the section and inserting "shall be used for initiatives that would permit local law enforcement agencies to increase direct law enforcement activities by use of existing local funds which would become available through savings created by this program. These savings shall be accomplished in two ways: by the department providing additional assistance to local law enforcement agencies with the investigation of major crimes and by providing grant funds for technological projects that would assist local law enforcement agencies to operate more efficiently.

(2) Up to 30% of the appropriation for law enforcement initiatives shall be used to provide for up to 15 new criminal investigation teams made up of a total of not more than 75.0 FTEs from the department of state police. The teams, upon request by local government, may assist/investigate major crimes. These teams shall be assigned by the director of state police.

(3) The balance of the appropriation for law enforcement initiatives shall be used for one-time grants to local government. Local units of government may apply to the director of state police for funding for crime-fighting technology, that if provided, would cause efficiencies that would result in increased direct law enforcement being provided. Special priority shall be given to grant requests for transition and technology costs associated with the consolidation of 911 dispatch center(s) or for the consolidation of law enforcement functions.”.

The amendment to the amendments was adopted.

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

Senator Vaughn offered the following amendments:

1. Amend page 9, following line 23, by inserting:

“Local law enforcement personnel ........................................................................ 34,700,000”

and adjusting all subtotals, totals and section 201 accordingly.

2. Amend page 24, following line 21, by inserting:

“Sec. 906. (1) Appropriations in section 101 for local law enforcement personnel are for the purpose of hiring 1,000 new local law enforcement officers in the state. Local law enforcement agencies shall be required to provide a 20% match of local funds in order to receive state funding to hire local officers. Local law enforcement agencies that are interested in obtaining financial support for this initiative shall apply to the director of the department of state police by October 1, 1997.

(2) Officers hired under this section shall be used for community policing efforts, which could include assigning an officer to a specific neighborhood, working with local residents in identifying and solving community law enforcement problems, patrolling a neighborhood on a routine basis, acting as a liaison between residents and local law enforcement, performing security surveys, analyzing crime patterns, involving local businesses and encouragement of self policing measures.

(3) Law enforcement personnel funds shall be used to supplement local funding for policing, not to supplant or replace local funds.”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

**Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 12:51 p.m.

1:05 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

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

The motion prevailed.

The question being on the adoption of the amendments,

Senator Hoffman offered the following amendment to the amendments:

1. Amend Senator Vaughn’s Amendment No. 2, page 24, following line 21, section 906, following subsection (3), by inserting:

“(4) Local agencies receiving funds under this section shall agree to maintain for five fiscal years the employment of those officers.”.

The amendment to the amendments was adopted.

Senator Rogers offered the following amendment to the amendments:

1. Amend Senator Vaughn’s Amendment No. 2, page 24, following line 21, section 906, following subsection (4), by inserting:

“(5) A local unit of government shall not receive funds under this section if it maintains a residency requirement for employment or promotion of police or firefighters.”.

The question being on the adoption of the amendment to the amendments,

Senator Rogers requested the yeas and nays.

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

**Point of Order**

Senator Vaughn raised the Point of Order that the amendment was not germane because to limit funds to local units of government that did not require public safety officers to reside in the unit would amend another public act by reference.

The President pro tempore, Senator Schwarz, ruled that the amendment was germane because it was a commonly used procedure of defining the allocation of public funds in an appropriation bill.

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

**Roll Call No. 99** **Yeas—19**

| | | | |
|---|---|---|---|
| Bennett | DeBeaussaert | Geake | Schuette |
| Bouchard | DeGrow | Gougeon | Shugars |
| Bullard | Dunaskiss | McManus | Steil |
| Byrum | Emmons | Posthumus | Van Regenmorter |
| Carl | Gast | Rogers | |

**Nays—18**

| | | | |
|---|---|---|---|
| Berryman | Hart | Peters | Stallings |
| Cherry | Hoffman | Schwarz | Stille |
| Cisky | Miller | Smith, A. | Vaughn |
| Conroy | North | Smith, V. | Young |
| Dingell | O'Brien | | |

**Excused—1**

Koivisto

**Not Voting—0**

In The Chair: Schwarz

**Protest**

Senator Stille, under his constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator Rogers to Senate Bill No. 173.

Senator Stille's statement is as follows:

I would echo the last speakers comments. I find it solemn that I agree with the Senator from the 17th District, but in this particular case, I really think that we got blackmailed. We got cornered into a vote. I supported the bill as it passed the final vote, but I think it is a real crying shame, when some of our communities here in the state are basically going to be asked to comply with a state mandate, in order to play in the same game with the rest of the state for community policing. It's rather a sad day for me, when two of the larger cities in my district have residency mandates and residency laws in their city. They are the very people that need community policing most of all. So, I am really chagrined by this maneuvering that went on, to basically attack residency on our communities sake. Quite honestly, I hope the Governor and perhaps even the House have better sense.

The question being on the adoption of the amendments, as amended,
The amendments were adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 100** **Yeas—34**

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

**Nays—3**

| | | |
|---|---|---|
| Berryman | Gast | Stille |

**Excused—1**

Koivisto

**Not Voting—0**

In The Chair: Schwarz

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

**Roll Call No. 101** **Yeas—35**

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

**Nays—2**

| | |
|---|---|
| Berryman | Carl |

**Excused—1**

Koivisto

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protest**

Senator Berryman, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 173.

Senator Berryman's statement is as follows:

I voted "no" on the previous appropriations bill for state police because I know this bill will be coming back before this Senate before it goes to the House. And I reserve my right to vote on the final passage on what it looks like. It seems to me we are playing a lot of games with this one. Certainly with the Rogers amendment that takes out any cities, we are talking about policing, any cities that have residency requirements. All of the major cities in my district have residency requirements. They are all flexible, but they all have residency requirements, so I am voting to represent my district and for their concerns. I reserve the right to vote on this in its final passage, on what it looks like after the House and after the conference gets done with it. Then we'll take a different look at voting at final passage.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 20**
**Senate Concurrent Resolution No. 11**
**Senate Concurrent Resolution No. 18**
**Senate Concurrent Resolution No. 19**
**Senate Concurrent Resolution No. 20**
**Senate Concurrent Resolution No. 21**
**Senate Concurrent Resolution No. 22**
**Senate Concurrent Resolution No. 13**
**Senate Concurrent Resolution No. 14**

The motion prevailed.

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

**Senate Resolution No. 37**
**Senate Resolution No. 39**

The resolution consent calendar was adopted.

Senator Cisky offered the following resolution:

**Senate Resolution No. 37.**

A resolution offered as a tribute to Judge Fred J. Borchard.

Whereas, Fred J. Borchard has served over 50 years as a judge and remains the longest-tenured judge in the state of Michigan.

Whereas, The members and staff of the Michigan Senate extend their congratulations to Judge Borchard on this special occasion. We extend our gratitude to the judge for demonstrating honor toward the laws we create, and commend him for the hard work that led to his long and prosperous career; and

Whereas, A native of Saginaw, Judge Borchard overcame the untimely death of his mother and became the first in his family to graduate from college. He went on to prosper in jobs as variant as erecting boilers and molding iron, only to save money earned during the Great Depression to fund his education at the University of Michigan. He practiced law for a short time and was called to World War II in the U.S. Naval Reserve, where he was wounded by sniper fire in Okinawa. He received the Purple Heart and spent the rest of his naval career heading a Navy training company. He was discharged in 1945 and returned to Saginaw to practice law. In 1947 he became a municipal court judge and, seven years later, became a probate court judge. Later appointed by Governor G. Mennen Williams to the Saginaw Circuit Court bench, Judge Borchard served in that post until January 1, 1989. Still working on the bench part-time, Judge Borchard is active in many civic, veteran and bar organizations; and

Whereas, Judge Borchard's extended commitment to the public has esteemed him into the ranks of but a few highly honored citizens, and his energy both on and off the bench continue to earn the respect of family, friends and colleagues; now, therefore, be it

Resolved by the Senate, That tribute be accorded to Judge Fred J. Borchard, who served the state of Michigan for over 50 years; and be it further

Resolved, That a copy of this resolution be transmitted to Judge Fred J. Borchard and his family as evidence of our respect and esteem.

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

Senators Gougeon, Rogers, Cisky, Van Regenmorter, McManus, DeGrow, Byrum, Berryman and Dunaskiss offered the following resolution:

**Senate Resolution No. 39.**

A resolution to commemorate National Outlet Shopping Week as April 7-13, 1997.

Whereas, The mission of this week is to unite developers and manufacturers comprising the outlet shopping center industry in the first nationwide effort to compel both outlet shoppers and non-outlet shoppers to discover the outlet shopping experience of today; and

Whereas, This national program is the first joint effort among outlet centers to generate shopper awareness and enthusiasm for outlet shopping. Twenty-seven developers, operating 210 outlet centers in 44 states and Canada, along with 93 retailers, representing over 2000 stores, 135,000 employees are participating in this program nationwide; and

Whereas, Each participating outlet center will host a series of week long activities, including the nation's largest sidewalk sale, entertainment, celebrity appearances, contest giveaways, charity fundraising efforts to support MADD (Mothers Against Drunk Driving) with a MADD about Outlet Shopping Day; and

Whereas, The participating shoppers will have an opportunity to enter the national contest locally and win a variety of fantastic prizes, including a grand prize of a 1997 Plymouth Neon, a ten day cruise for two to the Galapagos Islands and one of ten $1,000 shopping sprees at participating outlet stores nationwide; and

Whereas, During 1996, more than 500 million people visited outlet centers nationwide and contributed approximately $12 billion in total retail sales, as well as, generating an estimated $464 million in sales tax revenue; and

Whereas, The objectives of this week are to build awareness of outlet centers nationwide and to generate positive national, regional and local public relations for the outlet industry; now, therefore, be it

Resolved by the Senate, That we hereby commemorate April 7-13, 1997, as National Outlet Shopping Week and salute the participants throughout this state; and be it further

Resolved, That a copy of this resolution be transmitted to the coordinators of this event as evidence of our respect and best wishes.

**House Concurrent Resolution No. 31.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Thursday, March 20, 1997, it stand adjourned until Tuesday, April 8, 1997; and be it further

Resolved, That when the Senate adjourns on Thursday, March 27, 1997, it stand adjourned until Tuesday, April 15, 1997.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

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

**House Concurrent Resolution No. 9.**

A concurrent resolution to memorialize the President and the Congress of the United States to preserve Medicaid.

Whereas, A distinguishing feature of our nation is the network of programs that offer help to the neediest of our citizens. This safety net of governmental and private initiatives provides a lifeline to millions of Americans facing poverty and crises in their health, employment, or personal lives. Senior citizens, children, and those with mental or physical infirmities are most at risk; and

Whereas, In the decades since its establishment, Medicaid has become the cornerstone of efforts to save people from destitution in our country. While not able to answer every need, Medicaid has raised standards for many of the most vulnerable members of our society. This serves to strengthen us in many ways. Even those of us fortunate in circumstance, education, and health enjoy a greater measure of security knowing there are options of care and help available to us and our family members; and

Whereas, Medicaid is among points of consideration in ongoing budget discussions in Washington. With the recent changes in government's approach to welfare, there are proposals that could inflict severe damage on Medicaid. In all considerations regarding Medicaid, lawmakers and administration officials must keep in mind the human costs to those facing nursing homes, terrible illness, or the care of children in poverty; and

Whereas, Decisions on Medicaid represent significant public policy choices. Recipients, taxpayers, and the general public deserve consideration of those choices in an environment free from partisan attacks and misleading accusations. Senior citizens and other vulnerable members of society who depend on Medicaid deserve better than callous and cynical attempts to stir up fear and anxiety about the future for short-term political gain. We call upon members of both parties in Congress and in the federal administration to conduct this debate according to high standards of decorum and truthfulness; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President and the Congress of the United States to preserve Medicaid; and be it further

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

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.

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

**House Concurrent Resolution No. 15.**

A concurrent resolution to express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

Whereas, Michigan is blessed with the fifth-largest timberland acreage in the country, with 18.6 million acres. This key resource has been central to our state's economy for more than 150 years. The forest products industry includes over 4,000 operations employing 150,000 people. This represents one out of every fifteen manufacturing jobs in the state; and

Whereas, Michigan has the greatest surplus of forest growth stock in the country, with total growth exceeding harvest by more than two and one-half times each year. However, our forests have the potential to increase annual growth by 50 percent. A key to making this happen is a program to sustain growth through a coordinated effort; and

Whereas, The Michigan forest products industry, through the American Forest and Paper Association's Sustainable Forestry Initiative, has developed an outline of policies to enhance our resources far into the future. This self-regulatory program involves education, monitoring, and training. It is based on responsible environmental stewardship of resources and is supportive of the recreational component of our woodlands; and

Whereas, Our forests are under several types of ownership and control, including local, state, and federal lands and numerous agencies and private owners. To be successful, the Sustainable Forestry Initiative will require the commitment of the private and the public sectors; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

The House of Representatives has adopted the concurrent resolution.

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 Agriculture and Forestry.

The motion prevailed.

Senators Schwarz, Hoffman, Stille, McManus, Young and Koivisto were named co-sponsors of the concurrent resolution.

**House Concurrent Resolution No. 16.**

A concurrent resolution to memorialize the Congress of the United States to reauthorize the Intermodal Surface Transportation Efficiency Act.

Whereas, On December 18, 1991, President Bush signed into law the Intermodal Surface Transportation Efficiency Act (ISTEA). This measure has authorized federal appropriations for highway and transit purposes over the past six years. The act expires at the conclusion of this fiscal year, September 30, 1997; and

Whereas, The program structure of ISTEA has proven beneficial to the goal of coordinating transportation spending efforts to best promote safety and the economic well-being of our nation. A key component of the act is flexibility and a minimum of restrictions in regulation. Local areas have been able to work within the act's guidelines in matters such as coordinating various forms of transportation with a community's needs and resources; and

Whereas, Over the past few years under ISTEA, significant progress has been made in coordinating efforts of planning and maintenance. As our nation's transportation network evolves beyond the stage of constructing the interstate system, which is largely complete, it is wise to have in place programs promoting partnership to meet one of the most important elements for our future; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to reauthorize the Intermodal Surface Transportation Efficiency Act; 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.

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.

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

**House Concurrent Resolution No. 17.**

A concurrent resolution to memorialize the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include the Republic of Poland.

Whereas, The North Atlantic Treaty Organization has proven itself to be a stabilizing factor in Europe. Through a wide variety of programs and the channels of communications it has opened, NATO has helped to secure the peace, economic development, and cooperation among its member nations and other countries; and

Whereas, Poland, a free and democratic nation with a long and proud history, enjoys numerous ties with NATO member nations. The Republic of Poland is committed to the preservation of freedom and the strengthening of democracy. This nation's well-being as a sovereign country has long been dependent upon the overall stability of central Europe; and

Whereas, The people of Poland wish to exercise their responsibilities within NATO. This country desires to become part of NATO's mission to prevent the excesses of nationalism; and

Whereas, The United States is dedicated to maintaining its friendship with Poland, a country that is pivotal to the continued stability of this area of the world; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include the Republic of Poland; and be it further

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

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.

Senators Dunaskiss, Hart, Stille, McManus and Hoffman were named co-sponsors of the concurrent resolution.

**House Concurrent Resolution No. 22.**

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

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

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

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

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.

Senators Dunaskiss, Berryman, Young, Koivisto and Hoffman were named co-sponsors of the concurrent resolution.

Senators Koivisto, V. Smith, McManus, Cherry, North, DeGrow and Emmons offered the following concurrent resolution:

**Senate Concurrent Resolution No. 28.**

A concurrent resolution to dissolve the K.I. Sawyer Base Conversion Authority.

Whereas, The K.I. Sawyer Base Conversion Authority was created on September 10, 1993, as authorized by 1993 PA 159, to assist in the transition of K.I. Sawyer Air Force Base in Marquette County from military to civilian use due to closure of the base on September 30, 1995; and

Whereas, Executive Order No. 1994-26, issued on December 10, 1994, vested all authority, powers, duties, functions, and responsibilities of the authority in the Michigan Jobs Commission; and

Whereas, The function of the authority is to serve as a holding and maintenance agency for the property and assets until dissolution of the authority, at which time the property, books, records, files, and funds of the authority become the property of Marquette County; and

Whereas, The authority has served as caretaker for the base since its closure and worked closely on economic development initiatives with the county to develop the base as a thriving community with over 1,100 new jobs created or to be created by new businesses being attracted to the base; to establish a new county airport; and to secure significant federal support to aid in the conversion process; and

Whereas, The conversion effort is well underway with all interested persons and the county demonstrating the desire and skills necessary to complete the redevelopment of the base for civilian use; and

Whereas, The Chief Executive Officer of the Michigan Jobs Commission has recommended that the authority be dissolved to eliminate what has become a redundant layer of government in the reuse process. The authority has served its purpose as a transition agency, and it is now appropriate to dissolve the authority; and

Whereas, Marquette County fully concurs in the recommendation to dissolve the authority and is prepared to provide leadership and governance of the reuse program established by the authority; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, pursuant to Section 10 of 1993 PA 159, being MCL § 3.580, the legislature does hereby dissolve the K.I. Sawyer Base Conversion Authority effective April 19, 1997; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Jobs Commission and to Marquette County officials.

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 further consideration of the concurrent resolution be postponed for today.

The motion prevailed.

Senators Peters, DeBeaussaert, Conroy, Berryman, Byrum, Stallings, Miller, A. Smith, Hart, Vaughn, Cherry, Young, O’Brien, Dingell, Koivisto, V. Smith, Bouchard, Carl, Cisky, Geake, Schwarz and North offered the following resolution:

**Senate Resolution No. 32.**

A resolution commemorating April 19, 1997, as NetDay in Michigan.

Whereas, Access to the Internet is a key element in using advances in technology to meet the needs of our children and schools; and

Whereas, Many of our schools lack the physical infrastructure to connect to the Internet; and

Whereas, NetDay is a historic grassroots effort in the classic American barn-raising tradition; and

Whereas, The goal of NetDay is to install all the basic wiring needed to make all classrooms and a library or computer lab in every school Internet-ready through an all-volunteer effort; and

Whereas, These volunteers come from businesses, education, and the local community; and

Whereas, By bringing together these diverse elements, NetDay establishes a framework for lasting partnerships among business, government, educational institutions, and local communities to provided ongoing support for our schools; and

Whereas, Nationally, NetDay has the support and endorsement of President Bill Clinton, Council of Chief State School Officers, American Library Association, Sun Microsystems, National Education Association, MCI, American Federation of Teachers, Council of Great City Schools, AT&T Learning Network, and The Corporation of National Service; now, therefore, be it

Resolved by the Senate, That we hereby commemorate April, 1997, as NetDay and salute its participants; and be it further

Resolved, That a copy of this resolution be transmitted to coordinators of this event as evidence of our respect and best wishes.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Stille, Posthumus, Van Regenmorter, Steil, Shugars, McManus and Gast offered the following resolution:

**Senate Resolution No. 38.**

A resolution to urge the Department of Transportation to begin work on the priority projects outlined in the governor's proposed budget.

Whereas, Michigan's transportation network is a cornerstone of the state's economic well-being. In addition to the importance of the network to the auto industry and other manufacturing, agriculture and tourism are also strongly dependent on the quality of our transportation infrastructure. Virtually every Michigan citizen is directly affected by the conditions of our highway system. The conditions of our roads and bridges are fundamental to the state's image and to the safety of all of our people and visitors; and

Whereas, The governor has outlined specific priority projects in his executive budget proposals. These ten projects are: M-6 from I-96 to M-37; M-6 from M-37 to US-131; M-37 from 60th to 76th streets; M-45 from 68th to 24th Streets; US-131 at the Cadillac bypass; Business Route US-27 from Tobacco River to US-27; US-131 at the Portage Center Street Bridge; the Ambassador Bridge in Detroit; US-31 relocation of the Napier exit; and I-196 in Georgetown Township; and

Whereas, With the the Senate's recent passage of the four-bill package to increase transportation funding, our state stands to increase the resources available to repair our transportation facilities significantly. This combination of legislative measures will bring an additional $139 million to the task of road repair this year alone. With this extra funding soon to enter into the calculation, the Department of Transportation should be prepared to address these priority projects as soon as possible. Any unnecessary delay will further harm our state and its infrastructure; now, therefore, be it

Resolved by the Senate, That we urge the Department of Transportation to begin work on the priority projects outlined in the governor's proposed budget; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Transportation.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Stallings, Vaughn, Young, V. Smith, A. Smith, Cherry, Byrum, Koivisto, Dingell and Hart offered the following concurrent resolution:

**Senate Concurrent Resolution No. 23.**

A concurrent resolution to urge the governor not to close the Detroit Psychiatric Institute.

Whereas, In recent years, Michigan has made numerous cuts in certain mental health care services. These cuts have made individuals and families receiving services through the facilities that remain all the more dependent upon these few institutions. As a result, the recent unanticipated announcement of plans to close the Detroit Psychiatric Institute is causing great hardship in Michigan's largest city; and

Whereas, The Detroit Psychiatric Institute is the backbone of mental health efforts and spending in Detroit. This facility serves the city's people directly, with almost all of the 113 residents being from the city. The institute is a key element of mental health services to minority men and women in this state; and

Whereas, Closing the Detroit Psychiatric Institute would constitute a serious blow to families of patients. These families are very concerned about the quality of care offered to their loved ones in any alternative setting. For those whose family members would be moved elsewhere, any distance will be an enormous hardship. This is especially true for those with limited means to travel to other communities in the state. Surely there are more appropriate means of reshaping the state's mental health services than causing more suffering to those who can afford it the least; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the governor not to close the Detroit Psychiatric Institute; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

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

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

Senators Stallings, Vaughn, Young, V. Smith, A. Smith, Cherry, Byrum, Koivisto, Dingell and Hart offered the following resolution:

**Senate Resolution No. 31.**

A resolution to urge the governor not to close the Detroit Psychiatric Institute.

Whereas, In recent years, Michigan has made numerous cuts in certain mental health care services. These cuts have made individuals and families receiving services through the facilities that remain all the more dependent upon these few institutions. As a result, the recent unanticipated announcement of plans to close the Detroit Psychiatric Institute is causing great hardship in Michigan's largest city; and

Whereas, The Detroit Psychiatric Institute is the backbone of mental health efforts and spending in Detroit. This facility serves the city's people directly, with almost all of the 113 residents being from the city. The institute is a key element of mental health services to minority men and women in this state; and

Whereas, Closing the Detroit Psychiatric Institute would constitute a serious blow to families of patients. These families are very concerned about the quality of care offered to their loved ones in any alternative setting. For those whose family members would be moved elsewhere, any distance will be an enormous hardship. This is especially true for those with limited means to travel to other communities in the state. Surely there are more appropriate means of reshaping the state's mental health services than causing more suffering to those who can afford it the least; now, therefore, be it

Resolved by the Senate, That we urge the governor not to close the Detroit Psychiatric Institute; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

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

Senator Berryman was named co-sponsor of the resolution.

Senators Peters, Miller, Cisky, V. Smith, Byrum, Stallings, DeBeaussaert, Hart, A. Smith, Dingell, Vaughn, Koivisto, Berryman, Carl, O'Brien and Dunaskiss offered the following resolution:

**Senate Resolution No. 36.**

A resolution to urge the governor not to close the Clinton Valley Center.

Whereas, The closure of necessary mental health facilities throughout Michigan has caused great hardship to the many individuals unable to care for themselves sufficiently; and

Whereas, The proposed closing of the Clinton Valley Center is a serious threat to the families of patients who are concerned about the quality of care offered to their loved ones. The highly specialized care offered at the Clinton Valley Center will not be attainable in other community settings. The closing would cause significant setbacks in the treatment and progress of care recipients; and

Whereas, As testified by the Wayne County Community Mental Health Board, community mental health systems may not have sufficient resources to provide alternative resources for those who will be affected by the closing. Inpatient hospital units, without appropriate medical staffing, security officers, and medications, are not able to treat acute mentally ill patients; and

Whereas, For those whose family members would be moved elsewhere, distance would be an enormous hardship. This is especially true for those with limited means to travel to other communities in the state. Surely there is a more appropriate approach to reshaping the state's mental health services than causing more suffering for those who can afford it the least; and

Whereas, The Clinton Valley Center has 115 years of experience in providing prompt, skillful, and competent professional treatment to adults with psychiatric disorders; and

Whereas, The Clinton Valley Center has attained accreditation through the Joint Commission on the Accreditation of Health Care Organizations. In addition to its record in providing superior services, the center is also known as a good neighbor to the Oakland and Macomb County area; and

Whereas, The Clinton Valley Center employees have dedicated their careers and years of service to the health and well-being of patients; now, therefore, be it

Resolved by the Senate, That we urge the governor not to close the Clinton Valley Center and to reinstate its funding; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

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

Senator Young was named co-sponsor of the resolution.

Senators Peters, Miller, Cisky, V. Smith, Byrum, Stallings, DeBeaussaert, Hart, A. Smith, Dingell, Vaughn, Koivisto, Berryman, Carl, O'Brien and Dunaskiss offered the following resolution:

**Senate Concurrent Resolution No. 27.**

A concurrent resolution to urge the governor not to close the Clinton Valley Center.

Whereas, The closure of necessary mental health facilities throughout Michigan has caused great hardship to the many individuals unable to care for themselves sufficiently; and

Whereas, The proposed closing of the Clinton Valley Center is a serious threat to the families of patients who are concerned about the quality of care offered to their loved ones. The highly specialized care offered at the Clinton Valley Center will not be attainable in other community settings. The closing would cause significant setbacks in the treatment and progress of care recipients; and

Whereas, As testified by the Wayne County Community Mental Health Board, community mental health systems may not have sufficient resources to provide alternative resources for those who will be affected by the closing. Inpatient hospital units, without appropriate medical staffing, security officers, and medications, are not able to treat acute mentally ill patients; and

Whereas, For those whose family members would be moved elsewhere, distance would be an enormous hardship. This is especially true for those with limited means to travel to other communities in the state. Surely there is a more appropriate approach to reshaping the state's mental health services than causing more suffering for those who can afford it the least; and

Whereas, The Clinton Valley Center has 115 years of experience in providing prompt, skillful, and competent professional treatment to adults with psychiatric disorders; and

Whereas, The Clinton Valley Center has attained accreditation through the Joint Commission on the Accreditation of Health Care Organizations. In addition to its record in providing superior services, the center is also known as a good neighbor to the Oakland and Macomb County area; and

Whereas, The Clinton Valley Center employees have dedicated their careers and years of service to the health and well-being of patients; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the governor not to close the Clinton Valley Center and to reinstate its funding; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

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

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

Senators Stille, Hoffman, North, McManus and Steil offered the following concurrent resolution:

**Senate Concurrent Resolution No. 25.**

A concurrent resolution to memorialize the President and the Congress of the United States to work for the admission of Latvia, Estonia, and Lithuania into the North Atlantic Treaty Organization.

Whereas, Since its establishment following World War II, the North Atlantic Treaty Organization has played a key role in helping to bring stability to the world. In addition to its strategic significance, NATO has fostered economic and social benefits through increased communications and various programs. This success is built on the commitment of its member nations to ideals of democracy and opposition to oppression; and

Whereas, The role that NATO plays in encouraging peace and progress is especially apparent to the Baltic nations of Estonia, Latvia, and Lithuania. The Baltic states, through their individual histories, especially their common experiences in this century, are well aware of the need for unity among people devoted to self-determination. The irreversible commitment to democracy in Estonia, Latvia, and Lithuania is among the many conditions that are the foundation of NATO; and

Whereas, While much has changed in Europe over the past decade, there remain many reminders of threats to security in the region. Situations in several areas illustrate the role for NATO and the need for it to include the nations of the Baltic states; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President and the Congress of the United States to work for the admission of Latvia, Estonia, and Lithuania into the North Atlantic Treaty Organization; and be it further

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

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

Senators Posthumus, Shugars, Schwarz and Hart were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

Senators Rogers, Shugars, Bennett, Stille and Bullard introduced

**Senate Bill No. 329, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 7 (MCL 338.977), as amended by 1985 PA 168.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Rogers, Shugars, Bennett, Stille and Bullard introduced

**Senate Bill No. 330, entitled**

A bill to amend 1929 PA 266, entitled "An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act," (MCL 338.901 to 338.917) by adding section 4a.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Rogers, Shugars, Bennett, Stille and Bullard introduced

**Senate Bill No. 331, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1992 PA 130.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Shugars and Rogers introduced

**Senate Bill No. 332, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 22a (MCL 208.22a), as amended by 1995 PA 77, and by adding section 39b.

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

Senators Shugars and Rogers introduced

**Senate Bill No. 333, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 476d.

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

Senators North and Koivisto introduced

**Senate Bill No. 334, entitled**

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending section 2 (MCL 207.102), as amended by 1992 PA 225.

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

Senators Shugars, Rogers and Van Regenmorter introduced

**Senate Bill No. 335, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7113 and 7333 (MCL 333.7113 and 333.7333), as amended by 1993 PA 138, and by adding section 7332.

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

Senators Shugars, Rogers and Van Regenmorter introduced

**Senate Bill No. 336, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16204, 17033, 17431, 17533, and 18033 (MCL 333.16204, 333.17033, 333.17431, 333.17533, and 333.18033), section 16204 as added and sections 17033, 17431, 17533, and 18033 as amended by 1994 PA 234.

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

Senator North introduced

**Senate Bill No. 337, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1234 (MCL 380.1234).

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

Senator Stille introduced

**Senate Bill No. 338, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1305.

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

Senators Rogers, Bennett, Gougeon, Stille, Steil, Bullard, Cisky and Shugars introduced

**Senate Bill No. 339, entitled**

A bill to prohibit the sale of individual cigarettes; and to provide penalties.

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

Senator Emmons introduced

**Senate Bill No. 340, entitled**

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending sections 11, 18, 19, 20, 23, 25, and 31 (MCL 567.231, 567.238, 567.239, 567.240, 567.243, 567.245, and 567.251); and to repeal acts and parts of acts.

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

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 1:36 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, March 27, at 10:00 a.m.

CAROL MOREY VIVENTI

Secretary of the Senate.