

No. 13
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 19, 1998.

10:00 a.m.

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

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

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

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—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

Sister Joan Meerschaert, Pastoral Minister of St. Mary Cathedral of Lansing offered the following invocation:

Almighty and ever-living God, You created us to be Your co-workers in this world. Grant Your light and Your wisdom to all those who lead us, especially the members of this Senate. Their task—to be watchful, just and compassionate—can be a difficult one, and we ask Your guidance and Your help. May they be instruments of Your peace, justice and love and examples of truth, honesty and integrity in all they do. Bless them with good health, enlightened minds and open hearts as they go about the work given them to do in this Great Lakes state. We ask these things in Your name. Amen.

Motions and Communications

Senator DeGrow moved that Senators Bullard, Hoffman, Jaye, Posthumus and Van Regenmorter be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senator Bouchard be excused from today's session.

The motion prevailed.

Senator V. Smith moved that Senator Miller be temporarily excused from today's session.

The motion prevailed.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Hunting, Fishing and Forestry - Senators Byrum (MVC) and Dingell.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 18:

House Bill Nos. 4019 4949

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, February 18, for his approval the following bills:

Enrolled Senate Bill No. 763 at 10:41 a.m.

Enrolled Senate Bill No. 792 at 10:43 a.m.

The Secretary announced the printing and placement in the members' files on Wednesday, February 18 of:

Senate Bill Nos. 891 897

House Bill No. 5580

Messages from the Governor

The following messages from the Governor were received and read:

February 18, 1998

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

Michigan Bean Commission

Mr. Neil J. Mosher, 182 N. Seven Mile, Linwood, Michigan 48634, county of Bay, as a member representing shippers, succeeding Mr. Bruce S. Wymer of Riverdale, who has resigned, for a term expiring on December 31, 1998.

February 18, 1998

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

Michigan Exposition and Fairgrounds Advisory Council

Ms. Jody Kay Porter, 3873 Utah Drive, Bay City, Michigan 48706, county of Bay, as a member representing farming activity, succeeding Ms. Sharon Whitesell of Okemos, whose term has expired, for a term expiring on June 20, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senators Bullard and Jaye entered the Senate Chamber.

Messages from the House**Senate Bill No. 352, entitled**

A bill to amend 1976 PA 220, entitled "Michigan handicappers' civil rights act," by amending the title and sections 101, 102, 103, 202, 203, 204, 205, 206, 208, 209, 210, 211, 302, 402, 403, 502, 504, 505, 506, 506a, 507, 604, and 606 (MCL 37.1101, 37.1102, 37.1103, 37.1202, 37.1203, 37.1204, 37.1205, 37.1206, 37.1208, 37.1209, 37.1210, 37.1211, 37.1302, 37.1402, 37.1403, 37.1502, 37.1504, 37.1505, 37.1506, 37.1506a, 37.1507, 37.1604, and 37.1606), the title and sections 103, 502, and 504 as amended and section 506a as added by 1992 PA 123, sections 102 and 606 as amended and sections 210 and 211 as added by 1990 PA 121, and sections 204 and 402 as amended and section 209 as added by 1980 PA 478.

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

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 full title.

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

Senators Miller and Hoffman entered the Senate Chamber.

Senate Bill No. 353, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 29, 504, 509t, and 795 (MCL 168.29, 168.504, 168.509t, and 168.795), sections 29 and 504 as amended by 1989 PA 142, section 509t as added by 1994 PA 441, and section 795 as amended by 1992 PA 8.

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

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 full title.

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

Senate Bill No. 355, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 115f (MCL 400.115f), as amended by 1994 PA 238.

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

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 full title.

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

Senate Bill No. 357, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 205 (MCL 484.1205), as amended by 1994 PA 29.

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

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 full title.

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

Senate Bill No. 359, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and

facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; and to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property," by amending section 2b (MCL 123.952b).

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

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

Senate Bill No. 360, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2027, 2121, 2264, 2925a, and 5208a (MCL 500.2027, 500.2121, 500.2264, 500.2925a, and 500.5208a), sections 2121 and 2925a as amended by 1980 PA 461 and section 5208a as added by 1981 PA 189.

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

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 full title.

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

Senate Bill No. 828, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as added by 1996 PA 469.

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

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 full title.

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

Senate Bill No. 358, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 211a, 410, and 502 (MCL 550.1211a, 550.1410, and 550.1502), section 211a as added by 1993 PA 127 and section 502 as amended by 1994 PA 440.

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

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

A bill to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates

for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," by amending sections 211a, 410, and 502 (MCL 550.1211a, 550.1410, and 550.1502), section 211a as added by 1993 PA 127 and section 502 as amended by 1997 PA 184.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the 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. 48**Yeas—35**

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

Nays—0**Excused—3**

Bouchard	Posthumus	Van Regenmorter
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Not Voting—0

In The Chair: President

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

The recommendation was 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.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 824, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 803 (MCL 600.803), as amended by 1980 PA 129.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of
Motions and Communications

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

Senate Bill No. 824

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

Third Reading of Bills

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

Senate Bill No. 789

Senate Bill No. 256

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 873, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 44 (MCL 791.234 and 791.244), section 34 as amended by 1994 PA 345 and section 44 as amended by 1992 PA 181.

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. 49

Yeas—34

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

Nays—0

Excused—3

Bouchard

Posthumus

Van Regenmorter

Not Voting—1

Smith, V.

In The Chair: President

The Senate agreed to the title of the bill.

Senator Berryman moved that Senator V. Smith be temporarily excused from the balance of today's session. The motion prevailed.

Senators Posthumus, Van Regenmorter and V. Smith entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 255, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5771 and 5775 (MCL 600.5771 and 600.5775), as added by 1988 PA 336.

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. 50**Yeas—22**

Bennett	Dunaskiss	Jaye	Schwarz
Bullard	Emmons	McManus	Shugars
Byrum	Gast	Posthumus	Steil
Cherry	Geake	Rogers	Stille
Cisky	Gougeon	Schuette	Van Regenmorter
DeGrow	Hoffman		

Nays—15

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

Excused—1

Bouchard

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Conroy, A. Smith and Berryman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 255 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

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

The bill is a little troubling to me. I have got some experience in managing property. I think as recently as twelve, fourteen years ago I had about 2,000 units that I managed for rent, none of them mobile homes, all of them apartments and single-family houses. I can tell you and I think you as legislators know, those that answer your phone and answer your mail, that people who live in mobile home parks have sometimes some issues that they need to have discussed. Sometimes there are things that the management of the park may not be doing that is what they consider adequate. So, frequently they are sometimes at odds with the management.

Now, that's quite different than most apartment complexes. For some reason or other, I don't know why, but in my 22 years here, I certainly have had a lot more complaints from people who live in mobile home parks about the parks themselves and the management. So, I don't think we should make it easier for that management to get rid of a person unless the person doesn't pay the rent. If the person doesn't pay the rent, they ought to be evicted. But if they're paying the rent and acting like good citizens, it seems to me they should be retained. I can tell you that some park owners do have a sense of retribution at times. I know I've intervened on many occasions trying to placate the relationship between those tenants and the management of the park.

I think that the bill is going in the wrong direction for people who are quite vulnerable. You've also got to take into consideration that if the person that is moving, it's an expensive project. It's an expensive project for them so frequently, they might not own their own furniture. It might be a case where they have to go out and buy all new furniture and uproot their lives. So, unless somebody is not paying the rent or is acting convincingly badly in that park, I think they ought to be retained and we should be cautious about extracting them from their home.

Senator Berryman's statement is as follows:

I'm having a very difficult time in supporting this legislation. I think there are ample means under existing law to evict problem tenants from mobile home parks currently. Someone will say that what we're changing here is there's a difference between someone who rents a mobile home in a mobile home park—we're treating them differently than we're treating a tenant in an apartment building. Again, I'm not a lawyer, but I understand that is true—we do treat them differently. What this bill does is will now treat people in mobile home parks the same as we treat people in apartment buildings. What I think, maybe it ought to go just the opposite: that the protections we're giving people who rent in mobile home parks we ought to be affording people who rent in apartments. So, I think we're going the wrong way.

I think there is ample room in the law currently to evict problem renters. I think what this does is loosen it. Having the just cause taken out allows a landlord because what this deals with is someone who rents a mobile home from the mobile home park, not an individual that has a lot in a mobile home park. So, it's a renter and more than likely than not in that case, it's someone with normally very low income and they just don't have the money to buy a home and pay the rent. So this really is the cheapest way in.

You can have the owner of a mobile home park that will have an individual that will pay more for lot rent than the current individual. So, this will allow them to evict them for no just cause but to say I can make more money off somebody else so I want you out of here by the end of the month and that concerns me. We don't do that to people in apartment buildings. We ought not to do it to people who rent mobile homes in mobile home parks. So, I think we need to make that justification of who are we trying to protect here.

We're talking solely about people who rent mobile homes from mobile home parks. Individuals who currently do most of this type of rental, again, are very much on the low end of the economic scale and we're taking away, I think, some very precious protections to allow them to have the minimum housing that they do have. So, instead of taking those protections away, I think that we ought to do everything that we can to maintain those protections and I think to move those protections into the other field of people who rent apartments in apartment buildings. I think this goes to the opposite direction we should be going and for those reasons, I would ask my colleagues to take a close look at this bill and vote against it.

The following bill was read a third time:

Senate Bill No. 528, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217 (MCL 257.217), as amended by 1996 PA 59.

The question being on the passage of the bill,

Senator DeGrow moved that Senator Geake be temporarily excused from the balance of today's session.

The motion prevailed.

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

Roll Call No. 51**Yeas—30**

Bennett	Dunaskiss	Miller	Schwarz
Bullard	Emmons	North	Shugars
Byrum	Gast	O'Brien	Smith, V.
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Posthumus	Stille
DeBeaussaert	Hoffman	Rogers	Van Regenmorter
DeGrow	Koivisto	Schuette	Young
Dingell	McManus		

Nays—6

Berryman	Jaye	Stallings	Vaughn
Conroy	Smith, A.		

Excused—2

Bouchard	Geake
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Rogers' statement is as follows:

I wasn't going to speak again today, but I feel compelled to do that to answer what I think are very serious charges from the Senator from the 17th District that I think are more politically motivated than any substantive argument in his comments.

I am going to tell you a story, and I may have even told it in this chamber before, I am not sure. As a young FBI agent, I was recruited by the fugitive squad to go down into a pretty tough neighborhood in the southside of Chicago to get someone who was a fugitive from the law from Philadelphia who had injured 17 Philadelphia police officers in escaping his arrest; who had poured gasoline on his girlfriend and lit her on fire. This was a pretty rough character.

Through the good work of the FBI fugitive squad in Chicago, we were able to locate this fellow on the south-side. So, we donned our gear with our vests, shotguns, machine guns and battering rams, went down to the area and tried to go in and out—it was on a Tuesday morning—and we got in, arrested him with no problem, no agents injured, got the right guy and got him out to the street. Unfortunately, there was a group of school kids walking down the street going to their school. They stopped and obviously were watching what was happening. As conversations were engaged with some of these kids, we asked, "Aren't you afraid? Does this bother you to have all these police officers and FBI agents in your neighborhood?" One youngster replied, "No, this is the third time this week." And this was a Tuesday.

Those kids deserve a chance. This isn't about police officers, Senator. This bill has nothing to do with police officers in and of itself. This is about those kids who are trying to go to school every day. They deserve the same opportunities that the kids in your neighborhood have. We ought to do everything in our power, if it moves it a little bit or it moves it a lot, to make sure that they are safe, and they have that same enjoyment of safety and security and their families back home getting ready to go to work don't have to wonder if their kids are going to make it to the school grounds alive.

Now, this isn't going to be the end-all, cure-all. We know that. But to focus on one bill of this package, the driver's license, is only a small slice of it. Actually, the greatest income incentive for police officers is the zero percent interest loans they can get to buy a house. The income tax piece that is not on the floor today that would exempt their income tax—we know we are asking them to do a tremendous amount. Police work is extremely stressful, and sometimes it is disheartening. Sometimes you come home and throw up your hands and you are not sure you are even making a difference as a police officer or an FBI agent or even a state Senator. But, you get up every day and you go back, Senator, because you want to make the difference for that one little boy who said it was the third time this week, and yet he still has the courage to take his books and go to school. That is why you get up in the morning. That is why you try up here to come up with a package that maybe helps.

I think this package will go a long way to do that. But to say that nobody will move there, there were less incentives offered in other cities—in Portland the Chief of Police started something like this when he moved into one of those neighborhoods on his own, with no incentive. You know what? He made an impact on that community. Crime went down. Trash got picked up. Drugs went away. In South Carolina, and I quoted this yesterday—apparently the Senator wasn't listening, and I see he is on the phone now—but, I will quote it again now. This is a quote from one of the people who were the recipients of a police officer who lived and worked in this neighborhood just down a few doors.

"We had police at our community meetings, but it wasn't quite the same if they didn't live here. With a police officer and his family living here, and parking his squad car in front of the house, it made a big difference. It makes us neighbors feel more safe."

Another neighbor said, "There used to be a crack house just a block away. Since the policeman moved in here it is gone. The neighborhood is much quieter now."

If you can make that kind of an impact for just that one person, for just that one little boy, I think it is worth it. It is worth every penny.

To say this is political—good policy is good policy. If it happens in an election year or an off year; if it helps move our state forward; if it helps the safety of one child and one family and it gives the courage to one neighborhood to stand up and take a street back then it is the right thing to do. Not trying anything, Senator, and leaving some of the same failed policies that we have had that just aren't working—and community policing is making a difference, it's not quite where we need to go. We need to take one step further. You may be willing to say it is not going to work and let's not do it. You may be willing to abandon those kids and those neighborhoods because maybe a Senator or Representative won't move there. I am not willing to do that, and I know many of the colleagues on this floor are not willing to abandon those families and those kids.

I want to remind you that in some cases, again, we have tried to go a step further. We tried to be a little more innovative. We tried to up the ante the best we could to ask somebody who we know has a tough job, who we know has a stressful job to go that little extra step for us and for our communities. Most people get into police work because they truly do care and they want to make a difference. If they are willing to do that, God love them, but we shouldn't ask them to do it without a little extra juice in their wallet. Maybe that won't make the difference and maybe that won't be for everybody. But for the one police officer that does it and makes a difference, he'll take something in his heart that he'll take with him for the rest of days and know that he made the difference for one of those families. That is what this package is about.

Michigan families live in tough neighborhoods. They deserve the same kind of neighborhood that you live in, Senator. Let's try to give it to them.

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

The following bill was read a third time:

Senate Bill No. 529, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

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. 52

Yeas—29

Bennett	Dunaskiss	Miller	Schwarz
Bullard	Emmons	North	Shugars
Byrum	Gast	O'Brien	Smith, V.
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Posthumus	Stille
DeBeaussaert	Hoffman	Rogers	Van Regenmorter
DeGrow	Koivisto	Schuette	Young
Dingell			

Nays—6

Berryman Conroy	Jaye Smith, A.	Stallings	Vaughn
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Excused—2

Bouchard	Geake
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Not Voting—1

McManus

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 530, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 46a.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 2, line 4, after "STATE" by inserting "OR AN AGENT OF THE FEDERAL BUREAU OF INVESTIGATION. LAW ENFORCEMENT OFFICER DOES NOT INCLUDE A JUDGE, PROSECUTOR, OR OTHER GOVERNMENT OFFICIAL".

2. Amend page 2, following line 4, by striking out all of subparagraph (iii) and renumbering the remaining subparagraph.

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. 53**Yeas—17**

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

Nays—19

Bennett	Emmons	North	Smith, V.
Bullard	Gast	Posthumus	Steil
Cisky	Gougeon	Rogers	Stille
DeGrow	Jaye	Schuette	Van Regenmorter
Dunaskiss	McManus	Shugars	

Excused—2

Bouchard

Geake

Not Voting—0

In The Chair: Schwarz

The President, Lieutenant Governor Binsfeld, resumed the Chair.

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. 54**Yeas—31**

Bennett
Bullard
Byrum
Cherry
Cisky
DeBeaussaert
DeGrow
Dingell

Dunaskiss
Emmons
Gast
Gougeon
Hart
Hoffman
Koivisto
McManus

Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

Shugars
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—5

Berryman
Conroy

Jaye

Smith, A.

Stallings

Excused—2

Bouchard

Geake

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Conroy, Berryman and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 528, 529 and 530.

Senator Conroy's statement is as follows:

I represent an area that does have some areas that are pretty tough for people to live in. As this bill was drafted, I kind of wondered what in the world the sponsor was thinking because it did not seem to me that the inducements to move into the high crime area were nearly high enough in this bill. In particular, police officers who have a pretty decent income can kind of pick and choose where they want to live. So I think it is a little bit of a roose to place on the public, that the police officers are going to benefit and rush to these danger zones to live in. It is just not going to happen.

Senator Berryman moved that the statements he made during the discussion of the bills be printed as his reasons for voting “no.”

The motion prevailed.

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

This is one of these bills in this series of three that I think is in its own purpose—this is an election-year, feel-good piece of legislation that is going to make someone look good in the eyes of police officers. I plan on voting “no” on all three bills because I think it is ill-placed. Again, I think it is solely here because this is an election year and someone wants to tout that “I’ve been good to cops.”

This series of bills does nothing for police officers and their families. What you are asking for is a tax break. We are going to give a free driver’s license, free car registration and if they qualify and get a loan from MSHDA—they will have a zero percent interest on a mortgage. What are you asking in return? A police officer goes to work everyday and puts his or her life on the line for a free driver’s license or a car registration. Now you are asking them to put their families in harm’s way. We are saying, “Live in this high crime area and this is what we will give you.”

I would like to ask any of my colleagues, as I am surprised when you developed this legislation, why you didn’t put Senators and Representatives in this? I would ask each and everyone of you with high crime areas in your own districts, would you move your family into a high crime area for a free driver’s license or driver’s registration? We are going the wrong way. Instead of putting a police officer’s family in harm’s way, why don’t we clean up the high crime area? Speaking of police officers or a Senator or a Representative in the middle of a high crime area is not going to solve the problems. What you are going to have, if someone would take advantage of it, is a police officer’s family in the middle of a high crime area.

I feel very comfortable in voting “no.” Someone can say anything they want in an election year, but I am not going to vote to intentionally ask a police officer for such a minimal offer—I wouldn’t do it anyway—for such a minimal offer of a free driver’s license or free car registration to put their spouse and children in a high crime area. That is too much to ask. We ask too much of them already. We send them to work everyday, and their spouse has no idea if they are going to come home, or if they are not.

So, now in an election year, let’s give them a free driver’s license so we can say, “We are dealing with fighting crime. We are going to put police officers in these high crime areas.” You ask the police officers, they will not put their families in the middle of a high crime area. I would bet nor would anybody else in this chamber.

You pick out the toughest neighborhood in your district, the highest crime area in your district and you move your wife or your husband and children into that area. One, you wouldn’t do it; the other, it wouldn’t have an impact to begin with. To put police officers and their families in harm’s way for three bills that will make someone feel that they have done something politically to fight high crime is an absolute joke.

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

I think that you do have to look at the motive behind the bills. I agree that they’re not mandatory, that you’re not requiring people to go into a neighborhood. So, what impact is it going to have?

I was on the phone because I was trying to call Bay City. I was told in the last week that Bay City as a community tried this and offered this to their police officers and no one took advantage of it and I was just trying to verify that before I got back up.

This doesn’t require police officers to move into those neighborhoods. That is my point. You’ll pass this and go out and tout, “Look what we did to make neighborhoods safer” when, in reality, I don’t think any officer is going to take advantage of it because I wouldn’t put my family in that position.

The difference is that instead of taking a police officer’s family and putting them in a high-crime area thinking that that police officer is going to make a difference in that whole neighborhood, who gets up and goes to work maybe all day or second shift or third shift. He’s not in the neighborhood anyway. You’ll say that’s going to make a difference when what we should be doing is if you’re going to identify high-crime areas, don’t worry about just putting officers in there, go into the high-crime area and do something about it. Knock down the crack houses. People are committing crimes; go in and take care of it. Parking a police officer in the middle of it isn’t going to change it. You’re going to put their family more at risk. You’re going to put that officer more at risk. If it truly is a high-crime area, go in and solve it and make it safe for the whole neighborhood.

This way, the way that you want to go, is putting, you hope, a good cop and his family in the middle of a very bad situation. If I’m not mistaken, this Governor in this year’s budget eliminated community policing from the budget. I think we ought to take the other approach in trying to say a feel-good piece of legislation that I don’t think many people will take advantage of in taking whether it’s zero-interest loans or license plate or the driver license and concentrate resources on cleaning up the entire neighborhood, in making the entire neighborhood safe for the whole community.

Senator Berryman’s third statement is as follows:

One, I think, the defeat of that amendment goes back to what I was saying at the very beginning. I think this makes this very much a shell of a series of bills that you really didn’t want to widen the definition and get more people involved and make the neighborhoods safer.

I was absolutely amazed when the good Senator from the 26th District made the statement on the floor just a moment ago that there was a police officer who lived in his neighborhood for 18 months before he ever knew it. That goes right to my argument. I mean, if a police officer can live in your neighborhood for 18 months and you not even know it, what good is this series of bills going to do? If you don't know it, the cop moving into some other high-crime area and nobody knows it, what have you accomplished?

I want to say that I don't just get up here and talk about a high-crime area and say I don't think this is going to have an impact in living in the neighborhood that I do. We do live in a nice middle-class neighborhood, relatively safe. We think three break-ins in six months is a high-crime area. But I took a day and I went to Detroit and I rode for a full shift with the crime unit and I saw high-crime areas. I rode with officers who went down the street where there were crack houses, where there were gang houses, where there is gang graffiti and what it meant, kids that were walking the street who were packing guns. We went into neighborhoods where these police officers would not even respond to a call on a particular street without a second car with them because if they went into that neighborhood by themselves, they would be shot at. Now that's a high-crime area and you tell me that you want to put that police officer's family in that high-crime area. That's a high-crime area when the police officer cannot even drive down in a squad car because they would be shot at from a house. Let's give a few incentives to move his family into that neighborhood. I think on behalf of police officers, I think not.

Senator Peters moved that he be named co-sponsor of the following bill:

Senate Bill No. 530

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 855, entitled

A bill to amend 1978 PA 34, entitled "An act to revise the laws relating to fences on certain lands and fence viewers; and to repeal certain acts and parts of acts," by amending sections 4, 5, and 6 (MCL 43.54, 43.55, and 43.56).

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 55

Yeas—19

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

Nays—17

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

Excused—2

Bouchard	Geake
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Not Voting—0

In The Chair: President

Senator DeGrow moved to reconsider the vote by which the bill was defeated.
The question being on the motion to reconsider,
Senator DeGrow moved that further consideration of the bill be postponed for today.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 824, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 803 (MCL 600.803), as amended by 1980 PA 129.

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. 56

Yeas—35

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

Nays—1

Dingell

Excused—2

Bouchard

Geake

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Emmons introduced

Senate Bill No. 898, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282a.

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

Senator Emmons introduced

Senate Bill No. 899, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 1997 PA 142.

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

Senator Emmons introduced

Senate Bill No. 900, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147). The bill was read a first and second time by title and referred to the Committee on Education.

Senators Bennett, Dunaskiss, Gast, North, Gougeon, Koivisto, Stille and McManus introduced

Senate Bill No. 901, entitled

A bill to authorize the issuance of general obligation bonds of the state and to pledge the full faith and credit of the state for the payment of principal and interest on the bonds to finance environmental and natural resources protection programs that would clean up and redevelop contaminated sites, protect and improve water quality, reclaim and revitalize community waterfronts, enhance and increase recreational opportunities at Michigan state parks, and clean up contaminated sediments in lakes, rivers, and streams; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Koivisto, Bennett, Dunaskiss, Gast, North, Gougeon, Stille and McManus introduced

Senate Bill No. 902, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 88.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Koivisto, Bennett, Dunaskiss, Gast, North, Gougeon, Stille and McManus introduced

Senate Bill No. 903, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 795.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Bennett, Dunaskiss, Gast, North, Gougeon, Koivisto, Stille and McManus introduced

Senate Bill No. 904, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4019, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4p. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4949, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4o. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Senator DeBeaussaert moved that his name be removed as sponsor of the following bill:

Senate Bill No. 856

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Miller, North, Cherry, McManus, Schwarz, A. Smith, V. Smith, Geake, President of the Senate, Conroy and Dingell asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Miller's statement is as follows:

Madam President, I was surprised and shocked and a little dismayed yesterday when I heard the announcement that one of colleagues is not going to be seeking re-election this year. He made this rather quietly, but I think the rest of the body should know loudly how much we respect his work over the past 16 years in this body. He's been not only a leader here for all of the people in Michigan, but especially the Genesee-Flint area and, more importantly, Madam President, he's been a friend to a lot of members and a lot of staff people here. I had the privilege to serve with Joe Conroy for the last 16 years in this body, and prior to that, he served very admirably and strong in the House and I didn't want this week to end on a very quiet note that Joe Conroy is just sliding off into retirement.

I see he was over paying homage to his Chairman, Senator Harry Gast. From now on I won't be seeing him kneeling down next to the Chairman asking for forgiveness. Anyway, Madam President, Joe Conroy has been a friend to a lot of people in this body and, like I said, the for the last 16 years we might have differed on a few items, but he's been a person who when the going gets tough, he's there as your friend and he's there as a Senator and he's done a lot of great things for the people in Flint. I think the body here owes him a real sincere thank-you for his friendship and his hard work and dedication. I know that his wife and his children are awful proud of the accomplishments that Joe Conroy has done for the Michigan Senate.

Senator North's statement is as follows:

I would just like to add a little bit to the eloquent remarks of Senator Miller. While I've not had the privilege to serve with Senator Conroy for 16 years like he has, I'm entering my fourth year of service with Joe, and I feel very strongly that he's been an advocate for his district, and I would correct one thing that Senator Miller said: I suspect that Joe Conroy will be over kneeling beside Harry Gast's desk, the chairman of the Appropriations Committee, up to his last day of service because he likes to bring home the bacon to Flint and Genesee County. Joe grew up in Battle Creek, the same general area I did in Battle Creek, Michigan, and I found him a delight to serve with. His word is good. Like Senator Miller, we don't all agree on every issue, but I think he's been a credit to this institution and I wish him well in the future.

Senator Cherry's statement is as follows:

I rise to join my colleague, Senator Miller, in commenting on the surprise decision of my colleague from Genesee County, Senator Conroy, to retire from the Michigan Senate at the end of this term.

I personally will miss him. Not only as a caucus leader, but as neighbor, a friend and a political associate. It's always been said in Genesee County that where more than three people are gathered together, there was Joe Conroy. Joe just had the ability to move around the community and be everywhere talking to everybody, and it's earned him a lot of friendship and a lot of respect as a member of the House and now of the Senate. It wasn't just a matter of going around and talking to people, Joe always had a purpose. He was always bringing people into politics, encouraging them to get involved in public service. He was also particularly attuned to bringing young people into politics and encouraging them and giving them a little advice and how to go. He's mentored a lot of people and you will find them all over the county serving in a number of capacities, but in every instance trying to make life better in our community.

One thing about Joe is that you always knew where he stood. You may not have always agreed with him, but you always knew where he stood. We all have seen Joe here in the Senate and have a sense of what he stood for as a state Senator, but you ought to know that in Flint and the Genesee County community, what Joe Conroy will always be known for is a person who, when it wasn't very popular, stood very firmly for open housing in Genesee County. It was the first public vote in this nation that a community passed and opened an open-housing ordinance. Not by many votes, and it wasn't a popular issue—it was very controversial, but Joe always stood someplace, and you knew where he stood—he stood inside of open housing, and that will be something that will always be remembered, and it's the reason why I'm proud to call Joe Conroy my friend.

We'll remember him here for class size. His tireless advocacy on behalf of Michigan school children in reducing class size, and I know it was a problem for Joe earlier this year when the President stood up in the State of the Union address and called for lower class size. I had a suspicion that it might happen when I saw last year Joe shoving something into the President's hand when he was before the House of Representatives, and it must have succeeded because there it was in the State of the Union speech this year. I think that is an accomplishment that I know is one he's proud of, and it's one I'm proud of as well.

I'm going to miss him. We are all going to miss him because he won't be there pointing out wayward ways, as we all have our bad habits. Joe was always one to remind us of how we could improve our lifestyles—we'll miss that. But I can tell you though, in Genesee County, we will succeed and have the comfort of knowing that even though he won't be serving in the Senate, he won't be able to keep his hands out of politics. That's Joe Conroy, but that's a benefit for us back home. He will be a senior statesman. He'll be respected in that regard. He has earned his respect—I'm proud to call him my friend, and I'm going to miss him in the State Senate.

Senator McManus' statement is as follows:

First, I would like to congratulate Senator Conroy and indicate to the rest of you that the good Senator got his early beginnings up in my district, in Atrim County, as a cherry picker. It was from those humble beginnings and the lessons he learned out in the orchard that caused him to go on to become the great Senator that he is. We could have him continue now because we have dwarf trees that are not as tall, so he wouldn't have to use a ladder.

The other part of my statement has to do with the vote this morning on Senate Bill No. 529. I was absent from the chamber because I was in the Elijah Myers Room working with some constituents at that point. So, I was not here to vote. I would have voted "yes" on Senate Bill No. 529 had I been in the chamber.

Senator Schwarz's statement is as follows:

I am speaking for Chairman Gast and myself. Chairman Gast needs to see an ear, nose and throat specialist but refuses to do so. As a result, I am speaking for Chairman and myself about our colleague and good friend Joe Conroy. I would say to George McManus, if he is still in the chamber, if Joe went up north to pick cherries for summer employment when he was a youngster, it was because he lived on Cherry Street in Battle Creek. And we have just confirmed that fact. That it was in fact Cherry Street that Joe lived on and Cerise is his favorite color. So, there was a reason that Joe went up there and did that.

Senator Gast and I want to tell Senator Conroy what a pleasure it has been serving with him on the Appropriations Committee. I have also served with the Senator from Flint on a number of subcommittees on Appropriations as has Chairman Gast.

Joe is always brief, to the point, sometimes poses difficult questions; sometimes, in fact, Senator you are a little bit combative. But I understand that.

We are going to miss your experience. I think the entire Capitol will miss your experience, your input, especially your input on human services issues and K-12 education issues. I know Chairman Gast joins me in wishing you a happy and a long retirement when you leave this chamber. But Harry and I also remind you we have about 10 months to go. So, don't lose interest, and we know you won't.

Senator A. Smith's statement is as follows:

I entered my service for my constituents in my district in 1995, and within the first week, I understood what Senator Cherry means when he talks about the influence of Senator Conroy, whether wanted or not.

The first visit I had from Senator Conroy was by telephone when he said to me, "Of course you want that seat on Appropriations." (Harry, it's his fault.) And I kept saying, "I don't think so. I think I want some policy committees," and he said, "You want Appropriations. I've told Art Miller you want Appropriations. You will be on Appropriations."

It was the first and not the end of a long stream of good advice that I got from Senator Conroy. The other, of course, dealt with changing my glasses and changing my weight in terms of losing some. But, he has been a wonderful role model for me on Appropriations. He is a man who does his homework. I know that much of it is staff work, but Joe listens to his staff.

He has been a good advisor and a man of great courage—one who is not afraid to turn around and tell me that my district will massacre me for a vote that he thinks I should have done differently but a mentor who has been greatly appreciated. I'm glad we still have ten months, and Joe, I'm glad you're alive to hear all of these compliments.

Senator V. Smith's statement is as follows:

I'm the only one on this floor who came into this Legislature with Joe. We both got here young and fresh 20 years ago in 1978, and I think out of our class, there are three of us left. I served with Joe eight years in the House, and then I watched him go to the Senate. I had maybe a tinge of jealousy when he left the House and went to the Senate. I thought one day maybe I'd have the opportunity to follow him and that day finally came.

Joe Conroy is committed to his constituency and always has been. He does his homework, is a true fighter, is relentless in protecting the interests of those who have had no protection. He has consistently, and I think most of his career, he's been consistently a fighter for those who don't have a spokesperson, for those who may not always be going out to the polls but the state has always tried to have that safety net and Joe wanted to make sure that safety net was always in place. I think that's why he has always gravitated toward the social service committee, and he has chaired that committee with distinction or been our senior member. He's chaired it in the House, but he's been a senior member here, and we have followed him. We've listened to his arguments, and we never really had to worry because we always knew that our person was there, and the fight would be brought to bear.

I'm going to miss you, Joe. I think you've done just a great, great job in the Legislature for your constituents both in the House and in the Senate. Even though our class continues to shrink, I'll do my best to represent us and make you proud. I'm going to miss you, Joe. I hate to see you go, and your constituents are the ones who are the loser for you having made the decision that it's time to go home and spend some time with the family.

Senator Geake's statement is as follows:

I'd like to take a different tack. Instead of saying how much we'll miss Joe and what a good job he did in the past, I'd like to point out to my colleagues what a great job he is doing and how much we are depending on him for the rest of this year. His leadership and his knowledge and his dedication to social services issues and mental health issues and public health issues is, of course, going to be missed next year, but it's going to be heavily utilized the rest of this year. So, Joe, we know you're going to be here every day, and you're going to be into every issue like you always are. We are very grateful for your presence, and we'll talk about how much we'll miss you in December.

The President of the Senate made a statement and requested that it be printed in the Journal.

The President's statement is as follows:

I would like to let Senator Conroy know that as a Senator when I served on the Appropriations Committee and also as President of the Senate, I have greatly appreciated the support that you have given for the children's issues, especially, that I was interested in. You and I shared the same interests there, and I have to admit to you that I have lobbied the Governor on your behalf of those smaller classes and showed him the reports. I think you deserve an awful lot of credit for what you have done for young children. I know you have affected much legislation for all the members of the state and your community, but that one in particular, I think is extremely valuable.

I have enjoyed working with you, and when Senator Virgil Smith said, "You came in in the same class," I can remind you that Senator Harry Gast and I are probably the only two who were freshmen ahead of you. So, we did watch you grow, and hopefully we get a little credit for helping to guide you, too. We will certainly look forward to working with you the rest of this term, and you will be missed.

Senator Conroy's statement is as follows:

I'd like to thank my district and all of you as well. I appreciate the time that we've spent together.

Senator Dingell's statement is as follows:

Ladies and Gentlemen, I smelled something fishy, both in the Judiciary Committee as well as here on the Senate floor during consideration of Senate Bill No. 838. It was my view back when I worked in the steel mill that if you really wanted to know what was going on, ask the Union. That was the quickest way to find out. Yesterday, we had a big fight on Senate Bill No. 838 over removing language which might be construed as allowing putting Michigan prisoners in out-of-state privatized prisons. Well, staffs talked to the Union last night, and staffs have also talked to Department of Corrections during Senate Judiciary Committee hearings on Senate Bill No. 838. I heard from Corrections that there wasn't an intent now to ship Michigan prisoners to private prisons in other states. During consideration here on the Senate floor, I heard that also from one of my colleagues, guess what? It's not true. People wonder why my view of the Department of Corrections has dropped rather precipitously recently. I think I've been lied to; I think you've been lied to. It's my understanding and this has been confirmed by the Department of Corrections, they're trying to transfer 480 prisoners to the Corrections Corporation of America facility in Oklahoma on Tuesday.

They say there's a few minor glitches that will prevent them from doing this. Section 11a of the Department of Corrections Act, that's MCL 791.211a, does permit the Department of Corrections to contract with another state for the incarceration of state prisoners. One of the key provisions states, "A contract shall not authorize the confinement of a prisoner who is the custody of the Department in an institution of the state other than the state that is a party to the interstate corrections compact." This language would appear to provide that a prisoner who is transferred to another state pursuant to the interstate corrections compact must be transferred to a state facility in that other state. The department may and, apparently, is going to try and argue that this is not a transfer pursuant to the interstate corrections compact, and therefore, its provisions do not apply. However, I don't think the department has any other authority to send prisoners out-of-state. I think we've been lied to, also.

This is very serious. I would hope that members of the Appropriations Committee, in particular, would look with disfavor upon representations made by the Department of Corrections during these hearings.

Committee Reports

The Committee on Finance reported

Senate Bill No. 733, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 1996 PA 469.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 754, entitled

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending sections 40, 41, 43, 50, and 56 (MCL 205.240, 205.241, 205.243, 205.250, and 205.256), sections 40, 41, 43, and 50 as added by 1993 PA 54 and section 56 as amended by 1994 PA 372.

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

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

The Committee on Finance reported

Senate Bill No. 856, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6023 (MCL 600.6023), as amended by 1989 PA 5.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 872, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

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

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

The Committee on Finance reported

Senate Bill No. 890, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 52 (MCL 208.52).

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4783, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 265 (MCL 206.265), as added by 1993 PA 128.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4841, 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 sections 12a and 22 (MCL 207.112a and 207.122), section 22 as amended by 1995 PA 52.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 822, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 131f.

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

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, February 17, 1998, at 1:10 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard, Shugars, Peters and V. Smith

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 876, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1901 and 1902 (MCL 324.1901 and 324.1902), section 1901 as added by 1995 PA 60 and section 1902 as amended by 1996 PA 134.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Dingell and DeBeaussaert
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 5066, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2104 (MCL 324.2104), as added by 1995 PA 60.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dingell and DeBeaussaert
Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Concurrent Resolution No. 54.

A concurrent resolution to request the United States Army Corps of Engineers to restore and maintain the harbor of refuge at Grand Marais.

(For text of resolution, see Senate Journal No. 76 of 1997, p. 1553.)

With the recommendation that the concurrent resolution be adopted.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dingell and DeBeaussaert
Nays: None
The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, February 17, 1998, at 3:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bennett (C), Dunaskiss, Dingell and DeBeaussaert

Excused: Senator Gast

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:

Meeting held on Tuesday, February 17, 1998, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Schwarz, Jaye and Byrum

Excused: Senator O'Brien

Scheduled Meetings

Natural Resources and Environmental Affairs Committee - Tuesday, February 24, at 3:30 p.m., 8th Floor Conference Room, Farnum Building (3-7350).

Select Committee to Examine the Qualifications of Senator Stallings (SR 131) - Tuesday, February 24, at 1:00 p.m., Room 100, Farnum Building (3-5103).

Senator Van Regenmorter moved that the Senate adjourn.
The motion prevailed, the time being 12:09 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, February 24, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

