

No. 40
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 7, 1998.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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
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
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
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator John J.H. Schwarz of the 24th District offered the following invocation:

On this 47th National Day of Prayer, your servants in the Legislature are honored by the kind words and prayers that all you visitors to the Capitol have generously brought to the building and said on behalf to those of us who represent you in Lansing.

We humbly recognize that our feeble efforts pale beside the majesty of God's creation. We acknowledge that the laws we write are no more than words and that none of our words compare to the Word of the Lord. We know that in the conduct of our public and private lives, religion is the indispensable support of public morality and that the Lord is the ultimate source of religious inspiration.

We must never forget, Lord, in our daily commerce, that to earn a living and to make a profit are means to an end and not that end in itself.

We are charged, Lord, to recognize Your image in ourselves and in those with whom we agree and disagree, even when we are tempted to lose that perspective, for all human life, which is in Your image, is sacred.

We acknowledge today, Lord, those who have come to pray on our behalf; we ask that we may be worthy of their prayers, that we may pursue justice in all that we do and that we fulfill their trust in us as their representatives, just as we pray to be worthy of Your manifold blessings.

Lord, we pray that Your glorious name be sanctified forever and ever. Amen.

Senator Berryman entered the Senate Chamber.

Motions and Communications

Senator DeGrow moved that Senators Dunaskiss, Geake, Jaye, Schuette and Van Regenmorter be temporarily excused from today's session.

The motion prevailed.

Senators Van Regenmorter, Schuette, Geake and Young entered the Senate Chamber.

The following communication was received:
Michigan Supreme Court

April 3, 1998

Enclosed please find the evaluative summary of the Citizen Advisory Committee Annual Report to the Legislature.

Public Act 366 of 1996 was established Citizen Advisory Committees in each county (see attachment A). Among the statutory duties of citizen advisory committees is the requirement of submitting an annual report of activities. The act also requires the Friend of the Court Bureau of the State Court Administrative Office to prepare an evaluative summary of the activities and functioning of each citizen advisory committee, the aggregate of all citizen advisory committees and an identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees. We have developed a report on the activities of Citizen Advisory Committees as a supplement to the Annual Grievance Report, which was issued on December 2, 1997. The procedure for submitting our Annual Grievance Report has been changed, beginning with 1998, to coincide with this evaluate summary. In the past, the Annual Grievance Report was based on information received in a one-year period ending in June of each year. In the future, both reports will be submitted together and will include information gathered in a one-year period ending in December of each year.

In addressing the statutory reporting requirement, the bureau developed annual reporting forms (see attachment B) for use by the citizen advisory committees. In addition, the Friend of the Court Bureau provides technical assistance to citizen advisory committees. This includes development of an informational brochure, telephone consultations with committee members and others, and regular contact with county executives and boards of commissioners.

This office welcomes any questions or suggestions regarding the status of citizen advisory committees or the evaluative summary of the citizen advisory committee annual report

Sincerely,
John D. Ferry, Jr.
State Court Administrator

The communication was referred to the Secretary for record.

The following communication was received:
Saginaw Midland Bay Michigan Works!

April 27, 1998

Enclosed you will find the summaries of the Saginaw Midland Bay Michigan Works! biennial plans for the Title III Economic Dislocation and Worker Adjustment Assistance Act (EDWAAA).

Comments on the Title III summary are requested by May 15, 1998. The plans will be available for review on that date. Full copies of the final plans may be reviewed on May 15, 1998 at the address listed below.

The 120 day (for a proposed plan) and 80 day (for a final plan) requirements for review, comment and publication pursuant to Sections 105(a) (1) and (a) (2), of the Act are hereby waived. Plan summaries may be submitted to required parties simultaneously on the date of the submission of the plan to Michigan Jobs Commission.

Please send any comments in writing to: Dennis Brieske, Director, Saginaw, Midland Bay/Michigan Works! Administration, 1600 North Michigan Avenue, Room 400, Saginaw, Michigan 48602, (517) 754-1144.

Sincerely,
Dennis Brieske
Director

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from July 1, 1996, through September 30, 1996, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture and Forestry
Appropriations
Economic Development, International Trade and
Regulatory Affairs
Education
Families, Mental Health and Human Services
Finance
Financial Services
Government Operations
Government Operations
Health Policy and Senior Citizens
Human Resources, Labor and Veterans Affairs
Judiciary
Local, Urban and State Affairs
Local, Urban and State Affairs

Natural Resources and Environmental Affairs
Technology and Energy
Transportation and Tourism

Appropriations Subcommittee on Corrections
Appropriations Subcommittee on State Police and
Military Affairs
Appropriations Subcommittee on Transportation

Chairperson

Senator Walter North
Senator Harry Gast
Senator Bill Schuette

Senator Joanne Emmons
Senator Joel Gougeon
Senator Joanne Emmons
Senator Michael Bouchard
Senator Bill Bullard
Senator Joanne Emmons
Senator Dale Shugars
Senator Mike Rogers
Senator William Van Regenmorter
Senator Leon Stille
Senator Dick Posthumus on behalf of
Senator David Honigman
Senator Loren Bennett
Senator Mat Dunaskiss
Senator Dick Posthumus on behalf of
Senator Douglas Carl
Senator Jon Cisky
Senator Jon Cisky

Senator Philip Hoffman

The Secretary announced that pursuant to rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from October 1, 1996, through December 31, 1996, and are available in the Secretary's office during business hours for public inspection:

Committee

Agriculture and Forestry
Appropriations
Economic Development, International Trade and
Regulatory Affairs
Education
Families, Mental Health and Human Services
Finance
Financial Services
Government Operations
Health Policy and Senior Citizens
Human Resources, Labor and Veterans Affairs
Judiciary
Local, Urban and State Affairs
Natural Resources and Environmental Affairs

Chairperson

Senator Walter North
Senator Harry Gast
Senator Bill Schuette

Senator Joanne Emmons
Senator Joel Gougeon
Senator Joanne Emmons
Senator Michael Bouchard
Senator Bill Bullard
Senator Dale Shugars
Senator Mike Rogers
Senator William Van Regenmorter
Senator Leon Stille
Senator Loren Bennett

Technology and Energy	Senator Mat Dunaskiss
Transportation and Tourism	Senator Dick Posthumus on behalf of Senator Douglas Carl
Appropriations Subcommittee on Agriculture	Senator George McManus
Appropriations Subcommittee on Community Health	Senator Robert Geake
Appropriations Subcommittee on Corrections	Senator Jon Cisky
Appropriations Subcommittee on Family Independence Agency	Senator Robert Geake
Appropriations Subcommittee on Natural Resources and Environmental Quality	Senator George McManus
Appropriations Subcommittee on State Police and Military Affairs	Senator Jon Cisky

The Secretary announced that pursuant to rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from January 1, 1997, through March 31, 1997, and are available in the Secretary's office during business hours for public inspection:

Committee	Chairperson
Agriculture and Forestry	Senator Walter North
Appropriations	Senator Harry Gast
Economic Development, International Trade and Regulatory Affairs	Senator Bill Schuette
Education	Senator Joanne Emmons
Families, Mental Health and Human Services	Senator Joel Gougeon
Finance	Senator Joanne Emmons
Financial Services	Senator Michael Bouchard
Gaming and Casino Oversight	Senator Michael Bouchard
Government Operations	Senator Bill Bullard
Health Policy and Senior Citizens	Senator Dale Shugars
Human Resources, Labor and Veterans Affairs	Senator Mike Rogers
Judiciary	Senator William Van Regenmorter
Local, Urban and State Affairs	Senator Leon Stille
Natural Resources and Environmental Affairs	Senator Loren Bennett
Technology and Energy	Senator Mat Dunaskiss
Transportation and Tourism	Senator Dick Posthumus on behalf of Senator Douglas Carl
Appropriations Subcommittee on Agriculture	Senator George McManus
Appropriations Subcommittee on Community Health	Senator Robert Geake
Appropriations Subcommittee on Corrections	Senator Jon Cisky
Appropriations Subcommittee on Family Independence Agency	Senator Robert Geake
Appropriations Subcommittee on Natural Resources and Environmental Quality	Senator George McManus
Appropriations Subcommittee on State Police and Military Affairs	Senator Jon Cisky
Appropriations Subcommittee on Transportation	Senator Philip Hoffman

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 6:

House Bill Nos. 4651 5197 5198 5199 5200 5202 5203 5212 5213 5564 5567 5580 5596 5613
 5657 5658 5663 5664

Messages from the Governor

The following messages from the Governor were received and read:

May 6, 1998

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

Michigan Gaming Control Board

Reverend Jim Holley, 19386 Cumberland Way, Detroit, Michigan 48203, county of Wayne, as a member representing Democrats, succeeding Ms. Karen Batchelor Farmer of Detroit, who has resigned, for a term expiring on December 20, 2000.

May 6, 1998

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

Michigan Law Enforcement Officer's Training Council

Sheriff Gary A. Rosema, 16357 - 130th Avenue, Nunica, Michigan 49448, county of Ottawa, as a member representing the Michigan Sheriffs' Association, succeeding Mr. Terrence L. Jungel of Ionia, whose term has expired, for a term expiring on January 1, 2001.

May 6, 1998

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

State Fire Safety Board

Mr. Richard S. Gudkese, 2221 McKinley Avenue, Bay City, Michigan 48708, county of Bay, as a member representing hospital administrations, succeeding Mr. William G. Vincent of Leslie, who has resigned, for a term expiring on July 15, 1999.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 200

Senate Bill No. 97

House Bill No. 4289

Senate Bill No. 38

Senate Bill No. 752

Senate Bill No. 386

The motion prevailed.

Senate Bill No. 3, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 1994 PA 174.

The House of Representatives has appointed Reps. Wallace, Baird and Nye as conferees to join with Senators Bouchard, Van Regenmorter and V. Smith.

The bill was referred to the Conference Committee on April 30, 1998.

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 5290, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

Senator DeGrow moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

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

Senator DeGrow moved to reconsider the vote by which the bill was passed.

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

The bill was placed on the order of Third Reading of Bills.

Senators Dunaskiss and Jaye entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

The following bill was announced:

House Bill No. 5290, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

The question being on the passage of the bill,

Senator North offered the following amendment:

1. Amend page 5, line 26, after "effect" by striking out "May 1" and inserting "August 15".

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

The question being on the passage of the bill,

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

Roll Call No. 271

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

Senator DeGrow moved that the bill be given immediate effect.

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,".

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to consideration of the following joint resolution:

Senate Joint Resolution A, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to provide for concurrence of 3/5 of the members of each house to impose certain taxes or to make certain modifications to certain taxes.

The above joint resolution was read a third time.

The question being on the adoption of the joint resolution,

Senator Emmons offered the following amendments:

1. Amend page 2, line 13, after the first "OF" by inserting "AT LEAST".
2. Amend page 2, line 16, after the first "OF" by inserting "AT LEAST".
3. Amend page 2, following line 23, subsection (4), after the first "OF" by striking out "NOT LESS THAN" and inserting "AT LEAST".

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

Senator Jaye offered the following amendment:

1. Amend page 2, following line 23, subsection (4), by inserting:

"(5) A BILL TO IMPOSE, EXPAND THE BASE OF, INCREASE THE RATE OF, OR REPEAL AN EXEMPTION FROM ANY FINANCIAL OBLIGATION AGAINST WAGES, PROPERTY, OR EARNINGS IMPOSED BY THIS STATE SHALL NOT BECOME LAW UNLESS CONCURRED IN BY NOT LESS THAN 3/5 OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE."

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

Senator Dingell offered the following amendment:

1. Amend page 2, line 12, after "TAXES," by inserting "OR ANY BILL THAT APPROPRIATES STATE FUNDS,".

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. 272

Yeas—15

Byrum
Cherry
Cisky
DeBeaussiaert

Dingell
Hart
Jaye
Koivisto

Miller
O'Brien
Peters
Schwarz

Smith, V.
Vaughn
Young

Nays—22

Bennett
Berryman
Bouchard
Bullard
Conroy
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Shugars
Smith, A.
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Hoffman

Senator Peters offered the following amendment:

1. Amend page 2, following line 23, subsection (4), by inserting:

"(5) NO BILL TO UNDERTAKE BONDED DEBT BY, OR ON BEHALF OF, THE STATE SHALL BECOME LAW WITHOUT THE CONCURRENCE OF NOT LESS THAN 2/3 OF THE MEMBERS ELECTED TO AND SERVING IN EACH HOUSE."

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. 273**Yeas—18**

Byrum
Cherry
Cisky
Conroy
DeBeaussaert

Dingell
Hart
Jaye
Koivisto
Miller

O'Brien
Peters
Schwarz
Shugars

Smith, A.
Smith, V.
Vaughn
Young

Nays—19

Bennett
Berryman
Bouchard
Bullard
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon

Hoffman
McManus
North
Posthumus
Rogers

Schuette
Steil
Stille
Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: Hoffman

The question being on the adoption of the joint resolution,

The joint resolution was not adopted, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 274**Yeas—22**

Bennett
Bouchard
Bullard
DeBeaussaert
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Jaye
McManus
North
Posthumus
Rogers

Schuette
Shugars
Steil
Stille
Van Regenmorter

Nays—15

Berryman
Byrum
Cherry
Cisky

Conroy
Dingell
Koivisto
Miller

O'Brien
Peters
Schwarz
Smith, A.

Smith, V.
Vaughn
Young

Excused—0**Not Voting—0**

In The Chair: Hoffman

Senator DeGrow moved to reconsider the vote by which the joint resolution was not adopted.
 The question being on the motion to reconsider,
 Senator DeGrow moved that further consideration of the joint resolution be postponed for today.
 On which motion 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. 275**Yeas—22**

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

Nays—15

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

Excused—0**Not Voting—0**

In The Chair: Hoffman

Protests

Senators V. Smith, Peters, Cherry, Conroy, Berryman, A. Smith, Dingell and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of Senate Joint Resolution A and moved that the statements they made during the discussion of the amendments and the joint resolution be printed as their reasons for voting “no.”

The motion prevailed.

Senator V. Smith's statement is as follows:

Mr. President and members, I find it interesting the arguments that I've heard here today—the new millennium, the new beginning, and we're going to break with the rustic past of Michigan, and we're going to send Michigan off on a new future, and we're going to do it all with this super-majority constitutional amendment for passage and increase of taxes in the future. What a bunch of hogwash. If you're going say these things, how can you say it? Are you going to ignore George Romney, a Governor of this state of renown who was a presidential candidate, who was, of course, also the Governor who was the Governor at the time the income tax started? Or are you going to ignore Bill Milliken, another Republican Governor of this state who probably drove us closer to the brink from a financial bankruptcy standpoint than any other Governor? And you guys know, I really loved Bill Milliken. I mean, he was one Republican I almost voted for. I surely kept my troops home on election day when Bill Milliken was running. You know, you're revisionists. You want to craft history in your own image. You want to put your own spin on it. You want to turn the top, put this new spin on it, and all of a sudden it's a new ball game. Boy, if life was as easy as you want to make it. Well, life isn't that easy.

This body is here to do what we were elected to do. We were elected to make hard choices and to make sure that the state government operates in a fair, clean, efficient, and honest fashion. And I think that is what we've been doing. I've

been here 22 years, and I've been in the Senate for ten years. I can't remember any income tax increases in the years that I've been in the Senate, and I think I've been here ten years. So if we're so willy-nilly in passing all of these tax increases, where are they? The only tax increase that I can really remember over the last ten years has been the sales tax increase. Well, how did that come about? That came about over hard-fought agreements and working between both parties on Proposal A. So, you know, where are you coming from with this when we have tough policies in this state? Republicans and Democrats have been able to set partisanship aside and work on the issue and produce the votes necessary.

Now you want to change that scenario, and to tell you the truth, I'm not even sure I should be standing up here arguing against you because to tell you the truth, I think you're going to be caught by your own stupidity. Five years from now, you'll be clamoring to try to change the Constitution back to majority rule because you're going to find out down the line that there's going to be a 40 percent minority who come into power or may come into place who will hold the rest of the state up. So we're going to allow a minority who may be a disciplined minority to come into place and decide what public policy in this state is going to be.

Well, you know, I sound like I'm arguing against my own interests. I need to let you step into this mess because you want to create this mess, and then you want to walk away. You're a term-limited Legislature that is on your way out the door, and you want to make major changes in the Constitution as you skip out the door. I think it's wrong. If you want to make these type of changes, you're the ones who pushed term limitations. Let the new term-limited legislators come in and make these substantive type of changes. Why are you, on your way out the door, trying to make major changes in how policy is dealt with in this state on the collection of taxes? We already have a corps that want to be irresponsible in taking care of the needs of this state. You know it as well as I. The chairperson of the Appropriations Committee has to fight off radicals from both parties every budget year—every budget year—to make sure that we do the responsible thing. And I consider him responsible, and I consider him a person who has done a good job and who is a hard worker. But now, you're going to put him into the position that he may not be able to step away from or survive from. I don't think this is the way to go. I hope the voters in Michigan feel that this is not the way to go, and I hope they feel that since we have not been increasing taxes—income, sales, single business tax—over the last ten years, why is this proposal sitting here today? It's sitting here because this is an election year, and the party on the other side thinks that this is to their advantage because their polls tell them this is the way to go. It's not government by integrity. It's not government by the character and strength of a person's character or will. This is government by politics, and that's what we get in 1998 with the party on the other side of the aisle.

Senator Peters' statement is as follows:

Mr. President, I, too, rise to oppose Senate Joint Resolution A for a number of reasons. One, some of the previous speakers have mentioned how the framers of our Constitution debated the super-majority provisions at length in the Constitutional Convention and came to the conclusion that the super-majority should be used very sparingly and that there has to be real concern about minority rule, particularly on some key issues. The good Minority Leader quoted from *The Federalist* paper No. 58 and talked about some of the concerns that James Madison had. With a super-majority provision you would have special interests that could exact a large price from the majority in keeping the special interest privileges in place if there was a super-majority requirement for votes.

So given that framework, we have to take a look at this proposal before us here today and really ask if it's a broad-based proposal that protects taxpayers, or is it targeted in nature? Is it really protecting very special interests? To do that we need to cut through all the political rhetoric that I've been hearing, particularly from the Republican side. I can already hear their political sound bites that are going to be in their TV commercials coming up this fall. But we need to cut through that and really take a look at the proposal, and in particular, the defeat of three key amendments that were offered here and yet were defeated primarily on a party line vote.

The first one is that this is indeed a very targeted amendment in that it does not include all taxes and fees. There was mention that several states currently have super-majority provisions. But everyone needs to be reminded that most all of those states limit all taxes and all fees—all sources of revenue. They're not picking particular taxes to exclude. This one picks a few, and it's probably quite convenient when you consider the practices of this Legislature and, in particular, this Republican Governor over the last few years. While they claim to be a tax cutter, they systematically increase fee after fee after fee. In fact, over 64 fee increases under the Engler Administration adding a burden on the taxpayers of this state is a half billion dollars as a result of those fee increases.

This proposal is silent on those fee increases. This proposal also has the effect of locking in special tax loopholes that were granted, particularly when one party controlled both the House, the Senate, and the Governor's office. We had a number of special loopholes and special tax breaks to the privileged rammed through in late night sessions in order to give those special breaks. By putting in this super-majority provision, they want to protect those special breaks to the privileged and super-wealthy in this state. For example, the intangibles tax that was passed gave 1,000 individuals in the state of Michigan most of that tax break on an average of a \$30,000 break each and every year.

Perhaps the Republican Party here, the majority party, is afraid they may lose the majority, and they may not be able to protect that privileged group any longer. But if they have a super-majority provision in that tax code, that minority can continue to protect that special group and make sure that the rest of the taxpayers of the state actually pick up the

bill for running this state. That's what's going to happen with fee increases and all of the other loopholes that are in this provision that allow other taxes and other fees to be raised.

From my experience, it isn't that easy to raise taxes in the Legislature. Some of the other members have mentioned that, and I find that the same way. The most recent tax increases, the Governor's gas tax increase, the Governor worked very hard to get that tax increase passed this summer. It was difficult, but I know it passed by just one vote. It required the 19 Republican votes. The Republicans stepped up and voted for that tax increase. Now those same individuals who voted for that tax increase are saying we need a super-majority before we have a tax increase. Now perhaps they're saying, "Please, public, please, taxpayers of Michigan, protect us from ourselves because we can't help ourselves. We raise taxes."

I also found yesterday was also difficult to lower taxes. We made repeated efforts to have the income tax lowered immediately, this year, for taxpayers. The same individuals who are arguing for a super-majority voted almost on a straight party line voted against that tax decrease—lowering of the taxes this year. So it seems somewhat disingenuous the rhetoric that we're getting.

The next area of concern is the spending and the fact that the same individuals who are arguing for a super-majority do not see anything wrong with spending money and not being held accountable for spending money. The defeat of the Dingell amendment showed that, and there's no question that spending drives taxes. If you can't control spending, and you can't raise taxes to bring in revenues to meet that spending, then what are you going to do? Well, you're going to raise debt. You're going to go in debt, and you're going to borrow money and make children in the future pay for those decisions now. The defeat of my amendment clearly shows that is probably the intent of the majority party in this Legislature. We can play politics and say we're going to control your taxes, but at the same time, we're going to put your children in debt, and they're going to pay for our spending.

It's no surprise that we've seen under the Engler Administration a 61 percent increase in state debt—promising short-term benefits today with making children in the future pay for it. We heard the sponsor of this resolution say, "Well, we have a balanced budget. That's not true; debt doesn't really hurt." Well, it does, and anybody who runs a household knows that you can get \$100 worth of spending today by going in debt and only pay \$10 maybe to pay that debt down. But eventually, sooner or later, you're going to have to pay not only that \$100, but an awful lot of interest that has accumulated.

There was talk on the other side of the aisle about managing a household and how difficult it is with taxes. Well, anybody who manages a household knows that you can't keep going in debt and expect to get ahead. Eventually, it will crush you, and you will always be on that treadmill running harder and harder to keep up with that debt.

This provision does not deal with the true long-term financial picture of this state—it only reduces revenue—but at the same time, it locks in special privileges to a few. It locks in those loopholes that allow special interest groups to continue to have those special benefits. But at the same time, it has a huge loophole so that fees and a number of other taxes can be raised so middle-income taxpayers in this state continue to carry the burden of this state and to pay the bills of the state while the privileged few get off scot-free. Not only are they paying now more than they should, their children will continue to pay because of mismanagement. This proposal does not make good, sound financial sense. If it did control spending, if it did control debt while controlling taxes, then it would make sense. Now this proposal as-is is only about political rhetoric. It's not about good public policy and should be defeated.

Senator Cherry's statement is as follows:

I rise in opposition to Senate Joint Resolution A. In doing so I'm somewhat reminded of that great orator of the Michigan House, John Maynard and that famous night that he stood up amongst the members and asked that very famous rhetorical question, "Why, Mr. Speaker, why?" That's kind of what comes to mind this morning as we look at this amendment and attempt to figure out why. What are we attempting to accomplish here?

It was apparent as we debated a couple of amendments that there is not a real lack of comfort with full fiscal integrity—a plan that would require a supermajority on taxes; a plan that would require a supermajority on expenditures; a plan that would require a supermajority on bonding; one that deals with all sides of that equation. It seems to me that when we only allow certain taxes to be limited by supermajorities, we begin to put in place a distortion—a distortion of tax policy—because ultimately, when the Legislature does decide to raise taxes, it will go towards those that have the constitutional green light.

That's what we basically do with this proposal before us is we put a red light on some taxes, a green light on others. For instance, fees are not even addressed by the proposal. We can expect then to see legislatures use fees on a fairly regular basis to enhance revenues to meet budget requirements. As they do that, they will distort fiscal policy. Fees are appropriate in certain instances, and in others they become a terribly regressive form of taxation. We have seen recently Michigan pinpointed in terms of its movement toward a more regressive tax structure.

This amendment, because it only requires a certain majority on a particular set of taxes, I think encourages that distortion. As well, I do believe that the good Senator from the 7th District was on base in raising the concern about how ultimately it's expenditures that drive taxes, and when we failed to adopt his amendment, I think we failed to deal with a significant part of this effort to hold down Michigan's budget. In that respect, it seems to me, by failing to adopt

that amendment that the proposal is defective. You need to worry about expenditures if you want to successfully hold down taxes.

Ultimately, I think there's a number of us, as well, who are uncomfortable with this proposal because it kind of runs counter to political intuition. Everyone here is a practiced politician. If they weren't very good at that art, they wouldn't be here. We've all become accustomed and practiced at a system that requires majority rule—50 percent plus one. That's how we got to this body. That's how we resolve most of the issues that are before us. This amendment introduces a minority rule proposal into a significant part of our business, and that is one that kind of runs counter to what we've been accustomed to.

I think there's a good reason we're not accustomed to it. In fact, our Founding Fathers, not our Michigan framers but those who framed our United States Constitution, understood very well the role of majority rule. In *The Federalist* paper No. 58, James Madison, one of the architects of that Constitution, that miracle that took place in Philadelphia, wrote that it has been said that more than a majority ought to have been required for a quorum in particular cases, if not in all, more than a majority of a quorum for a decision. But that would mean, Madison went on to write, in all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transferred to the minority, where the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general well or, in particular, emergencies to extort unreasonable indulgences.

It's clear that in *The Federalist* paper No. 58, Madison equates majority rule with free government. It's his view that freedom consisted not in just protecting individuals from unreasonable intrusion by government but also in the right of a citizen to have an equal voice in the affairs of government. When you dilute a vote, in Madison's view, you step backwards from this pursuit of a free government.

There's good reason for why Madison wrote that. It wasn't just a pamphlet he put forward to encourage adoption of the Constitution. Our Founding Fathers had practice under the Articles of Confederation in which supermajority was a matter of course. They found that form of government to be unworkable because, ultimately, the public good is held hostage to minority rule. That's why there is a general lack of comfort with this proposal. Because we have found, over the years, both in our nation and in our state, that majority rule serves us well; that when it comes to questions of taxes, we don't vote lightly; that generally, people elected to this body, Democrat or Republican, don't like to pay additional taxes, so they treat those votes seriously. A majority rule does not impair how we function.

If there are problems with this proposal, as I have outlined, and it flies in the face of this concept of majority rule, again we ask the question, Why? The best that I can think of as to why we are doing this is that we're being lured by that pollster sirens song. The pollsters have spoken to us. They have told us that this would be a proposal that, on its face, would meet with great public approval and that in this election year we need to achieve that great public approval if we want to get re-elected. It's the sirens song of the pollster that really is at work here today.

I would say, we ought to treat that pollster as Odysseus treated the sirens in the classic of Greek myths. When confronted, he had his crew put wax in their ears and tied himself to the mast because he knew that ultimately the sirens' song was deceptive. Ultimately, it would not be in the common good. That, in fact, for us to become reliant on minority rule will, in fact, impair free government for the majority. It not only will impair free government for the majority, but it will also do some other destructive things as well.

This proposal will lock in a whole series of tax breaks that are presently in Michigan law, whether they are appropriate or not. It precludes us from having an effective annual review of our tax expenditures. Some of those proposals serve very special interests. Some are good, but others are, quite frankly, nothing but self-serving. This proposal locks those in. What's so difficult is that a tax expenditure oftentimes is more destructive than a budget expenditure, and, in fact, we often expend more by tax expenditure than through our budget process.

This proposal simply requires us to have a supermajority on dealing with tax expenditures, but with the turn-down of the Dingell amendment, it doesn't even allow us to deal with a supermajority on the budget matters.

What I also fear, is ultimately, what this proposal will do, is it will shift the burden for funding programs from the state to the local units of government. When confronted with the necessity to meet a supermajority in times where our fiscal prospects are bleak, it will be much easier for the Legislature to turn to local government to fund a program. The Headlee amendment will not bar that, because we can do that under Headlee when we transfer the function. When we transfer the function, we can transfer the appropriations we make for the function, but what we don't transfer is the trend lines. You see that in the case of health care, where the trend lines in growth far outstrip inflation.

This amendment will add a burden on local government. So I ask the question, What are we up to? Do we not trust the Governor to veto these tax increases? It takes a 2/3 vote to override his veto.

Do we not trust new term-limited Legislature? You know, we heard that this would be a great thing—term limits; that a term-limit Legislature would do such a better job of ruling state government than us career politicians. But now it seems us career politicians must limit the limited Legislature with this proposal. I think we ought to have confidence in term limits and let them proceed. Let them do their job. Let them stand and fall with their votes as we do. We need to stand over their shoulder with this amendment.

Do we fear ourselves? Do we fear the tax increases we voted for? Did we somehow, when we voted for tax increase as a body, feel we were undisciplined; that we did something in spite of ourselves; that in a saner moment we wouldn't have done it? Is that why we have this proposal before us?

Ultimately, Michigan has been fairly moderate on taxes. We have not had a penchant to be outrageous. Over the past couple of decades, we have generally been in the middle of the pack in regards to how we levy taxes compared to other states. Michigan has been a reasonable state. It seems to me ultimately what this really is all about is the lure of the pollster's siren song. It's an election year. There's a need to impress the public, so we're putting forward this proposal to tell them that we will prevent future legislators from increasing taxes and that ought to merit your vote for us this year.

I would argue that we do need, as was suggested yesterday, a long-term budget strategy, but taxes are only part of that budget strategy. Expenditures are part of it as well. How we deal with debt is part of it as well. But with our actions yesterday and our contemplated action today, it's apparent that we are only interested in one side of that equation. That if we were interested in dealing with it in a complete way, we would have adopted the Dingell amendment, we would have adopted the Peters amendment, and we would have had a long-term strategy for all sides of the budget equation. But we choose only one side today, because it's an election year. I believe the people of the state deserve something better when we're talking about our Constitution—the rule that governs everything. It's a serious document. It's one that must survive the ages, and we ought not simply just deal with it out of political expediency. On that basis, I would urge a “no” vote.

Senator Conroy's first statement is as follows:

I rise to oppose Senate Joint Resolution A. If I were speaking to the young people up there in the Gallery as they visit this Capitol today, I would tell them that their government in this state, as well as this nation, operates on a majority rule. There are 38 senators, or 37 as we have now, and one more than half of those, and you can pass a bill. You go over to the House, and there's 110 members there, so you need 56 votes over there to pass a bill. What's being done today is to change that configuration, to make it more difficult to raise taxes, apparently. But it's pretty clear to me that this body has a pretty hard time raising taxes when 20 votes are needed. I drive on roads that are virtually undrivable. It was very difficult to pass a four-cent tax increase that at least my constituency thought should have been higher so they could have fixed the roads instead of paying off some old debts we had accrued by bonding some bridges and so forth that needed to be fixed in years gone by. So I think it's the spending part that's the problem, not the taxing part.

I think the Peters' amendment was the only amendment that I could've gone for which said that you needed to have 2/3. It just seems to me that this is the wrong way to go. This is not democracy in action; this is not majority rule in action. This will be minority rule by tyranny.

Yesterday we talked about how sometimes this economy falls out of bed, and we have to make cuts. Well, sometimes we have to make increases. We eliminated the property tax in terms of school funding. Then we had to build the budget that would support our schools throughout this state. The way we did that was, a little preference of mine, which was a 50-cent tax on cigarettes. So, we raised about \$375 million a year on the sale of cigarette tax by that 50-cent increase. That goes toward those school buildings and teachers and lights and repairs that are needed for those children that we see up there in this Gallery. I thought that was a very good way of doing that. We lowered property taxes by half. We increased the sales tax by two cents, and we increased the cigarette tax to dissuade those very youngsters from starting to smoke, and it works. We found there's a 22 percent reduction in that regard. What you're doing is building structures that will save the future. Part-time legislators they will be known as. They will simply have very little impact in terms of the revenues streams that will be created or maintained in this state. It just seems to me that when you get away from majority rule, you enter into an area that you know not, very little experience in that regard. Any taxes that have been raised over the years, since I've been here, have been pretty tough issues where interest groups and citizens had to urge the passage of taxes, not politicians throwing it out to the citizenry. So, I think that we've had a pretty good record of not raising taxes over the years, of not imposing extra financial problems on our people. But, clearly this kind of an approach is a way that will make it much more difficult to operate in the future.

The Peters' amendment did deal with the bonding issue, which I think is a problem. Let's just review what we've done here just in the last 15 or 18 years. In 1979, we had a \$90 million debt in the building authority. In 1985, it grew to \$540 million. Then along comes Bowman, and he thinks that we haven't borrowed enough. We're not into borrowing; we need to borrow more. He came from Wall Street, and he understands all that. So, after he got here, we doubled that \$540 million to over a billion dollars. Well, this Governor learned from the one preceding him on how to borrow. He's increased that up to \$1.5 billion that we're sitting on now. We now pay about \$237 million a year on that debt; \$237 million will float a whole department. It'll float the Agricultural Department, a department that is loved by many over here in this body. The State Police budget, \$237 million of interest, only, that we're paying each year on these buildings that we've built. The Senator from Central Michigan said, “Well, you know, you buy a house, you put up a mortgage.” And I agree with her. We do that. But, we don't buy three houses, we don't buy six houses unless we can afford it. It was just a few years ago the Governor said, “Let's put a new building in every campus.” These college

presidents had to find a way to decide what we're going to put into this building that they're going to build, this Christmas present they got. Some of them had no idea what to do with a new building. But, then, that increased our annual indebtedness about \$40 million annually for the next 20 to 25 years.

Well, somebody said it's cheaper to borrow than it is to spend it. It's a lot quieter. The people in Troy do not object to their Representative voting for an increase in the bond because they don't know it. It's silent. If you raised one cent on the sales tax, they would know it. So, they don't know about your spending, Mr. Senator. They don't know about your spending. That is the problem. It isn't the tax rate. But, we've increased our borrowing dramatically over these last 15 years, and it's probably been the largest stain that can be associated with my tenure, and I'm sorry that it happened. There was a Senator that represented the Upper Peninsula, Joe Mack, who said it would be the being of this body and this Legislature to let that debt figure grow. The farmers learned about this back in the '80s, about all this borrowing. Some of you were involved in that as farmers. Some of you well know the danger that you got into as a result of all that borrowing. That's what will increase—the borrowing will increase as we say to the tax payers, we're going to make it tougher on ourselves. It reminds me of a bunch of people who are going out this year to get their sins forgiven. That's exactly what it reminds me of.

I'm very willing to go back to my district and say that I stood up for majority rule. The concept that this democracy was built on is intact as far as I'm concerned. I'm true to my core, and I think this is a very bad political move that we're making today.

Senator Conroy's second statement is as follows:

Mr. President, I would like to ask why we've been increasing the borrowing. I would like the previous speaker to explain that. Now people aren't very cognizant of how much we borrow, and you well know that from being in the farm business and some of the problems that farmers had in the late '80s. But 20 years ago we had about \$90 million that we owed for all of our buildings that we were putting mortgages on to try to provide a better education for higher ed students. I would like to know why we've done that. Why has the leadership of this Senate been willing to go from \$90 million in 1979 to \$540 million in 1985? And then the Democrats joined the parade in 1990 when we had a billion-dollar debt. Now we have \$1.5 billion, and it's going. We're paying \$234 million a year on interest. Why? Why are we doing that? You can talk about the tax breaks all you want, but as long as you're spending all this money, the real truth won't be told. It isn't quite as jazzy an item when you talk about the credit card mentality of our borrowing. It's so easy to bond, but it'll be so tough to pay it back—\$234 million a year now annually that we're paying out. Why?

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

While I don't support the amendment, I certainly support the concept that Senator Dingell is referring to. Also, the previous speaker was right when he talked about dragging this thing to the bottom of the river. I think there is a lot of dredging that needs to be done here.

I want to refer to a couple of comments. The good Senator from the 23rd District talked about borrowing and that almost everyone that buys a home has some kind of debt. I would agree with that. The difference is that you don't expect to go to a bank and say I just took a ten-percent cut in wages, and I want to borrow to buy a new car. That is what you are doing. You are taking cuts, but yet you want to continue to ask the people to borrow.

I think Senator Dingell's amendment hits on a good topic. It's very difficult to raise taxes. How long did you all work in there to find 20 votes to raise the gas tax? It was very difficult. But it doesn't seem it's too difficult to spend money, and it doesn't seem it's too difficult to borrow money. Senator Dingell's amendment hits on an important topic because what you want to do with yesterday's vote is cut taxes, and now with this you want to make it three-fifths.

Talk about being political. It's like if we passed this thing we've had the second coming of the Lord, and we are not going to be able to raise taxes without a three-fifths majority. You know what three-fifths majority is? That's 23 votes. You routinely, on a day-to-day basis, suspend the Constitution in a vote with two-thirds, which is 26 votes, for immediate effect. Everyday in this chamber you vote to suspend the Constitution to give a bill immediate effect. The Constitution says that when a bill is passed, the people in the state of Michigan need a chance to know the new laws before they go into effect. But you routinely suspend the Constitution, with not 23 votes, but with 26 votes on a day-to-day basis. So don't tell me this isn't political.

The Dingell amendment is about spending. And it's very difficult to find 20 votes to raise taxes, as you found with the gas tax. So you want to cut taxes, and yet you continue to borrow—\$7 billion in January of 1991 and today about \$14 billion. Now you want to borrow \$500 million for an environmental bond issue. That is going to cost the taxpayers \$1.2 billion to repay.

So let's go back to the Senator from the 23rd District who talked about going to the bank and borrowing for a house. What bank would give you that loan when you say, "I'm going to cut my revenue, but I want to borrow?" You can talk about having the lowest income tax rate in the last 25 years, but again you better look at the other side. You may have a short-term approach to cutting taxes, but your other approach to business is to borrow to meet those debts. You're willing to pass off that debt to some other Legislature, to younger men and women who are going to have to pay it off. What sense does it make to cut taxes, borrow \$500 million, and then \$700 million in interest?

I think the general public understands that this is poor policy. That's why I don't support the Dingell amendment, because I believe that what this country was built on was majority rule. It ought to be majority rule, whether it's raising taxes or cutting taxes or any other vote that comes before this Legislature. Majority rule is what this country is based on. You want to eliminate that and say nobody else can come to this chamber and do as good a job as we did. You want to allow minority rule. Two days in a row we are working on something that is very political and extremely poor policy.

Senator Berryman's second statement is as follows:

I'm not going to respond or go over everything that everyone else has talked about, other than to say that I voted against all of the amendments, including amendments from my own colleagues, because of my belief that what we are doing here is to circumvent what this country was built on. That simply is "majority rule;" it has always been the case—majority rule.

I think much of what has been discussed is very important. You who would support this are trying to give the public a false assumption that if this is passed, there is going to be this magic number that will make it so difficult to raise taxes.

Again, make sure we remember that right now it takes 20 votes. What you want to do is take it up to 23—three more votes. When you hear in the paper or on the radio it's a supermajority, people think it's probably 35 out of the 38 of you. No, it's 23, and I repeat, that on a day-to-day basis, this chamber will find 26 votes to suspend the Constitution to give the bill immediate effect. To give the public this false assumption that this is going to be so hard to reach, just ask how many times in a single day you found 26 votes to suspend that very Constitution that you want to amend.

I'm glad that the debt was talked about because this supermajority is certainly going to have an impact on that. This Day of Prayer—if you look out on the lawn, there are several hundred children out on the lawn that you are passing along your debt to. When someone says it's the Constitution that allows you to borrow, if you look at the history, we borrowed, and the state has historically borrowed, for buildings—things that will last a long time. Now you're borrowing for day-to-day operations, \$38 million for computers that will be outdated in three to four years. You bonded for 30 years for roads; many of those roads won't last for five years. To give the public a false assumption that all of a sudden this is going to be so typical to raise taxes in the state with this supermajority, I would hope that the media would hope and get the word out amongst the individuals here that don't support taking away majority rule. Let the public see what we're really voting on—a strictly political statement that raises the standard from 20 votes to 23 votes. Stop putting all the debt on the young men and women, boys and girls that are represented out on the lawn. When someone tells me, and the good Senator from the 23rd District that says, "We ought to give the public a choice," I would contend to everyone in here, everyone in your District—all 37 of us here, your voters put their trust in you to come here and do the right thing. They didn't ask you to come and be a part of a supermajority—they asked you to come and do the right thing.

My colleagues on the other side of the aisle, you have 22 votes. You don't need a constitutional amendment—you have 22 votes. You can guarantee that you don't keep our 22, and we'll never raise taxes. Do you need a constitutional change to accomplish that? Your people, our people sent us here simply to do the right thing and to deal with issues currently that we have to deal with, not setting things out farther in advance—setting another Legislature on the standard that we didn't have to abide by.

I'll end with a quote from Thomas Jefferson that they worried about the same thing when framing our original Constitution in this country, and Thomas Jefferson said, "This globe and everything upon it belongs to its present inhabitants during their generation. They alone have the right to direct what is the concern of themselves alone and to declare the law of that direction. This declaration can only be made by their majority." I ask my colleagues not to change the Constitution of this country that has worked so well for so many years—a Constitution that has worked so well for so many years in this state on the premise of majority rule, not minority rule.

Senator Dingell's statement is as follows:

As all of you know, I have a reputation for being very conservative fiscally. I'm even tighter with the people's money than I am with my own. This dictates a couple things; I don't entertain with favor fee increases, establishment of new fees, increases in taxes, or the establishment of new taxes. What offends me even more is setting up a situation where we will make it much more likely that the state will continue to run the kinds of deficits that it has for the past couple of years.

Certain persons who engage in artful accounting will say that supposedly the state doesn't have a deficit, but if the state's debt increases each year—and it has doubled in the past eight years from about \$7 billion to \$14 billion—then I think the person on the street would say that we have a deficit. It's just being hidden.

I do a lot of reading before I get up and speak here on the Senate floor. I did a lot of reading several weekends ago at the request of some of my colleagues. I think Dr. Hannah is probably spinning in his grave because of me having his constitutional convention transcripts, but they make interesting reading, especially on this subject. Those of you that care to would do well to look at Article 9 of our current Constitution, dealing with finance and taxation. Section 1 reads, "The legislature shall impose taxes sufficient with other resources to pay the expenses of state government."

Why do you think a group of really conservative, fiscally responsible persons, such as dominated the 1961-1962 convention, would put that kind of language there? Why do you think the 1908 Constitution had substantially identical language? The reason why is discussed in the convention transcripts from 1961 to 1962. It has to do with the fact that they felt that the Legislature was derelict in its responsibility of raising enough money to cover all that they were spending. This proposed amendment, in its current form, would make it substantially more difficult to raise revenue than it is to spend.

So what is going to happen? You are going to see a substantial increase in the state's deficit each year. I would hope that all of you would be outraged by this kind of thing. In order to bring the financial picture back into the kind of balance that I would hope fiscally responsible citizens insist on, we simply have to have a parity between restraints on spending and the kind of restraints we have on taxation. Therefore, I encourage my colleagues to vote for this amendment. I can't think of any good reason not to, and its entirely consistent with what our forebearers did in 1961 and 1962.

Senator Young's statement is as follows:

I rise in opposition to Senate Joint Resolution A. In looking at it, I kind of wanted to look at what are the future benefits if this were to pass? One, a few making the decisions. Leaving a majority of individuals out of that decision making, although we are still going to take taxes from everyone. Those in the minority that feel that they need a program to assist them to become productive, constructive citizens, we are going to say no. You give us your money; we'll just spend it the way we want to. But do not worry; you are going to give your money. Now the few of us, as this is designed to protect—who make a lot more money supposedly under the guise that, therefore, they pay more taxes. We know that is untrue, because there is a history, and everyone knows this, that the more money you make, the more opportunities you have to pay less taxes especially under what has been taking place here, in the last three or four years, in this chamber. So now what we are going to do is even etch in stone: those who pay their taxes have no voice, and those who do not pay any taxes are going to have all the voice. Now we know that is going to be one of these future benefits that we should, in fact, let the citizens of the state of Michigan know and not hide behind the fact that we are trying to give what we consider to be some tax relief. The reason why I believe that, and as a foregone conclusion that is, in fact, true because this chamber has also increased a number of fees over the last three or four years, which is a back door approach to taxation, acting as if you believe in tax cuts. Those fees have been increased, increased, and increased. But what bothers me is that I begin to hear quite a bit of what is being said, but I have not quite frankly—and I think if I remember correctly, I am trying to see which Senator it was. I believe it was the Senator from the 13th District talked about what has happened when all of these states had done this. Well, you know I have not seen anything that I have read, researched, or looked at that says that any state that is taking this type of approach has provided any kind of tax protection to its citizens. As a matter of fact, something that was just come up with that I noticed, which is from the Center on Budget and Policy Priorities. It says this, and I will just quote from it. It says: The only ones who have voted for tax increases during the last recession and the early 1990s, six of the seven states with supermajority requirements were among the 43 states who enacted significant tax increases. So it is poppycock to act as if we are doing something that is going to have any kind of impact on protecting future tax increases. It is just ludicrous. There is nothing anywhere that even suggests that. So I think it is important that we begin to address some of the misinformation that is being provided here.

Quite frankly, to speak on another point, one of the things that we are beginning to see and just the early discussions of this legislation of what is going to happen as we move towards this. That is that it is going to create an environment in which people will become more individualistic, more selfish, to protect the interest of which they think they are elected for. That is what you are beginning to see. You are beginning to see that the universities see a problem. They are going to be locked out. So there was a move to protect them. We are just beginning to see the beginning of what is going to take place if such a thing where to pass.

The other thing that I heard that was somewhat humorous to me, and this came from the good Senator from the 8th District who wanted to refer the county of which we come from, Wayne county. In terms of what every it was, because nowadays I wonder if we can have party labels anymore or if we have philosophical, ideologic labels. Another part of this that I see as coming is that as we cut off monies to the locals, believe me they are going to protect their behinds. What they are doing now is saying wait a minute now, Lansing is doing this. We are not going to take the fall for this. Therefore we want to push it back on where it came from so let us protect ourselves, because if they can not get it from the state, they are going to try to get it from us. But we have got this in place, so therefore we cannot do it either. That gets back to the frustration that taxpayers have, because today I contend that people believe they send their money to Lansing, and that money goes elsewhere. Not back to their community. Not back to satisfy their needs. What it is, is a redistribution of all wealth for the wealthy. Not the redistribution of wealth to address the needs, which will make this a stronger state and a stronger economy. That is another problem that I see that is happening with this.

In spite of all that I had to sit here in a little humor and say to myself, don't we need a supermajority to pass this today? I hope the minority starts beginning to rule. Let the minority rule today. Vote "no" on Senate Joint Resolution A.

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in support of this taxpayers' protection amendment. Both today and yesterday, we had vigorous debates on tax policy for our state's future, and I think it's been a good debate and a good discussion. I think today's debate on the taxpayer protection amendment to our Constitution which would require a supermajority is a culmination of this discussion on what is your philosophy and what would you like Michigan's future to be.

Now remember the old Michigan, and what was that old Michigan? That was a Michigan where the Democratic Governor raised taxes, and the majority then, the Democrats, they spent money, caused us to be broke, a billion dollars in debt. We were dead last in building jobs. People were out of work. People didn't have paychecks. People were just out of work, out of hope, and out of luck.

We're part of a transformation to a new Michigan. Now the new Michigan with Governor Engler and the Republican majority is one where we're number one in building jobs and having economic growth in the state of Michigan, better than any other state in the nation. In the new Michigan, we have a billion dollars in the bank, being wise and prudent stewards of our state's fiscal resources, and we have paychecks for Michigan's families. That's what the new Michigan is all about. And what Governor Engler and we have done with Republican leadership is have tax cut after tax cut after tax cut after tax cut after tax cut to put more money in people's pockets, and that's what the new Michigan is all about.

And this effort today is simply to protect taxpayers and in giving taxpayers that opportunity to make a choice and decision about where we want our state to go in the future. We'll put this before the voters—if we let them have that opportunity, as I hope we do—and then they can help chart the course of Michigan's future. I think this is really one of those defining moments in our state's future. It really depends on where you stand. Now will we stand with taxpayers or are we going to stand with the taxers and the spenders and those who have bankrupted us in the past? And my answer is, "No." We need to stand arm in arm with taxpayers, protect what we've done and to protect our future. So it will be a very direct vote here in a moment or two. I hope we stand with taxpayers to protect our future. We're at a new dawn of a new century. Let's make sure when we go into that new century, we are protecting the taxpayers of the state of Michigan. I urge support of this resolution.

Senator V. Smith moved that the Committee on Finance be discharged from further consideration of the following bill:

House Bill No. 4189, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

On which motion 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 serving not voting therefor, as follows:

Roll Call No. 276

Yeas—15

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Koivisto

Miller
O'Brien
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman
Jaye

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: Hoffman

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Finance from further consideration of House Bill No. 4189 and moved that the statements she made during the discussion of the motion be printed as her reasons for voting “no.”

The motion prevailed.

Senator Emmons’ first statement is as follows:

Taxpayers, listen and listen good. Yesterday we voted to let you keep your money. Today we voted to protect your money, although we didn’t have enough votes to pass it. Now Senate Democrats want to give your money away through a tax credit that is riddled with fraud and abuse. Talking about election-year gimmick, this sure is it. With just a little research, I found pages on the web by various research people who say that 25 percent of this money is fraud. We have hard-working taxpayers in Michigan who do not deserve that to happen to their tax dollars. Of the top ten common tax mistakes as reported by the IRS, number one is the taxpayers who wrongly claim the earned income tax credit. Up to 160,000 illegal aliens claimed the credit. When the Clinton Administration added part-time workers who don’t even have children, that increased the fraud even more. IRS audit studies show \$4 billion annually is lost due to fraudulent or other compliance problems. We don’t need to piggyback on a bad program. We need to let them clean up their mistakes before we compound it by throwing \$77 million of taxpayers’ money in Michigan away.

Senator Emmons’ second statement is as follows:

I oppose the discharge because the earned income tax credit now goes to families earning twice the poverty level. In 1995, 1.8 million families earning over \$30,000 received the credit; 36,000 families with incomes over \$50,000 got the credit; and 3,000 families with incomes over \$75,000 got the credit. This particular federal program is riddled with fraud and abuse, and we do not want to give those people our hard-earned tax dollars. Please oppose this discharge.

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

The motion prevailed.

Senator Peters’ first statement is as follows:

I rise in support of this discharge of House Bill No. 4189 which would create a state earned income tax credit add-on on the state income tax. We’ve had a lot of discussions about taxes here the last couple of days. We were working on a tax proposal yesterday, and despite repeated efforts to give tax relief to families this year, we passed an income tax deduction that won’t take effect for a couple of years. We also had the debate on the supermajority on tax increases, but what I think is very appropriate right now as a Legislature is we deal with a tax decrease for a group of individuals who certainly need some tax relief, and we have a bill pending right now in the Senate that has been bottled up in committee for far too long. It has passed the House, received strong support in the House which would put in this earned income tax credit and help roughly 400,000 families in the state of Michigan—families who are working very hard, playing by all of society’s rules but are living below the poverty level or earning very low income. The cost of this bill is around \$76 million, and as was discussed yesterday, we have \$100 million surplus, looking at that for our 1998 figures. So it’s certainly very responsible. We can afford it now, and it can have a significant impact on the lives of 400,000 families, particularly children in the state of Michigan.

Since 1996, the federal earned income tax credit is credited with lifting 4.6 million people out of poverty and out of that, 2.4 million are children. This is exactly what we should be doing here in the state of Michigan is giving tax relief to those who need it the most. I was certainly very disappointed that an amendment that I offered yesterday that would have said that anybody who is at the poverty level or below should not pay income taxes. I was very disappointed by the partisan vote where my Republican colleagues believe that someone who is living in poverty should still pay income tax. Well now is the time to reverse that, put in a very good bill, an earned income tax credit which would give individuals who are working hard, playing by all the rules, the ability to feed their families and clothe their children.

Enough of the debate. Now is time to act. We have the bill before us. It has passed the House. The Senate just needs to vote “yes,” and we can give this immediate tax relief to hard-working families in the state of Michigan. I would urge a “yes” vote on this discharge.

Senator Peters’ second statement is as follows:

Just a couple of issues that the good chairperson of the Finance Committee has been raising. First off is the fraud issue. Some of the figures that she quotes as was mentioned previously are from a few years ago before the IRS

underwent some major reform measures in changing it and, in particularly, in cross checking Social Security numbers. As you know, in order to claim this dependent as well as any time you file a federal income tax form, you now have to have a Social Security number for that dependent. Some of the computer work that was necessary to do that cross checking didn't exist three or four years ago, and they were unable to do those cross checks. However, in 1996 and 1997, there have been considerable reforms that have driven down that number considerably, and now the error rate on the earned income tax credit is roughly one-third of that of business returns. Now I don't hear the good chairperson of the Finance Committee getting up saying we should stop giving tax breaks to businesses in this state because their fraud rate or their error rate is three times greater than individuals who are at the bottom of the economic ladder. That doesn't seem to bother her, but it does bother her that that single mom who's trying to raise three children may make an error on her tax form, which does get caught and does get corrected, but she's still entitled to some relief, but she may have made a mistake when filling out that form. The fraud is going down. It's dramatically low. It is not a major issue any more. The vast majority of that money goes to help those families who need it the most.

Now the good chair of the Finance Committee says this is a give-away—that we're giving the money away from taxpayers. Well, these individuals are taxpayers as well. In fact, it's been argued by some of my colleagues on the other side of the aisle that these are the individuals who deserve the break the most, and yet I'm going to be curious to see how they vote when it's time to actually put their vote up to help those individuals who need it the most. Now she believes that these are not individual taxpayers. They are taxpayers. True, they may not be big political contributors. True, they're probably not ones who you see in the country club. True, they're not ones who have private meetings with their Senator, but they're taxpayers, and they're struggling. And they need help, and this bill will actually give it.

We also heard about the Constitution—that this somehow circumvents the Constitution. The Constitution specifies a flat rate. It doesn't talk about credits and other deductions. We've given a whole host of credits and deductions primarily targeted to the wealthiest individuals in the state, particularly when the Republican party had the majority in both Houses, and they rammed those through. We didn't hear those kind of arguments, but for some reason, those arguments, as suspect as they are, seem to arise only when we're dealing with people who truly, truly need help in fighting to survive each and every day.

The good chairperson also said people who make \$30,000 may get some tax relief and how outrageous that is. Well, I will argue that if you're earning \$30,000 a year and you have a family of four or five and you have a large family—it's individuals who get that break are those who have very large families and are pro-family, raising their families and have children and are thinking about expenses for their children, for higher education expenses, how they're going to prepare them for the future. They don't think that a little bit of tax relief is outrageous, and they know that living on \$30,000 is not a windfall. That's not big income. They need tax relief just like those 1,000 individuals who got that \$30,000 in tax relief each and every year from the intangibles tax. They got in tax relief what this family earns in an entire year and has to pay all of their bills for their family—their mortgage expense, their food expense, their clothing expense. It's not outrageous to try to help those individuals. Those are the individuals who need it. Let's cut through all the rhetoric that we've had the last two days.

Now is the time to put your vote up to really show who you care about, who you want to go to bat for. If you believe that those individuals need help, you'll vote "yes" to discharge this bill, and you'll vote "yes" for this bill.

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

Senate Bill No. 256

House Bill No. 5250

House Bill No. 5251

Senate Bill No. 610

Senate Bill No. 615

The motion prevailed.

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

The following bill was read a third time:

Senate Bill No. 962, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 2 (MCL 28.422), as amended by 1994 PA 338.

The question being on the passage of the bill,

Senator Young offered the following amendment:

1. Amend page 7, line 16, after “SPOUSE” by striking out the balance of the subsection and inserting a period.

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

Senator Stille offered the following amendment:

1. Amend page 7, line 12, after “MAY” by striking out “USE, CARRY, POSSESS, OR”.

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. 277

Yeas—32

Bennett	DeGrow	Jaye	Rogers
Bouchard	Dingell	Koivisto	Schuetz
Bullard	Dunaskiss	McManus	Schwarz
Byrum	Emmons	Miller	Shugars
Cherry	Geake	North	Smith, A.
Cisky	Gougeon	O'Brien	Smith, V.
Conroy	Hart	Peters	Stille
DeBeaussiaert	Hoffman	Posthumus	Van Regenmorter

Nays—5

Berryman	Steil	Vaughn	Young
Gast			

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. 773, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 281, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1281, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 281, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding section 237a; and to repeal acts and parts of acts.

The question being on the passage of the bill,
Senators Jaye and V. Smith offered the following amendment:

1. Amend page 52, following line 8, by inserting:

“(3) A PRINCIPAL DEPARTMENT OR STATE AGENCY SHALL NOT ENTER INTO A SETTLEMENT AGREEMENT TO SETTLE A LAWSUIT OR CLAIM THAT REQUIRES THIS STATE TO PAY \$1,000,000.00 OR MORE WITHOUT APPROVAL OF BOTH HOUSES OF THE LEGISLATURE.” and renumbering the remaining subsection.

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

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. 278

Yeas—13

Bouchard	Hart	O’Brien	Smith, V.
Cherry	Jaye	Peters	Stille
DeBeaussaert	Miller	Smith, A.	Vaughn
Dingell			

Nays—24

Bennett	DeGrow	Hoffman	Schuette
Berryman	Dunaskiss	Koivisto	Schwarz
Bullard	Emmons	McManus	Shugars
Byrum	Gast	North	Steil
Cisky	Geake	Posthumus	Van Regenmorter
Conroy	Gougeon	Rogers	Young

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Young offered the following amendment:

1. Amend page 23, following line 22, by inserting:

“Sec. 261. (1) The department shall provide for the purchase of, the contracting for, and the providing of supplies, materials, services, insurance, utilities, third party financing, equipment, printing, and all other items as needed by state agencies for which the legislature has not otherwise expressly provided. In all purchases made by the department, all other things being equal, preference shall be given to products manufactured or services offered by Michigan-based firms, if consistent with federal statutes. ~~The department shall solicit competitive bids from the private sector whenever practicable to efficiently and effectively meet the state’s needs. The department shall first determine that competitive solicitation of bids in the private sector is not appropriate before it shall use any other procurement method for an acquisition.~~ EXCEPT AS PROVIDED IN SUBSECTION (7), AND AS OTHERWISE PROVIDED BY LAW, ALL STATE CONTRACTS SHALL BE AWARDED BY COMPETITIVE SEALED BIDDING, INVITATION FOR BIDS, REQUEST FOR PROPOSALS, AND SINGLE AND MULTISTEP BIDDING ARE APPROPRIATE FORMS OF COMPETITIVE SEALED BIDDING.

(2) The department shall make all discretionary decisions concerning the solicitation, award, amendment, cancellation, and appeal of state contracts.

~~(3) The department shall utilize competitive bidding for all purchases authorized pursuant to subsection (1) unless the department has determined that another procurement method is in the state's best interests.~~

(3) ~~(4)~~ The department may delegate its procurement authority to other state agencies within dollar limitations and for designated types of procurements. The department may withdraw delegated authority upon a finding that a state agency did not comply with departmental procurement directives.

(4) ~~(5)~~ The department may enter into lease purchases or installment purchases for periods not exceeding the anticipated useful life of the items purchased unless otherwise prohibited by law.

(5) ~~(6)~~ The department shall issue directives for the procurement, receipt, inspection, and storage of supplies, materials, and equipment, and for printing and services needed by state agencies. The department shall provide standard specifications and standards of performance applicable to purchases.

(6) ~~(7)~~ The department may enter into a cooperative purchasing agreement with 1 or more other states or public entities for the purchase of goods, including, but not limited to, recycled goods, and services necessary for state programs.

(7) THE DEPARTMENT MAY USE A FORM OF PROCUREMENT OTHER THAN COMPETITIVE SEALED BIDDING ONLY IN THE FOLLOWING SITUATIONS:

(A) PROCUREMENT CONTRACTS WITH THE FEDERAL GOVERNMENT, THE GOVERNMENT OF ANOTHER STATE, A LOCAL UNIT OF GOVERNMENT, A UNIVERSITY, OR A COMMUNITY COLLEGE.

(B) PROCUREMENT OF OFFICE SPACE OR REAL PROPERTY.

(C) CONTRACTS TO SELL THE STATE REAL AND PERSONAL PROPERTY AT PUBLIC AUCTION.

(D) CONTRACTS FOR EXPERT WITNESSES FOR LITIGATION.

(E) CONTRACTS FOR DAY, FOSTER, OR RESIDENTIAL CARE WITH THE DEPARTMENT OF COMMUNITY HEALTH OR THE FAMILY INDEPENDENCE AGENCY.

(F) CONTRACTS FOR GOODS OR SERVICES FOR LESS THAN \$10,000.00 UNLESS THE CONTRACT FOR GOODS OR SERVICES IS ACTUALLY A PART OF A LARGER CONTRACT OR AGREEMENT IN THE AMOUNT OF \$10,000.00 OR MORE AND WAS DIVIDED OR SPLIT TO AVOID COMPETITIVE SEALED BIDDING UNDER THIS ACT.

(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE DEPARTMENT OR A DESIGNEE MAY MAKE OR AUTHORIZE OTHERS TO MAKE EMERGENCY PROCUREMENTS WHEN THERE EXISTS A THREAT TO PUBLIC HEALTH, WELFARE, OR SAFETY UNDER EMERGENCY CONDITIONS AS DETERMINED BY THE DEPARTMENT IN WRITING.”.

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

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. 279

Yeas—17

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

Nays—19

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

Excused—0

Not Voting—1

Bouchard

In The Chair: Schwarz

Senator Young offered the following amendments:

1. Amend page 16, line 3, following “facility” by inserting a comma and “PURSUANT TO SECTION 261C”.
2. Amend page 23, line 22, by inserting:

“SEC. 261C. THE DEPARTMENT SHALL PUBLISH, EITHER IN A MONTHLY NEWSLETTER AVAILABLE TO THE PUBLIC OR ON AN INTERNET WEB SITE, NOTICE OF ALL INVITATIONS FOR BIDS AND REQUEST FOR PROPOSALS ISSUED BY THE DEPARTMENT. WHEN PROCUREMENT AUTHORITY IS DELEGATED TO AN AGENCY, THE DEPARTMENT RETAINS RESPONSIBILITY FOR PUBLISHING NOTICE OF ALL INVITATIONS FOR BIDS AND REQUEST FOR PROPOSALS. THE DEPARTMENT SHALL CHARGE A FEE FOR THE NEWSLETTER. HOWEVER, THE FEE SHALL NOT EXCEED THE ACTUAL COST OF PREPARING, PUBLISHING, AND CIRCULATING THE NEWSLETTER TO INDIVIDUALS AND BUSINESSES. THE DEPARTMENT SHALL NOT PUBLISH A DUE DATE LESS THAN 15 DAYS AFTER THE BID OR PROPOSAL WAS FIRST PUBLISHED IN THE NEWSLETTER AND SHALL NOT PUBLISH A DUE DATE LESS THAN 30 DAYS AFTER THE BID OR PROPOSAL WAS PUBLISHED ON AN INTERNET WEB SITE.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Young 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. 280**Yeas—16**

Berryman	DeBeaussiaert	Koivisto	Smith, A.
Byrum	Dingell	Miller	Smith, V.
Cherry	Hart	O’Brien	Vaughn
Conroy	Jaye	Peters	Young

Nays—21

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

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. 281**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 185

The resolution consent calendar was adopted.

Senator Stille offered the following resolution:

Senate Resolution No. 185.

A resolution of tribute to the hosts of the 1998 Blue Lake Fine Arts Tour.

Whereas, It is with great respect and friendship that we extend greetings to the hosts of the Blue Lake Fine Arts Camp during its 1998 European tour. As the talented participants from the Blue Lake Fine Arts Camp visit Belgium, Denmark, France, Germany, Italy, Austria, and the Netherlands, we offer warm wishes from the people of the state of Michigan. We express our sincere appreciation to the European officials and to the various members of each community who have made this visit possible; and

Whereas, Our young musicians and dancers will speak to you through the international language of music. Although they are far from home, they have already been warmed by the spirit of friendship you exhibited to them. As they return to their homes, we know they will carry with them fond memories of the wonderful people who took them into their hearts and homes; and

Whereas, The members of the Blue Lake 1998 International Youth Symphony Orchestra, International Symphony Band, International Ballet Ensemble, International Choral Ensemble, and International Jazz Ensemble are talented high school students ranging in age from thirteen to eighteen years. They are under the musical leadership of the outstanding Blue Lake Fine Arts Camp faculty: Fritz Stansell and Tony Porter, International Youth Symphony Orchestra; George West, International Jazz Ensemble; Kevin Johnson, International Choral Ensemble; Jefferson Baum, International Ballet Ensemble; Terry Stansell, International Symphony Band; and Donald Flickinger, International Community Band; and

Whereas, Gretchen Stansell, Blue Lake Fine Arts Camp International Program Director, has provided outstanding leadership in the field of educational travel and has vigorously pursued the creation of better understanding among the people of the world through cultural exchanges and in the universal language of music; and

Whereas, The Blue Lake Fine Arts Camp provides instruction in the arts under the capable leadership of Mr. Fritz Stansell, founder and president. Services are provided for over 3,800 students, with creative programs in music, art, dance, and theater; and

Whereas, This year, Blue Lake Fine Arts Camp celebrates its Thirty-second Anniversary Season of service to young fine arts students. The Blue Lake International Youth Symphony Orchestra and International Symphony Band, International Choral Ensemble, International Ballet Ensemble, International Jazz Ensemble and International Community Band will celebrate this milestone in Blue Lake Fine Arts Camp's history by undertaking an additional tour in the states of Michigan, Indiana, Ohio, and Illinois; and

Whereas, The Blue Lake Fine Arts Camp International Program is honored and pleased to share with our European friends the fruits of America's musical heritage and to extend the hand of international friendship; now, therefore, be it

Resolved by the Senate, That tribute be accorded to the Blue Lake Fine Arts Camp as it commences its 1998 European tour, and to express to its hosts the esteem and friendship of the people of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the tour hosts and Fritz Stansell, founder and president of the Blue Lake Fine Arts Camp.

Senator DeGrow moved that rule 2.106 be suspended to allow all committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Introduction and Referral of Bills

Senators Bennett, Shugars, Gougeon, Stille, Geake, Bouchard, North, McManus, Emmons and DeGrow introduced **Senate Bill No. 1118, entitled**

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending section 1 (MCL 722.641), as amended by 1988 PA 314.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Jaye, Emmons, Bullard, Gougeon, Shugars, Bouchard and Hoffman introduced

Senate Bill No. 1119, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4h.

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

Senators North, Gougeon, Stille, Young, Bullard and Rogers introduced

Senate Bill No. 1120, entitled

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition act," by amending the title and sections 1, 2, and 3 (MCL 390.1241, 390.1242, and 390.1243).

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

Senator Dunaskiss introduced

Senate Bill No. 1121, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411r.

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

Senator Gougeon introduced

Senate Bill No. 1122, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 174a.

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

Senator Stille introduced

Senate Bill No. 1123, entitled

A bill to create a missing children task force in the department of state police and prescribe its powers and duties; to make an appropriation; 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 Families, Mental Health and Human Services.

Senators Shugars, Gougeon, Rogers, Steil, Emmons, McManus, Koivisto and Dingell introduced

Senate Bill No. 1124, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 2, 13a, 19, and 19b of chapter XIIA (MCL 712A.2, 712A.13a, 712A.19, and 712A.19b), section 2 as amended by 1996 PA 409, sections 13a and 19 as amended by 1997 PA 163, and section 19b as amended by 1997 PA 169, and by adding section 6b to chapter XIIA.

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

Senators Shugars, Gougeon, Rogers, Steil, Emmons, McManus, Koivisto and Dingell introduced

Senate Bill No. 1125, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

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

Senators Shugars, Gougeon, Rogers, Steil, Emmons, McManus, Koivisto and Dingell introduced

Senate Bill No. 1126, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 13 (MCL 722.633), as amended by 1996 PA 309.

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

House Bill No. 4651, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

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 Transportation and Tourism.

House Bill No. 5197, entitled

A bill to amend 1957 PA 4, entitled "Charter water authority act," by amending the title and section 14a (MCL 121.14a). The House of Representatives has passed the bill.

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

House Bill No. 5198, 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," (MCL 123.951 to 123.965) by amending the title, as amended by 1995 PA 147, and by adding section 8c.

The House of Representatives has passed the bill.

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

House Bill No. 5199, entitled

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation and annexation; and to repeal certain acts and parts of acts," (MCL 123.1001 to 123.1020) by amending the title and by adding section 7a.

The House of Representatives has passed the bill.

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

House Bill No. 5200, entitled

A bill to amend 1984 PA 425, entitled "An act to permit the conditional transfer of property by contract between certain local units of government; to provide for permissive and mandatory provisions in the contract; and to provide for certain conditions upon termination, expiration, or nonrenewal of the contract," (MCL 124.21 to 124.30) by amending the title and by adding section 5a.

The House of Representatives has passed the bill.

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

House Bill No. 5202, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by amending the title and by adding section 2.

The House of Representatives has passed the bill.

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

House Bill No. 5203, entitled

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," (MCL 460.801 to 460.848) by amending the title, as amended by 1983 PA 120, and by adding section 42a.

The House of Representatives has passed the bill.

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

House Bill No. 5212, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 4a, and 9 (MCL 205.51, 205.54a, and 205.59), section 1 as amended by 1997 PA 193, section 4a as amended by 1996 PA 435, and section 9 as amended by 1991 PA 87.

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. 5213, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 4, and 10 (MCL 205.92, 205.94, and 205.100), section 2 as amended by 1995 PA 208, section 4 as amended by 1997 PA 194, and section 10 as amended by 1993 PA 263.

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. 5564, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending section 21 of chapter X and sections 2, 2a, 2c, 14, 15, 17, 17c, 18, and 26 of chapter XIIA (MCL 710.21, 712A.2, 712A.2a, 712A.2c, 712A.14, 712A.15, 712A.17, 712A.17c, 712A.18, and 712A.26), sections 2, 2a, and 2c of chapter XIIA as amended by 1996 PA 409, section 14 as amended by 1988 PA 224, section 15 as amended by 1987 PA 72, sections 17 and 17c of chapter XIIA as amended by 1997 PA 169, and section 18 as amended by 1997 PA 163.

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 Judiciary.

House Bill No. 5567, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15b and 15c of chapter IV (MCL 764.15b and 764.15c), as amended by 1996 PA 15.

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 Judiciary.

House Bill No. 5580, 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.

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. 5596, entitled

A bill to make appropriations for the judicial branch for the fiscal years ending September 30, 1998 and September 30, 1999; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

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

House Bill No. 5613, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

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 Local, Urban and State Affairs.

House Bill No. 5657, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403 and sections 2950 and 2950a as amended by 1997 PA 115.

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 Judiciary.

House Bill No. 5658, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV (MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15 as amended by 1996 PA 490, section 15a as amended by 1996 PA 138, sections 15b and 15c as amended by 1996 PA 15, and section 15e as amended by 1993 PA 52.

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 Judiciary.

House Bill No. 5663, 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 section 36 (MCL 791.236), as amended by 1996 PA 554, and by adding section 1a.

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 Judiciary.

House Bill No. 5664, entitled

A bill to amend 1978 PA 389, entitled “An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services,” by amending the title and section 1 (MCL 400.1501).

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 Judiciary.

Statements

Senators Young, Conroy, Hart, McManus, Emmons, Bennett and Vaughn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young’s statement is as follows:

Here we go again. By now you may be aware that there were plans in the works for a private Canadian company to divert water from Lake Superior to sell in Asia. This is the second time in two months on Governor Engler’s watch where plans to divert Great Lakes water have moved ahead. This has not happened in over eight decades.

The Canadian Environmental Ministry gave the Nova Group of Sault Ste. Marie, Ontario, a permit to export 156 million gallons of Lake Superior water a year. Canadian officials have announced that they plan to reverse the decision to allow this exportation of Great Lakes water. I want to tell you that I am relieved. This sale would have opened up the Great Lakes to a new kind of commercial development that is just not right.

I plan to introduce a resolution to try to stop this kind of wholesale destruction of Michigan’s natural resources. Michigan Congressman Bart Stupak, thank God, has also introduced a resolution on the federal level that questions the appropriateness of this type of water diversion. I ask today and want my Senate colleagues to join with me and say “no” to selling of Great Lakes water.

There are major environmental and commercial concerns that need to be looked at before any water diversions are ever proposed. Diverting this water and selling it to Asia would have set a precedent. Anytime there is a move to divert Great Lakes water, the United States and Michigan must be consulted. This action could have opened the door to the sale of Great Lakes water all over the world. We need to protect Michigan’s most precious resource—the Great Lakes.

Senator Conroy’s statement is as follows:

I wanted to announce to you the progress that the low-class size in Flint, Michigan, has made again. Last year the reading went up 43 percent, and the math went up 18 percent in the fourth grade MEAP scores of those who passed satisfactorily. This year, the scores in the reading went up 30 more percent, and the math went up 46 percent. I just wanted everybody to know that this occurrence has taken place. I want to thank you for the courtesy of this announcement.

Senator Hart’s statement is as follows:

I’d like the Senate to be aware of Senate Bill No. 1094. Michigan has had a child safety restraint law for nearly 18 years, and I’m proud to be the sponsor of this law that has helped saved so many young lives.

But just because we have a law on the books does not mean that our work on child safety is done. A recent report issued by the National Safe Kids Campaign showed that the number of children dying in car, bike, and other accidents has dropped 26 percent over the past 10 years. The drop in car crash deaths is a tribute to the use of car seats and seatbelts. But car accidents still kill more children than any other kind of accident.

That is why I have introduced Senate Bill No. 1094 to update our child safety restraint law. What we know today about preventing injuries has changed. Michigan's current regulations are based on a child's age. My bill would expand our law and base the regulations on a child's weight as well as age. This would insure that a majority of our children would be protected and stand a better chance of surviving an accident.

Later today I will join with Oakwood Health Systems, Gordon Chevrolet, AAA of Michigan, and many parents in my district to demonstrate the proper installation and use of child restraint belts and seats. I ask all of you to encourage and support child safety efforts in your district and work with me to pass Senate Bill No. 1094 quickly. It only takes a few minutes to make sure that our children are safe by buckling them into the proper seat or restraint system. Many people do this automatically without really thinking about it. Let's make sure that everyone does it and that our regulations make children as safe as possible.

I ask you to work with me to upgrade our laws so that Michigan children are as safe as possible when riding in the family vehicle.

Senator McManus' statement is as follows:

For some time now we've had Senate Resolution No. 71 on the calendar regarding Indian gaming in Michigan. The purpose of my statement today is just to remind us that the problem, if you want to call it that, of Indian gaming compacts for four new tribes that are listed in that resolution have not been approved by the state. I would like to point out to the Senate that the news from the Department of Interior, Bureau of Indian Affairs, just recently concluded an agreement in California—a compact between the Pala Band of Mission Indians in the state of California. It was approved on Saturday, April 25, which allows them an allocation of 199 lottery devices that they can either operate themselves or license other tribes to operate. But the main point of this news article, which, of course, quite accurately indicates that the state has an obligation under the Indian Gaming Regulatory Act to negotiate in good faith with each tribe that requests a compact. I would repeat to the Michigan Senate that Indian gaming is a national event. It's under federal law, and under federal law, the law does require that the states have an obligation to negotiate in good faith.

I bring this to body's attention today because sooner or later a decision is going to have to be made by Michigan. Of course, as we've indicated before, if the state of Michigan does not bargain in good faith, the Bureau of Indian Affairs can move ahead to approve the compacts on their own, and that has certain negative consequences for the state of Michigan.

Senator Emmons' statement is as follows:

This has been a good week and a bad week. It's been a good week because we were able to actually put into our law the \$3 billion tax cut for the people in the state of Michigan. But we lost one, and the taxpayers need to help us with this one because we want them to have the ability to have a voice on the ballot in November of whether to raise the sales tax, the use tax, the single business tax, and the income tax that legislators would have to have a three-fifths vote. We think that is taxpayer protection to put into the Constitution and would be very, very good protection for years to come. We are going to have a vote again, and we need to have support from the public to do this action so the supermajority will make lawmakers really sweat when they have to think about spending. They will decide whether they want spending or if they want to increase taxes. It's been a good week for taxpayers, and we hope before we're all finished with this session we will be able to bring you a choice on whether you think we need a supermajority to raise taxes.

Senator Bennett's statement is as follows:

I'd just like to point out that in my career in politics, certainly, I have never hesitated to criticize the administration of Wayne County on items that they have done that I have disagreed with. Well, for once, Ed McNamara and the County Commission have done something that I wholeheartedly support. And when they do something that I think is good public policy and good for the taxpayers, I have the courage to stand up and say they've done something right. I'm doing so today. I just hope that my friends, my colleagues, on the other side of the aisle, as they fan out across the state and criticize the Republican Caucus here in the Senate for having put forth the resolution for a supermajority to raise taxes, they include in their criticism their fellow Democrats; they include in their criticism Ed McNamara, because we are on the same page on this issue. For them to be consistent in their views, they, of course, have to criticize their own for doing the exact same thing.

I applaud Wayne County and the courageous stand that they have taken in putting this issue on the ballot. I only hope that we on the state level can accomplish the same goal.

Senator Vaughn's statement is as follows:

In 1973 as a member of the House, I introduced a bill to prohibit the possession, manufacture, sale or transfer of handguns or guns, period.

Today was a sad day for me because we legalized guns in our society. Interestingly enough, I introduced that bill for about 12-15 years, and many people felt it was one of best bills ever introduced. It was never passed. The sad day is that we have a proliferation of guns by legalizing it in terms of making them more readily available. I think that it's interesting that some 20 years ago we had the vision to say, "We do not need handguns under any condition, but today we legalized them for automobiles and things of that sort."

I wanted to make a public statement that in 1973, as a member of the House, I felt strongly that guns under any condition should not be encouraged in a civilized society. Apparently, today, my colleagues felt differently. It's not only the proliferation of handguns for protection, but it's always an excuse for protection; I carry a gun because I'm afraid you're carrying a gun. I think that in a society like ours we should retract handguns and do away with them as much as humanly possible.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 1099, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 128, 129, and 131 (MCL 389.128, 389.129, and 389.131), as added by 1998 PA 51.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Health Policy and Senior Citizens reported

Senate Bill No. 726, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 1993 PA 25.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Jaye, Byrum and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Senior Citizens reported

House Bill No. 4065, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7218 and 7401 (MCL 333.7218 and 333.7401), section 7401 as amended by 1996 PA 249, and by adding section 7401a.

With the recommendation that the bill and the substitute (S-1) be referred to the Committee on Judiciary.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Jaye, Byrum and O'Brien

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee on Judiciary.

The Committee on Health Policy and Senior Citizens reported

House Bill No. 5076, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Jaye and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, May 5, 1998, at 3:00 p.m., Room 100, Farnum Building

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

The Committee on Appropriations reported

Senate Concurrent Resolution No. 79.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Michigan College relative to the Lake Michigan College South Campus Center.

(For text of resolution, see Senate Journal No. 33, p. 633.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 80.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Delta College relative to the Delta College Science and Learning Center.

(For text of resolution, see Senate Journal No. 33, p. 634.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 81.

A concurrent resolution to change the scope of the Michigan State Police Crime Lab project.

(For text of resolution, see Senate Journal No. 33, p. 635.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 82.

A concurrent resolution approving an amended conveyance of property to the State Building Authority and amending the lease relative to the Mid Michigan Community College Instructional Classrooms, Laboratories, and Student Facilities Harrison Campus.

(For text of resolution, see Senate Journal No. 33, p. 635.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 83.

A concurrent resolution to change the scope of the South County Extension Center project at Southwestern Michigan College.

(For text of resolution, see Senate Journal No. 33, p. 636.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 84.

A concurrent resolution to change the scope of the Renovation of Building 12 project at the Michigan Biologic Products Institute.

(For text of resolution, see Senate Journal No. 33, p. 636.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, May 6, 1998, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussiaert

Excused: Senators Hoffman and Gougeon

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submits the following:

Meeting held on Tuesday, May 5, 1998, at 3:10 p.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus (C), Gast, Hoffman, Koivisto and A. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Tuesday, May 5, 1998, at 3:00 p.m., Room 402, Capitol Building

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

Scheduled Meetings

Farming, Agribusiness and Food Systems Committee - Wednesday, May 13, at 3:00 p.m., Room 210, Farnum Building (3-1725).

Government Operations Committee - Tuesday, May 12, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-1758).

Health Policy and Senior Citizens Committee - Tuesday, May 12, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Judiciary Committee - Tuesday, May 12, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Natural Resources and Environmental Affairs Committee - Thursday, May 14, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-7350).

Regulatory Appropriations Subcommittee - Tuesday, May 12, at 1:00 p.m., Room 100, Farnum Building (3-1801).

Transportation Appropriations Subcommittee - Wednesday, May 13, at 1:00 p.m., Room 110, Farnum Building (3-2426).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 2:08 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 12, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.