

No. 76

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Friday, December 11, 1998.

12:01 a.m.

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

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

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

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
Murphy—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 Philip E. Hoffman of the 19th District offered the following invocation:
Deliver us from evil, for Thine is the kingdom, the power and the glory now and forever. Amen.

Senator Conroy entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

House Concurrent Resolution No. 115.

A concurrent resolution concurring in the tribal-state gaming compacts negotiated between the Governor and the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, the Little Traverse Bay Bands of Odawa Indians, and the Nottawaseppi Huron Band of Potawatomi and executed on December 3, 1998.

(This concurrent resolution was received from the House on December 10, rules suspended and yeas and nays ordered. See Senate Journal No. 75, p. 2241.)

The question being on the adoption of the concurrent resolution,

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

Senator Jaye offered the following amendments:

1. Amend the title, line 5, after "1998" by inserting a comma and "if certain conditions are met".
2. Amend the resolution, following the first Resolving clause, by inserting:

"Resolved, That we concur in these compacts only if the Native American tribes voluntarily agree that casino operators pay all business and personal property taxes, just as every other business owner and taxpayer does. Authority to operate these casinos shall expire when the Native American tribes have violated this condition as proved in a court of competent jurisdiction. The Legislative Auditor General shall perform annual studies to determine if the Native American tribes are complying with this condition. Any Michigan citizen shall have standing in Michigan court to bring charges of violations of this condition; and be it further".

The question being on the adoption of the amendments,

Senator Jaye moved that the amendments and the following amendments be considered en bloc.
The motion prevailed.

Senator Jaye offered the following amendments:

1. Amend the title, line 5, after "1998" by inserting a comma and "if certain conditions are met".
2. Amend the resolution, following the first Resolving clause, by inserting:

"Resolved, That we concur in these compacts only if the Native American tribes voluntarily agree that Native American reservations must comply with safety instructions and permitting in the construction and operation of residences, industrial zones, and commercial centers. Authority to operate these casinos shall expire when the Native American tribes have violated this condition as proved in a court of competent jurisdiction. The Legislative Auditor General shall perform annual studies to determine if the Native American tribes are complying with this condition. Any Michigan citizen shall have standing in Michigan court to bring charges of violations of this condition; and be it further".

Senator Jaye offered the following amendments:

1. Amend the title, line 5, after "1998" by inserting a comma and "if certain conditions are met".
2. Amend the resolution, following the first Resolving clause, by inserting:

"Resolved, That we concur in these compacts only if the Native American tribes voluntarily agree that guests, employees, and contractors have the same legal rights and remedies on Native American properties as they have on all other property. Authority to operate these casinos shall expire when the Native American tribes have violated this condition as proved in a court of competent jurisdiction. The Legislative Auditor General shall perform annual studies to determine if the Native American tribes are complying with this condition. Any Michigan citizen shall have standing in Michigan court to bring charges of violations of this condition; and be it further".

Senator Jaye offered the following amendments:

1. Amend the title, line 5, after "1998" by inserting a comma and "if certain conditions are met".
2. Amend the resolution, following the first Resolving clause, by inserting:

"Resolved, That we concur in these compacts only if the Native American tribes voluntarily agree that gill-net fishing in Michigan waters by Native Americans is prohibited. Authority to operate these casinos shall expire when the Native American tribes have violated this Legislative Auditor General shall perform annual studies to determine if the

Native American tribes are complying with this condition. Any Michigan citizen shall have standing in Michigan court to bring charges of violations of this condition; and be it further”.

The question being on the adoption of the amendments,

Senator Jaye requested the yeas and nays.

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

The amendments were not adopted.

Senator Schuette requested the yeas and nays.

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

Senators V. Smith, Schwarz and Dunaskiss entered the Senate Chamber.

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

Roll Call No. 952

Yeas—16

Berryman	Dunaskiss	Jaye	Rogers
Cherry	Gougeon	Koivisto	Schuette
DeBeaussaert	Hart	Miller	Shugars
Dingell	Hoffman	Peters	Stille

Nays—22

Bennett	DeGrow	North	Smith, V.
Bouchard	Emmons	O’Brien	Steil
Bullard	Gast	Posthumus	Van Regenmorter
Byrum	Geake	Schwarz	Vaughn
Cisky	McManus	Smith, A.	Young
Conroy	Murphy		

Excused—0

Not Voting—0

In The Chair: President

Protest

Senator Bouchard, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Jaye to House Concurrent Resolution 115.

Senator Bouchard’s statement is as follows:

I voted “no” on the preceding amendments. I believe they were not something within the scope of purview or authority of this body. We are here to ratify or reject the contract relationship that was negotiated by our Governor. There are not 148 members that are negotiating the individual provisions of that and secondarily, through actions of this body, I think were precluded from imposing conditions that very clearly the federal government, through a variety of provisions, does not allow us to have that scope or authority. Therefore, even though some of the provisions may have been attractive, they are not something within our authority. For those reasons, to follow the scope of the law and the actual letter of the law, I voted “no.”

Senator Rogers offered the following amendments:

1. Amend the title, line 5, after “Potawatomi” by inserting “if certain conditions are met”.
2. Amend the resolution, following the first Resolving clause by inserting:

“Resolved, That we concur in the four tribal gaming compacts with the requirement that all new casinos are subject to the same regulatory framework as the Detroit casinos; and be it further”.

The question being on the adoption of the amendments,
Senator Rogers 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 not voting therefor, as follows:

Roll Call No. 953**Yeas—18**

Berryman	Gougeon	Peters	Shugars
Cherry	Hart	Rogers	Smith, A.
Conroy	Hoffman	Schuette	Stille
DeBeaussaert	Jaye	Schwarz	Van Regenmorter
Dingell	Miller		

Nays—19

Bennett	DeGrow	McManus	Smith, V.
Bouchard	Dunaskiss	Murphy	Steil
Bullard	Emmons	North	Vaughn
Byrum	Gast	O'Brien	Young
Cisky	Geake	Posthumus	

Excused—0**Not Voting—1**

Koivisto

In The Chair: President

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

Senator Berryman offered the following amendments:

1. Amend the title, line 5, after "1998" by inserting a comma and "if any casinos established through these compacts are prohibited from operating until after the Detroit casinos are licensed".

2. Amend the first Resolving clause, line 15, after "Potawatomi" by inserting a period and "No casino established through these compacts can open for business until after the Detroit casinos approved by the voters in the general election of 1996 are licensed".

The amendments were not adopted.

Senator Koivisto entered the Senate Chamber.

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 954**Yeas—19**

Bennett	Conroy	McManus	Schwarz
Berryman	Emmons	Murphy	Smith, V.
Bouchard	Gast	North	Vaughn
Bullard	Geake	O'Brien	Young
Cisky	Koivisto	Posthumus	

Nays—18

Cherry	Gougeon	Peters	Smith, A.
DeBeaussaert	Hart	Rogers	Steil
DeGrow	Hoffman	Schuette	Stille
Dingell	Jaye	Shugars	Van Regenmorter
Dunaskiss	Miller		

Excused—0**Not Voting—1**

Byrum

In The Chair: President

Senator Schuette moved to reconsider the vote by which the concurrent resolution was adopted.
 On which motion Senator Schuette 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. 955**Yeas—29**

Bennett	Emmons	McManus	Schwarz
Bouchard	Geake	Miller	Shugars
Bullard	Gougeon	North	Smith, A.
Cisky	Hart	Peters	Steil
DeBeaussaert	Hoffman	Posthumus	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dingell	Koivisto	Schuette	Vaughn
Dunaskiss			

Nays—4

Berryman	Cherry	Gast	Smith, V.
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Excused—0**Not Voting—5**

Byrum	Murphy	O'Brien	Young
Conroy			

In The Chair: President

The question being on the adoption of the concurrent resolution,
 Senator Schuette requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The concurrent resolution was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 956**Yeas—21**

Bennett	Cisky	Koivisto	Posthumus
Berryman	Conroy	McManus	Schwarz
Bouchard	Emmons	Murphy	Smith, V.
Bullard	Gast	North	Vaughn
Byrum	Geake	O'Brien	Young
Cherry			

Nays—17

DeBeaussaert	Hart	Peters	Smith, A.
DeGrow	Hoffman	Rogers	Steil
Dingell	Jaye	Schuette	Stille
Dunaskiss	Miller	Shugars	Van Regenmorter
Gougeon			

Excused—0**Not Voting—0**

In The Chair: President

Protests

Senators A. Smith, Miller and Jaye, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of House Concurrent Resolution No. 115.

Senator A. Smith's statement is as follows:

I voted "no" on the resolution for casinos not because I disagreed with what Senator McManus and Senator Gast said about the economic opportunity that the casinos present, but because I believe that the compact that was written is no assurance for the City of Detroit that they will be protected from any incursion within that 150 mile radius. As I read and re-read the language of the compact, there is a loophole the size of a mountain through which any one of the original seven compacts can drive a train.

I do not think that the agreement, that Detroit would be protected, has any substance. I do believe that within the next few years the executive in Oakland County will create a land trust with one of the seven casinos that are in the original compacts. They will get an agreement from the other tribes to operate a casino in that area.

I do not think this was a well written compact. It is with great disappointment that I see it passed here in the Senate. For those reasons I voted "no."

Senator Miller's statement is as follows:

Madam President, we had a very, very intense day here and I just want to say that I voted no on House Concurrent Resolution 115. I heard the arguments on this resolution and I want to say that you know *contraire* to the way that some of the arguments were laid to support this resolution that I want to tell you that I've been in this body for 21 years and I hate to see some of the people like Senator Geake, my friend from Wayne County, and Senator O'Brien from Wayne County, the only two members who are leaving who came with me, Madam President, 21 years ago. Of all the pieces of legislation I've seen go through this body, this is my opinion, and I want to say that the reason why I voted "no" is because I think that the principals of the people of this state were washed out to high priced lobbyists, not to the Indians, not to the people who have voted for me time and time again, to help those people on the reservations, whether it be for education, whether it be for welfare, whether it be for humanitarian reasons, I have voted for their interests and I'll stand up and defend my rights and my reasons why I voted and I voted for the compact in 1994. But I voted against this compact today because it comes time that we say enough is a enough. Let

them take their Indian reservation casinos to Ohio, Indiana, Wisconsin. This is a state that's made a strong recovery—it's made a recovery on industry, it's made a recovery on Ma and Pa investments in this state, it's made a recovery because of the education in this state. I voted "no" on HCR 115 because I think it is time that we say no to continual exploitation of the people and say no to gambling. I just hope that all of these members who are here today remember next year, or the following year, when all those same, not the Indians, Madam President, high priced lobbyists, those bankers, and those brokers are all out there tugging, and calling, and pulling, they're going to be back here again, and it's going to be another test of principles versus power. You know I've been on the losing end of a lot of battles, but tonight was one that I think it will stay with me a long time because the brokers didn't lose here tonight, the power didn't lose here tonight—the people lost here tonight. And maybe I'm wrong, but I'll tell you when we start bending over and letting the lobbyists call the shots and call the interest in this body then so be it. But I just want to say that this problem didn't go away, and it will be back, you'll see more Indians here next year and the following year.

The ironic thing is that I had a place next to my district called Hazel Park Racetrack and there used to be a place in Livonia called Ladbrooke Racetrack. For 50 years, Madam Governor, they supplied the gambling revenues to this state, by the millions. When they pulled their curtains down I never heard one person get up here at these microphones and say we need to help the horsemen in this state, we need to help the farmers, the grain salesmen, and everybody else, the thousands of people who worked at race tracks. Race tracks, were the sin, they were the place of evil in this state, and a lot of people wouldn't even go to a race track, but they supplied millions of dollars for all the programs we had. But now we have a new game in town called casinos. Next spring when all those farmers, and all those grain people, and all those hot walkers will be standing in line at the social services office because we couldn't lift the finger for them, because they didn't have the almighty lobbyist out here in the Galleries fighting to save those race tracks. Now we have a new game in town. Maybe I was wrong on this particular vote, but I'll tell you I have a good feeling that this vote it going to come back to haunt every member in this chamber, and when it does and when the next group of Indians is in the Gallery, I'm going to remind everyone here that this wasn't the "Last of the Mohicans" we saw here tonight.

Senator Jaye moved that the statements he made during the discussion of the amendments he offered be printed as his reasons for voting "no."

The motion prevailed.

Senator Jaye's first statement is as follows:

Madam Governor and Senate colleagues, these amendments have been passed out for several hours. The first amendment would require as a condition of receiving the privilege of casinos in Michigan that the Native American tribes would abide by the same fishing requirements, license fees, no gill netting like every other Michigan resident and visitor. It would require that casino operators pay all of the same business taxes like everyone else. Indian casinos don't pay any business tax, they don't pay any cigarette tax, liquor tax, property tax, income tax, personal property tax; these are multi-million dollar operations and all of their subsidiary operations, little gas stations, party stores, bowling centers, hotels, all of these operations are exempt. However, in Connecticut casinos do pay all of the taxes that any other business has. I want the Native Americans that prosper to be millionaires; however, they should pull their own weight and pay the same kind of business taxes as every other little business in the state of Michigan. The third amendment would require that all contractors, guests and employees of casinos have the same legal rights as everyone else does throughout the state of Michigan. If you are an employee and you work at an Indian casino, you don't have labor rights, you don't have the right to have the health department or the building inspector to come and make sure that the working environments are safe. If you are a small business woman and you make a contract for services or goods with the Native American tribes and they refuse to pay you, you go in front of the Tribal Council, you don't get to go in front of a District Court judge. If you are a visitor and you get food poison or if you get hurt, or if there's a fight, or some kind of dispute you go in front of the Tribal Council, you aren't even given the right to an attorney, if you can't afford one. I believe if you are going to be doing business in the state of Michigan you should afford the guests, the employees and the businesses the same rights and liberties that are enjoyed by every other Michigan resident and by Indians when they go off the reservation. Finally, this amendment requires that all the contracting follows the same safety requirements for the construction and operation of casinos, commercial zoning, and industrial zoning. Let's have the environmental inspectors, let's have the safety inspectors, let's have the health inspectors. In fact, in Mt. Pleasant the hotels were closed down because of a respiratory problem and the problem was because state and local inspectors were not there to make sure not only are the installations proper but that the operations are done in a prudent and scientific and helpful manner. There was even a parking structure that was condemned, condemned because of the jeopardy not only to the workers but to the visitors. So what my four amendments say combined, is that if you want to do business in the state of Michigan and make millions if not billions in profits, then you will abide by the same rules as every other business and you also afford the same protections, benefits, as every other business provides to residents and guests to the state of Michigan. I request your support on these amendments and ask for record roll call vote or division.

Senator Jaye's second statement is as follows:

Madam Governor, the compact does not have the Indians paying any sales tax, or cigarette tax, or liquor tax, or business tax, or property tax, or personally property tax, or gasoline tax, or any other tax, with the exemption of an 8 percent wager on the slot machines, no taxes on poker, no taxes on anything else, only an 8 percent on the slots. And as I read the bill analysis, if there's any other electronic kinds of gambling that's approved even that 8 percent will disappear. So if a future Legislature says were going to have video poker at bars for example then these four Indian tribes will join the other seventeen and pay an absolute zero taxes, zero taxes! We have the constitutional right as a co-equal branch of government under Michigan's Constitution to amend any proposal by the Governor and all these amendments have been carefully crafted by the Legislative Service Bureau to say that the Indians must voluntarily agree to these public policy items in exchange for the privilege of having an Indian casino. Let's do it right, let's say that along with your rights you've got some responsibility to be a good citizen, a good corporate citizen and pull your own weight and pay taxes like everyone else.

Senator Jaye's third statement is as follows:

We have nobody to blame but ourselves. Back at 10:30 p.m., there were 21 votes that would have effectively killed Indian casino gambling and then it was the Republicans in this State Senate who said, "Oh, no, let's reconsider that vote." It wasn't good enough that we won fair and square against the odds of a resolution which needs a simple majority instead of a statute that needs 20 votes. "Oh, no were going to be the nice guys. Oh, let's appear to be fair." It's just like I recall the time, watching as a youth the Olympic Games when we beat the Russians fair and square, but the referees said "Well, why don't we give the Russians a couple extra minutes?" and then low and behold the communists beat the American Olympic basketball team, and we did it to ourselves. We won three hours ago by effectively killing Indian casino gambling extension, but instead the Republicans caucused, and we said, "Well, let's try it again, let's respect our caucus, let's stick it to the tax payer and the working people, and that's exactly what happened. I know there was some conversations well you folks have wanted to end Indian casino gambling had some Democrats voting with you. Well, guess what the people who wanted to extend Indian casino gambling also had three Democrats on their side. This was power politics, politics above principal. There's very little wonder why people are so disgusted with politics. When even well meaning legislators say, "I know we won, but in order to feel good, we'll give the political leadership another chance even though the deck was stacked against us to begin with." Let the record show from this day forth that 21 votes stood in the way of an expansion of Indian casino gambling, Indian casinos that don't pay any sales tax, business tax, property tax, school tax, don't pay to the seniors, don't pay to the road taxes. We had the votes to stop it, and it was raw party politics that made us change our own votes. I'm just proud to say that for about two and a half hours we had the votes to stop it and it's the taxpayers that are going to pay not only year after year after year in the casinos, but in the extra appropriations for airports, extra jobs for legislators, extra goodies in their district and God knows how much more, but the cash registers are cha-chinging, and all those who voted to reconsider the postponement were the instruments for our own defeat. Nobody forced us to reconsider it, so those who complain and protest "Well, I did the right thing," you did not do the right thing by snatching defeat from the jaws of victory. And I hope you'll consider that in the future when you undo the right thing in order to allow the political evil thing to have a second chance to win when you've got the vampire with the wooden stake in it's heart, don't pull it out cause he'll come back and bite your taxpayers.

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

The motion prevailed.

Senator Schuette's first statement is as follows:

This is a significant time for me this evening, I'm convinced, and for every legislator as you make a decision on whether or not we will expand gambling in the state of Michigan.

This week is Pearl Harbor Week. December 7, 1941, was a day that the President said will live in infamy. I sincerely hope that this is not a week that will live in infamy. I sincerely hope that we turn down these compacts. Soon we will cast votes, and this isn't an issue about whose virtuous or not virtuous; whose good and not good; whose honorable or not honorable—it's not the issue for me. Matter of fact, I have extreme regard for the sponsor of this resolution and his advocates who take a different view than I.

But we should have a spirited debate and talk about this because I think this is a straight up, stand up policy issue about Michigan's future. If you vote "yes" for this compact, you're voting for more casinos and expanding gambling.

I think we should vote "no" for a number of reasons. First of all, the process in which we are engaging is blatantly unconstitutional. We are, in a free-spirited way, ignoring the recommendation of the Attorney General of the state of Michigan who says: "You must not approve new compacts by resolution form." We are ignoring the Michigan Constitution of 1963. It hasn't been reviewed by the House and Senate and signed by the Governor. We're doing it by resolution form, and we all know why. It took the House three days to get 47 votes. That means that democracy is not

at work, this is mockery of democracy by resolution form and ignoring the opinion of the Attorney General which is binding—its not well if you want to agree to it, fine, if you don't, don't. That's not what this is about. This is a non-constitutional approach.

Second, in Washington there is this great debate on language. There is this great debate on language here in Michigan. In Washington, it's the definition of "is," in Lansing, it's more is fewer. Voting for more casinos is fewer. It doesn't work that way: "More" or more. Saying "no" is no. Voting "yes" doesn't mean "no." If you vote on this, you are voting for more casinos. The point is, The federal government, the United States Supreme Court and Congress has disarmed the Department of the Interior, and if we vote "no" on these compacts, the Department of the Interior cannot place new casinos in Michigan. Let me repeat, the Seminole decision says: "You may not have new casinos placed by the Department of the Interior." Even the Governor, who I have great respect for, acknowledges the importance and significance of Seminole. New compacts are barred by Seminole, but we need to remember that the Seminole decision of the United State's Supreme Court was decided and rendered on March 27, 1996, and these new compacts were signed in January, 1997. The Seminole decision carries for these compacts and future compacts. Soon the casinos will come to your neighborhood. The Kalamazoo Gazette: "Casino Planned." Another one talked about in Vanderbilt. We'll see them in Howell and Hazel Park. I guess the point is, if we don't say no now, more will come to Michigan. This is a moment of decision for us to say: "Do you want more casinos or no?"

You cannot have selective application of United States Supreme Court decisions. It applies and starts the law afresh from that time—that's the system of laws we have. We talked about the casinos being deregulated, and you could drive a Mack truck through. IGRA requires that Indian tribes own land in trusts before compacts are ratified and approved. Maybe only one of the four has lands in trusts. We've never been timid in Michigan about taking on the federal government when we have air emissions from Gary and Milwaukee, we sue the federal government. We need to stand up and say "no," no more casinos. There's not a middle ground—you can't be well, I'm personally opposed to casinos, but. . .

Senator Schuette's second statement is as follows:

In my previous comments I talked about my opposition to these compacts because of the unconstitutionality provision, a resolution instead of a statue, and many of these tribal casinos don't own lands in trust under IGRA. There has been some discussion about "Boy, if we don't act, the feds will sue us." But we turned down compacts two years ago, and if they had the horsepower to sue us, they would have done so, and they haven't. That's because they don't have a case. So this threat of "If we don't act—they'll sue, and we will get worse casinos," is an empty threat because for the last couple of years we've turned down a compact, and we haven't seen lawsuits. No. The point is they don't have the horsepower to make this suit stick. Because why? Because of Seminole. That decision, March 27, 1996, has rewritten the law and the application of the federal-state relationships. It covers, since that day, compacts that have been inked since that time and ones in the future. That's why the Seminole decision carries today and gives the states independence to chart and craft their own destiny.

This whole debate actually makes me very sad because what we will see in Michigan, unfortunately, is more casinos than public universities. All the time we've been spending on slot machines ought to be spent on schools and how you can help poor kids in urban areas get better schools, safer schools, and smaller class sizes. Tax cuts, we just talk about. There will be trade legislation, transportation, and welfare reform, but what I really fear in terms of the transformation of Michigan and its legacy as we move into the 21st Century, is that we will have more casinos than any other state in America, except Nevada. That's not my vision and not my version of the Michigan of the future.

Senator McManus' first statement is as follows:

I rise to oppose the four amendments on two bases. The main basis is the fact that you can't amend the compact by amending the resolution. All we're voting on here tonight is a resolution to approve the compact that was arranged between the Governor and the tribes, and putting amendments on this resolution does absolutely nothing. It's ineffective, and it would not take effect until agreed to by the Governor and the tribes. So I would ask us to turn down the amendments.

Now, secondly, I would point out that there's been much inaccurate information provided. Under the compacts, there will be state audits, the State Police will have access to our casino facilities, there are requirements that casinos abide by state labor laws, and lots of other regulations. So I would suggest, first, read the compact before we start making statements about it.

But that's not the important point. The important point is, these are ineffective and accomplish nothing, so I would ask we turn them down.

Senator McManus' second statement is as follows:

If the Governor wanted us to do it in this compact, he would have said so. He said we ought to get at it by legislation in the next session. Now if he wanted it down by amending this resolution, he would have indicated that, so I don't think that the comments hold water.

Senator McManus' third statement is as follows:

Let me say that when we started out this conversation, we were discussing an amendment. What the good Senator proposed, is on your desk, so this is a question again of whether we're doing an amendment to a resolution and trying to amend a compact in the process. It's not possible to do that. It's ineffective. We have the same argument with this resolution amendment that we did with the previous four, so I would urge that we turn it down.

But secondly, in the Michigan gaming law that we just got through with here a short time ago, we have in that gaming law already the fact that if the federal government, either by court action or by statute, allows us to do so, then automatically all of the Detroit gaming resolutions are into effect. So the whole question is, would the feds allow it or not allow it? If they do, we've already got it, and it's completely ineffective to put it on this resolution. I would ask that we turn it down.

Senator McManus' fourth statement is as follows:

I hate to sound repetitious, but again I'll have to repeat that this amendment is an attempt to amend the compact by amending the resolution. It is not possible to do that. Anything in the compact has to be agreed to between the tribes and the governor. We're not involved in that process. We have the option here to approve or disapprove the resolution. So, this is ineffective and I would urge us to turn it down.

Senator McManus' fifth statement is as follows:

I would like to ask for a "yes" vote on the resolution. Voting "no" will not stop casinos from coming into Michigan, and the Seminole decision in Florida will not stop the Michigan Indians from going to the federal district attorney and having him sue on their part and getting their casinos from the federal government. The Seminole case decided that the Seminole Tribe could not sue the state of Florida, but it did not decide that the federal district attorney could not sue the state of Florida. The option exists for the Indians to go the federal district attorney and have the state sued because we have not bargained in good faith if we do not approve the contracts. We will not stop the proliferation of casinos by voting "no" on this resolution.

Secondly, I think we should all realize that the native Americans hold certain rights in the U.S. Constitution and I passed that out to you today. It boils down essentially to one short paragraph: "The federal government, when the Constitution was put together, which charged to regulate commerce with three deals, foreign nations, states, and Indian tribes." If you think back to when the Constitution was written, the Indian tribes owned most of the United States. There were only a few states in the East that constituted non-Indian land. They have that right.

Now, under the federal gaming legislation and backed up by the Constitution, a compact with the state is a privilege, it's not a right. We are given a privilege to enter into a compact with the tribes to have some control and some authority over Indian casinos. In this one, each tribe will be limited to one casino, the state will receive eight percent of the profits, the state will be allowed to audit the Indian's books, the State Police will have access to casino facilities, there will be requirements that casinos abide by state labor laws and other regulations. Those things will not be necessary if the federal government approves the casinos with the Indians and we don't do it by state compact.

I come from the standpoint that if you're interested in limiting the number of casinos, you should vote for this resolution, not against it, because those casinos will be coming and there is opportunity for many more than are provided in the compacts.

Now, I would like to respond just a little bit to the rather disparaging remarks that have been made about the whole casino business. The history of the United States is full with atrocities against the American Indian. You don't have to read much history to find out that we really didn't treat them all that well. I have a Tribe at Pshawabatee Town, I've grown up with those people and I know what it was like before casino B.C.—no money, no clothes, old cars, houses without paint, etc. I know how it is after casinos. They now have jobs, they've got money in their pockets, they have a new pickup, they may not have a new car, they are able to buy clothes, they've got schools, they've got health facilities and so on. There's been talk here about kids. What about the Indian kids? Aren't we interested in them too? Who speaks for the Indian in this chamber? We have not had a problem with prostitution, for heavens sakes, and we haven't had other legal problems either. I just want to say that I think it would be wise for this body to endorse these compacts tonight and get it done. I think not to do so is irresponsible.

Senator McManus' sixth statement is as follows:

In my district, I have two Indian tribes. I have the Phabawette town Indians and I have the Little River Manistee. I don't know how many of them voted for me, I never asked them. But I know one thing, when I'm elected Senator of the 36th District, I represent all of the people in the 36th District. In this particular case, I have a tribe in Manistee who are looking forward to a tourist attraction with winter snowmobiling, cross-country skiing, family entertainment tied in with a casino. And that's important to them, and it's important to people of Manistee. The city government of Manistee has a resolution in support of the tribe and the county of Manistee has a resolution in support of the tribe. The local folks there endorse it. Now, there is some opposition. You can certainly find it. But once in a while we get

into opposition in a lot of issues we get into around here. I believe our job is to represent all the people and not just some of the people.

Secondly, it's kind of interesting because the Indian tribe in my district that's been operating casinos for quite a while, has endorsed the Indian tribe in Manistee, a separate tribe, to put in a casino. They haven't fought it. Now the Sioux Tribe apparently has. But we have a working relationship between the tribes in my district, and they both support the casino.

Now, if we want to change the law on IGRA, the Indian Gaming Regulatory Act, the place to do that is in Washington, D.C. We have in Washington two Senators from this state, and we have members of Congress, representatives from this state down in Washington. I think there is somewhere about 16 of them. How many of them have voted against the Indian casinos. I think we probably had some that even voted for it. In fact, I think the Michigan congressional delegation is a pretty strong supporter. If you really want to do something about changing the rules, the place to do it is in Washington, D.C., not in Lansing, Michigan. The best we can do here is get the compact and get the deal made because that's as good as it's going to get. Failure of the State Legislature to approve the compacts negotiated between the four tribes and Governor Engler will be deemed a failure by the state to negotiate in good faith, and it's likely that the ultimate result in new and different compact prescribed by the Secretary of the Interior, or achieved through litigation brought by the United States on behalf of the tribes, and I'm reading a legal opinion which I concur with. The state will clearly lose existing tribal contributions to the renaissance fund upon licensing of Detroit casinos; the four proposed compacts embodied offers by the affected tribes to make payments regardless of Detroit licensing. Such payments will occur, however, only if the compacts are approved by the Legislature. We already know that we are going to lose the renaissance fund when the new Detroit casino is opened. Therefore, the best way to replace those funds is these compacts. With the four tribes under consideration, they've indicated they will do it. They publicly stated their intention to operate only one casino on their reservation lands.

However, if the compacts are approved another way, such as by the Secretary or in litigation brought by the United States, then the agreement that the tribe's gaming will be confined to one location on their tribal lands may be lost. That means to me that I could have a casino in Cadillac or in other parts of the district. And that tribe also has an interest south of my district into the district south. Secretarial procedures will almost certainly will also exclude any payments to the state. So, if we intend to limit casinos, and if we intend to receive the 8 percent, and work with our citizens, then we should move forward and approve this resolution tonight and get these compacts on the road.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was announced:

House Bill No. 6208, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 11, 17b, 21, 21a, 22, 22c, 23d, 26, 50a, 75, and 79 (MCL 38.1011, 38.1017b, 38.1021, 38.1021a, 38.1022, 38.1022c, 38.1023d, 38.1026, 38.1050a, 38.1075, and 38.1079), sections 21, 22, 23d, and 26 as amended by 1994 PA 359, section 11 as amended by 1988 PA 512, section 17b as amended and section 21a as added by 1987 PA 58, section 22c as amended and sections 75 and 79 as added by 1996 PA 486, and section 50a as amended by 1998 PA 80, and by adding sections 36a and 58a.

(This bill was read a third time on December 10 and consideration postponed. See Senate Journal No. 75, p. 2157.)

Senator V. Smith moved that Senator Peters be temporarily excused from the balance of today's session.

The motion prevailed.

The question being on the passage of the bill,

Senator McManus offered the following amendments:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 9. (1) "Salary" means the compensation, common to all legislators, exclusive of travel allowance, paid by the state for 1 year of service as a legislator. A member shall contribute to the retirement system based on the percentage applied to that salary.

(2) For purposes of section 23, salary also includes an additional 2% through December 30, 1986, and 4% beginning December 31, 1986, compounded annually and added for each year or major portion of a year that expires after the member terminates service and before the member retires, of the member's greatest salary determined pursuant to subsection (1) received in 1 calendar year. This subsection only applies to a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, and whose service terminates on or after December 1, 1978.

(3) For purposes of section 23, for a member who left service before December 1, 1978, salary also includes an additional 2% for each year beginning January 1, 1979 through December 30, 1986 and 4% beginning December 31, 1986, compounded annually and added for each year or major portion of a year that expires after the member

terminates service and before the member retires, of the member's greatest salary determined pursuant to subsection (1) received in 1 calendar year.

(4) For purposes of section 23, salary also includes an amount equal to the greatest amount of additional compensation received in 1 calendar year as a result of being in a leadership position, divided by 5, and then multiplied by the number of years or major portion of a year, not to exceed 8, in which the member was in a leadership position and received additional compensation. Before a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, may have the additional compensation included in salary under this subsection, the member shall pay to the retirement system a sum equal to 9% of the total additional compensation received. Before a member who first becomes a member after ~~December 1, 1994~~ JANUARY 1, 1995, may have the additional compensation included in salary under this subsection, the member shall pay to the retirement system a sum equal to 7% of the total additional compensation received."

2. Amend page 4, line 17, after "before" by striking out "December 1, 1994" and inserting "JANUARY 1, 1995".

3. Amend page 4, line 22, after "after" by striking out "December 1, 1994" and inserting "JANUARY 1, 1995".

4. Amend page 4, following line 27, by inserting:

"(2) DURING THE PERIOD BEGINNING ON JANUARY 1, 1999 AND ENDING ON DECEMBER 31, 2000, A MEMBER WHO FIRST BECAME A MEMBER AFTER DECEMBER 1, 1994 AND ON OR BEFORE JANUARY 1, 1995, SHALL MAKE ADDITIONAL MEMBER CONTRIBUTIONS TO THE MEMBERS' SAVINGS FUND OF 4% OF EACH PAYMENT OF SALARY RECEIVED BY THE MEMBER FOR SERVICES AS A MEMBER." and renumbering the remaining subsections.

5. Amend page 7, line 27, after "BEFORE" by striking out "DECEMBER 1, 1994" and inserting "JANUARY 1, 1995".

6. Amend page 8, line 4, after "AFTER" by striking out "DECEMBER 1, 1994" and inserting "JANUARY 1, 1995".

7. Amend page 8, following line 11, by inserting:

"Sec. 23. (1) A member or deferred vested member who meets the following requirements shall be entitled to a retirement allowance:

(a) The member or deferred vested member qualifies under 1 of the following:

(i) Has not less than 8 years of service.

(ii) Has not less than 6 years of service, and has been elected, qualified, and seated not less than 4 times for full or partial terms if a member of the house or not less than 2 times if a member of the senate elected after November 7, 1966, or has not less than 6 years of service and has been elected, qualified, and seated not less than 2 times for full or partial terms as a member of the house and not less than 1 time as a member of the senate elected after November 7, 1966.

(iii) Effective January 1, 1987, has not less than 5 years of service and has been elected, qualified, and seated for a full or partial term not less than 3 times if a member of the house or not less than 2 times if a member of the senate, or not less than 1 time as a member of the house and not less than 1 time as a member of the senate.

(b) The member or deferred vested member has attained 55 years of age.

(c) The member or deferred vested member has filed with the board a written application for a retirement allowance that states the years of service, the highest salary received during the member's or deferred vested member's service before application, and the date the member or deferred vested member desires to be retired, which date shall be not more than 90 days after the execution and filing of the application.

(2) A member shall not be entitled to receive a retirement allowance provided for in this section or section 23d while serving as a legislator or lieutenant governor. Each person receiving benefits under this act consents and agrees as a condition of receiving the benefits that benefits of any nature shall not be paid while the person is a legislator or lieutenant governor.

(3) A deferred vested member who left service after December 31, 1974, and before January 1, 1979, and who becomes a retirant shall be entitled to an annual retirement allowance of 30% of the salary stated in the application for the first 8 years of service plus 3.75% for each of the next 8 years of service. A fraction of a year of service in excess of 8 years shall be prorated. If the retirant has less than 8 years of service but qualifies by the election method, the retirement allowance shall be that proportion of 30% that his or her years of service and fraction of a year of service bears to 8 years. Years of service listed in the application need not be consecutive but shall have been rendered before payment of the retirement allowance. Except as provided in section 23c, a retirement allowance shall not exceed 60% of the salary stated in the application.

(4) A member who retired after December 31, 1978 and before January 1, 1987, or a deferred vested member who left service after December 31, 1978 and before January 1, 1987, and becomes a retirant, shall be entitled to an annual retirement allowance of 32% of the salary stated in his or her application for the first 8 years of service plus 4% for each of the next 8 years of service. A fraction of a year of service in excess of 8 years shall be prorated. If the member or deferred vested member has less than 8 years of service but qualifies by the election method, the retirement allowance shall be that proportion of 32% that his or her years of service and fraction of a year of service bears to 8 years. Years of service listed in the application need not be consecutive, but shall have been rendered before payment

of the retirement allowance. Except as provided in section 23c, a retirement allowance shall not exceed 64% of the salary stated in the application.

(5) A member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995 and who retires after December 31, 1986, or a deferred vested member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, who leaves service after December 31, 1986, and who becomes a retirant, shall be entitled to an annual retirement allowance of 20% of the salary stated in his or her application for the first 5 years of service plus 4% for each of the next 11 years of service. A fraction of a year of service in excess of 5 years shall be prorated. Years of service listed in the application need not be consecutive, but shall have been rendered before payment of the retirement allowance. Except as provided in this subsection and section 23c, a retirement allowance shall not exceed 64% of the salary stated in the application. Effective January 1, 1987, however, a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995 and who has 16 or more years of service shall also be entitled to a longevity allowance of 1.0% of the member's salary for each year of service beyond 16 years but, except as otherwise provided in this subsection, not to exceed 20 years. Except as provided in this subsection and section 23c, the retirement allowance of a member entitled to a longevity allowance under this subsection shall not exceed 68% of the salary stated in the application. Beginning January 1, 1989, a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, who has 20 or more years of service, and who meets the age and service requirements or service requirements to be eligible to receive a retirement allowance under this act shall be entitled to a longevity allowance of 1.0% of the member's salary for each year of service beyond 20 years.

(6) A member who first becomes a member on or after ~~December 2, 1994~~ JANUARY 2, 1995 and who becomes a retirant under this act is entitled to an annual retirement allowance equal to the product of the following:

- (a) The salary stated in his or her application.
- (b) Years and fraction of a year of service.
- (c) Three percent.

(7) A retirant who elects to purchase military service credit pursuant to section 11(2) shall have his or her retirement allowance recalculated to include the military service credit purchased pursuant to that section. The first payment of the recalculated retirement allowance shall be made effective with the first check after the recalculation is made.

(8) The retirement allowance of a retirant who, on January 1, 1987, satisfied the conditions required by section 9(3) shall have his or her retirement allowance recalculated to reflect the increase in salary for those years permitted by section 9(3) before the member became a retirant.

(9) Within 30 days after becoming 55 years of age, a deferred vested member may elect to defer receipt of the retirement allowance to which the member is entitled under this act to a date certain, not to exceed 70-1/2 years of age. Except as otherwise provided in this subsection, at the date the member designates to begin receipt of his or her retirement allowance, the member's retirement allowance shall be actuarially recomputed to reflect the member's age and life expectancy at initial receipt of the deferred retirement allowance. Upon request of the deferred vested member who elects to begin receiving his or her retirement allowance, the retirement board may pay to the member a lump sum payment of an amount equal to the sum of the retirement allowance that was deferred pursuant to this subsection. The retirement board shall not actuarially recompute the member's retirement allowance upon payment of a lump sum under this subsection.

(10) Notwithstanding subsection (1), a member or deferred vested member may retire with a retirement allowance computed according to the applicable provisions of this section if all of the following apply:

(a) The member or deferred vested member files a written application with the retirement board stating a date, not less than 30 nor more than 90 days after the execution and filing of the application, on which the member or deferred vested member desires to retire.

(b) On the last day of the month immediately preceding the retirement allowance effective date stated in the application, the member's or deferred vested member's combined age and length of credited service is equal to or greater than 70 years and the member or deferred vested member is 50 years of age or older.

(11) A member who retires before January 1, 1987 or a deferred vested member who leaves service before January 1, 1987 and becomes a retirant shall, in addition to the retirement allowance calculated under subsection (3) or (4), be entitled to a longevity allowance if the retirant or deferred vested member has more than 16 years of service. The longevity allowance is 1.0% of the former member's salary stated in the application for each year of service beyond 16 years but, except as otherwise provided in this subsection, not to exceed 20. A member who retires before January 1, 1987 or a deferred vested member who leaves service before January 1, 1987 and becomes a retirant shall, in addition to the retirement allowance calculated under subsection (3) or (4), be entitled to a longevity allowance of 1.0% of the former member's salary stated in the application for each year of service beyond 20 years that was served after the member met the age and service requirements or service requirements to be eligible to receive a retirement allowance under this act. The retirement allowance of a retirant who satisfies the conditions under this subsection shall have his or her retirement allowance recalculated to reflect the longevity allowance for those years permitted by this subsection effective January 1, 1987 or the date of retirement, whichever is later. The application of the longevity allowance to the retirant's retirement allowance under this subsection shall be applied before the provisions of section 23c are

applied to that retirement allowance. Except as provided in this subsection and section 23c, a retirement allowance shall not exceed 68% of the salary stated in the application.

Sec. 23c. (1) After December 31, 1986, on January 1 of each year a retirement allowance attributable to a member who first becomes a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, shall be increased 4% compounded annually.

(2) Beginning January 1, 1995, each retirement allowance attributable to a member who first becomes a member after ~~December 1, 1994~~ JANUARY 1, 1995, shall be increased each January 1. The amount of the annual increase shall be equal to 4% of the retirement allowance payable as of the retirement allowance effective date.

(3) A retirement allowance that begins after January 1 of the immediately preceding calendar year shall be increased under this section on a pro rata basis by the applicable percentage amount from the time the retirement allowance begins to the date of the increase.”.

8. Amend page 9, line 14, after “speaker” by inserting “OF THE HOUSE OF REPRESENTATIVES”.

9. Amend page 9, line 26, after “APPOINTED” by striking out the balance of the line through “(2)” on line 27 and inserting “IN 1999 BY THE SENATE MAJORITY LEADER AND BEGINNING IN 2001 APPOINTED ALTERNATELY BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE SENATE MAJORITY LEADER”.

10. Amend page 10, line 2, after “APPOINTED” by striking out the balance of the subdivision and inserting “IN THE MANNER PRESCRIBED IN THIS SUBDIVISION.”.

11. Amend page 10, line 22, after “FOR” by striking out “A TERM” and inserting “TERMS”.

12. Amend page 10, line 23, after the second “FOR” by striking out the balance of the line through “TERM” on line 24 and inserting “TERMS”.

13. Amend page 10, line 26, after “(1)(E)” by striking out the balance of the line through “LEADER” on line 27 and inserting “IS APPOINTED”.

14. Amend page 11, line 1, after “(1)(E)” by striking out the balance of the line through “LEADER” on line 3 and inserting “IS APPOINTED”.

15. Amend page 11, line 3, after “TERM.” by inserting “FOR TERMS BEGINNING ON OR AFTER JANUARY 1, 1999.”.

16. Amend page 12, following line 21, by inserting:

“Sec. 50b. (1) For a retirant or a survivor or beneficiary of a deceased retirant, or for a deferred vested member ~~who~~ IF THAT DEFERRED VESTED MEMBER first became a member on or before ~~December 1, 1994~~ JANUARY 1, 1995, the retirement system shall purchase and pay the premium for hospitalization and medical insurance coverage and dental and vision coverage for the retirant, deferred vested member, and the spouses, eligible children, and survivors of those retirants and deferred vested members. Except as otherwise provided in this section, the retirement system shall provide hospitalization and medical insurance coverage and dental and vision insurance coverage under this section at a level that is equal to or greater than the level of insurance coverage under this section in effect on December 1, 1992. The retirement board may increase the amounts each person who is enrolled in insurance coverage under this section is required to pay for co-pays or deductibles under that insurance coverage.

(2) On and after March 31, 1997, the retirement system shall also pay health insurance premiums described in this section in the manner prescribed in section 79.”.

The amendments were 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. 957

Yeas—28

Bennett	DeGrow	Murphy	Shugars
Berryman	Dunaskiss	North	Smith, V.
Bouchard	Emmons	O’Brien	Steil
Bullard	Gast	Posthumus	Stille
Cherry	Geake	Rogers	Van Regenmorter
Cisky	Koivisto	Schuette	Vaughn
Conroy	McManus	Schwarz	Young

Nays—5

Byrum	Dingell	Jaye	Miller
DeBeaussaert			

Excused—1

Peters

Not Voting—4

Gougeon

Hart

Hoffman

Smith, A.

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

Senator McManus offered to amend the title to read as follows:

A bill to amend 1957 PA 261, entitled "An act for the creation, maintenance, and administration of a legislative members' and presiding officers' retirement system within the legislature; to provide retirement allowances to the participants of the retirement system, and survivors' allowances and other benefits to their beneficiaries upon death; to exempt those allowances and benefits from certain taxes and legal processes; to authorize and make appropriations for the retirement system; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; and to prescribe penalties and provide remedies," by amending sections 9, 11, 17b, 21, 21a, 22, 22c, 23, 23c, 23d, 26, 50a, 50b, 75, and 79 (MCL 38.1009, 38.1011, 38.1017b, 38.1021, 38.2021a, 38.1022, 38.1022c, 38.1023, 38.1023c, 38.1023d, 38.1026, 38.1050a, 38.1050b, 38.1075, and 38.1079), sections 9, 21, 22, 23, 23c, 23d, and 26 as amended by 1994 PA 359, section 11 as amended by 1988 PA 512, section 17b as amended and section 21a as added by 1987 PA 58, sections 22c and 50b as amended and sections 75 and 79 as added by 1996 PA 486, and section 50a as amended by 1998 PA 80, and by adding sections 36a and 58a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Peters entered the Senate Chamber.

Senator DeGrow moved that Senators Gougeon, Hoffman and Cisky be excused from the balance of today's session. The motion prevailed.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 5891

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5035**House Bill No. 4565****House Bill No. 6006****House Bill No. 5891**

The motion prevailed.

The following bill was read a third time:

House Bill No. 5035, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

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. 958**Yeas—33**

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

Nays—0**Excused—4**

Cisky	Gougeon	Hart	Hoffman
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Not Voting—1

Posthumus

In The Chair: President

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

The following bill was read a third time:

House Bill No. 4565, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9g.

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. 959**Yeas—32**

Bennett	DeGrow	McManus	Shugars
Berryman	Dingell	Miller	Smith, A.
Bouchard	Dunaskiss	Murphy	Smith, V.
Bullard	Emmons	North	Steil
Byrum	Gast	Peters	Stille
Cherry	Geake	Rogers	Van Regenmorter
Conroy	Jaye	Schuetten	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young

Nays—0**Excused—4**

Cisky	Gougeon	Hart	Hoffman
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Not Voting—2

O'Brien

Posthumus

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 6006, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11503, 11506, and 11547 (MCL 324.11503, 324.11506, and 324.11547), section 11503 as amended by 1996 PA 359 and section 11506 as amended by 1996 PA 392.

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. 960

Yeas—32

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Jaye
Koivisto

McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

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

Nays—0

Excused—4

Cisky

Gougeon

Hart

Hoffman

Not Voting—2

O'Brien

Posthumus

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

Senator DeGrow moved that Senator Posthumus be temporarily excused from the balance of today’s session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5891, entitled

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” (MCL 408.751 to 408.776) by adding section 7c.

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

Substitute (S-1).

The question being on the adoption of the substitute,

Senator Schwarz offered the following amendment to the substitute:

1. Amend page 3, line 1, by striking out all of enacting section 1.

Senator Posthumus entered the Senate Chamber.

The amendment to the substitute was adopted.

The substitute, as amended, 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. 961

Yeas—33

Bennett	Dingell	Murphy	Shugars
Berryman	Dunaskiss	North	Smith, A.
Bouchard	Emmons	O’Brien	Smith, V.
Bullard	Geake	Peters	Steil
Byrum	Jaye	Posthumus	Stille
Cherry	Koivisto	Rogers	Van Regenmorter
Conroy	McManus	Schuette	Vaughn
DeBeaussaert	Miller	Schwarz	Young
DeGrow			

Nays—0

Excused—4

Cisky	Gougeon	Hart	Hoffman
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Not Voting—1

Gast

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to regulate the use, construction, installation and repair of boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for boilers; to provide for the licensing of boiler inspectors, installers and repairers; to provide fees for licenses, permits, inspections and certificates; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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

Senate Bill No. 428, entitled

A bill to amend 1923 PA 116, entitled “Township and village public improvement and public service act,” by amending section 4 (MCL 41.414), as amended by 1989 PA 82.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

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

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

Roll Call No. 962

Yeas—34

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

Nays—0

Excused—4

Cisky	Gougeon	Hart	Hoffman
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

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

Senate Bill No. 428

The motion prevailed.

Senate Bill No. 1054, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 13 (MCL 211.13) and by adding section 8c.

The House of Representatives has substituted (H-6) the bill.

The House of Representatives has passed the bill as substituted (H-6), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act," by amending sections 8a and 13 (MCL 211.8a and 211.13), section 8a as added by 1994 PA 96, and by adding section 8c.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

Roll Call No. 963**Yeas—33**

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

Nays—0**Excused—4**

Cisky	Gougeon	Hart	Hoffman
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Not Voting—1

O'Brien

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

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 XIII (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 XIII.

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

The House of Representatives has passed the bill as substituted (H-3) and ordered that it be given immediate effect.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

Roll Call No. 964

Yeas—32

Bennett	DeGrow	McManus	Schwarz
Berryman	Dingell	Miller	Shugars
Bouchard	Dunaskiss	Murphy	Smith, V.
Bullard	Emmons	North	Steil
Byrum	Gast	Peters	Stille
Cherry	Geake	Posthumus	Van Regenmorter
Conroy	Jaye	Rogers	Vaughn
DeBeaussaert	Koivisto	Schuette	Young

Nays—0

Excused—4

Cisky	Gougeon	Hart	Hoffman
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Not Voting—2

O’Brien	Smith, A.
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In The Chair: President

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

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

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

Senator A. Smith stated that had she been present when the vote was taken on concurring in the House substitute to the following bill, she would have voted “yea”:

Senate Bill No. 1124

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 House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

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

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

Roll Call No. 965**Yeas—33**

Bennett	Dingell	Miller	Shugars
Berryman	Dunaskiss	Murphy	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	Peters	Steil
Byrum	Geake	Posthumus	Stille
Cherry	Jaye	Rogers	Van Regenmorter
Conroy	Koivisto	Schuette	Vaughn
DeBeaussaert	McManus	Schwarz	Young
DeGrow			

Nays—0**Excused—4**

Cisky	Gougeon	Hart	Hoffman
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Not Voting—1

O'Brien

In The Chair: President

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

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

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Shugars' statement is as follows:

On Senate Bill Nos. 1124 and 1125, they're a package of bills that were brought to our attention through the Office of the Children's Ombudsman, Rich Bearup, and I appreciate his efforts in helping this bill get through. Also, Bill Kordenbrock with FIA. This is an important package of bills to fight child abuse, and it deals with the non-parent adults.

There are conflict language amendments to these bills. The House substitute also incorporates technical amendments. There are two substantive amendments. One dealing with the non-parent notification on termination of parental rights, and then also, the other one is dealing with a petition dealing with parent rights, and then the last one, the House substitute has an effective date of July 1, 1999. I urge my colleagues to concur with the House.

House Bill No. 4425, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch for the fiscal year ending September 30, 1999; to provide for and direct the expenditure of certain appropriations; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 2, line 1, by striking out “7,432,300” and inserting “7,432,700”.
2. Amend page 2, line 8, by striking out “8,432,300” and inserting “8,432,700”.
3. Amend page 3, line 3, by striking out “5,400,100” and inserting “5,400,500”.
4. Amend page 3, line 10, by striking out “5,400,100” and inserting “5,400,500”.
5. Amend page 3, following line 20, by inserting:
“Grand Valley State University - health professions building - for program and planning to be paid for from university revenues..... 100
Lansing Community College - public service training facility - for program and planning to be paid for from college revenues..... 100
Oakland University - school of education building - for program and planning to be paid for from university revenues 100
Schoolcraft Community College - business and industry training center and expansion and renovations to the Waterman campus center - for program and planning to be paid for from college revenues..... 100”.
6. Amend page 3, line 23, by striking out “3,000,100” and inserting “3,000,500”.
7. Amend page 3, line 25, by striking out “3,000,100” and inserting “3,000,500”.
8. Amend page 5, line 19, after “at” by striking out “\$7,432,300.00” and inserting “\$7,432,700.00”.

The House of Representatives has concurred in the Senate substitute (S-2) as amended and agreed to the title.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

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

Roll Call No. 966

Yeas—23

Bennett	DeGrow	McManus	Steil
Berryman	Dingell	Murphy	Stille
Bullard	Dunaskiss	North	Van Regenmorter
Byrum	Emmons	Posthumus	Vaughn
Cherry	Gast	Schwarz	Young
Conroy	Geake	Smith, V.	

Nays—10

Bouchard	Koivisto	Rogers	Shugars
DeBeaussaert	Miller	Schuette	Smith, A.
Jaye	Peters		

Excused—4

Cisky	Gougeon	Hart	Hoffman
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Not Voting—1

O’Brien

In The Chair: President

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

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

Senator DeGrow moved that the Committee on Economic Development, International Trade and Regulatory Affairs be discharged from further consideration of the following bill:

House Bill No. 5859, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 18.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

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

House Bill No. 5859

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

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

The following bill was read a third time:

House Bill No. 5859, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 18.

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. 967

Yeas—27

Bennett	Dingell	Peters	Smith, V.
Berryman	Gast	Posthumus	Steil
Bullard	Geake	Rogers	Stille
Byrum	Koivisto	Schuette	Van Regenmorter
Cherry	McManus	Schwarz	Vaughn
Conroy	Murphy	Shugars	Young
DeGrow	North	Smith, A.	

Nays—6

Bouchard	Dunaskiss	Jaye	Miller
DeBeaussaert	Emmons		

Excused—4

Cisky	Gougeon	Hart	Hoffman
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Not Voting—1

O'Brien

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes thereon, and for the collection of taxes levied; making such taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection therewith; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal certain acts and parts of acts in anywise contravening any of the provisions of this act.”.

The Senate agreed to the full title.

Protest

Senator DeBeaussaert, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5859.

Senator DeBeaussaert’s statement is as follows:

Madam President, I voted “no” on House Bill No. 5859, a bill that was just moments ago discharged from a committee, because there was no explanation as to what the bill contained. I think there were a couple members who were attempting to get the attention of the President at that moment, but the vote apparently had already begun. So for that matter, because of the point that we had the bill discharged without any explanation, I voted “no.”

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 1264, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 26 and 28 of chapter V (MCL 765.26 and 765.28).

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 27, after “THE” by striking out the balance of the page through “PERSON.” on line 1 of page 4 and inserting “STATE AND THE COUNTY HAVE BEEN REPAID THEIR COSTS FOR APPREHENDING AND EXTRADITING THE PERSON INCLUDING, BUT NOT LIMITED TO, TRANSPORTATION COSTS.”.

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

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

Senator DeGrow moved that the rule be suspended.

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

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

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

Roll Call No. 968

Yeas—33

Bennett	Dingell	Miller	Shugars
Berryman	Dunaskiss	Murphy	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	Peters	Steil
Byrum	Geake	Posthumus	Stille
Cherry	Jaye	Rogers	Van Regenmorter
Conroy	Koivisto	Schuette	Vaughn
DeBeaussaert	McManus	Schwarz	Young
DeGrow			

Nays—0

Excused—4

Cisky

Gougeon

Hart

Hoffman

Not Voting—1

O'Brien

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

House Bill No. 5365, entitled

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

The House of Representatives has substituted (H-2) the Senate substitute (S-3).

The House of Representatives has concurred in the Senate substitute (S-3) as substituted (H-2) and amended the title to read as follows:

A bill to amend 1996 PA 376, entitled "An act to create certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending section 10 (MCL 125.2690), as amended by 1998 PA 239, and by adding section 8a.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

Roll Call No. 969

Yeas—33

Bennett

Berryman

Bouchard

Bullard

Byrum

Cherry

Conroy

DeBeaussaert

DeGrow

Dingell

Dunaskiss

Emmons

Gast

Geake

Jaye

Koivisto

McManus

Miller

Murphy

North

Peters

Posthumus

Rogers

Schuetz

Schwarz

Shugars

Smith, A.

Smith, V.

Steil

Stille

Van Regenmorter

Vaughn

Young

Nays—0

Excused—4

Cisky

Gougeon

Hart

Hoffman

Not Voting—1

O'Brien

In The Chair: President

The Senate agreed to the title as amended.

Senate Bill No. 1282, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act of 1987," by amending sections 3, 8, 9, 14, 30a, and 30b (MCL 287.703, 287.708, 287.709, 287.714, 287.730a, and 287.730b), sections 3, 9, 14, 30a, and 30b as amended by 1996 PA 369 and section 8 as amended by 1994 PA 41, and by adding section 30c.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senator DeGrow moved that the rule be suspended.

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

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

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

Roll Call No. 970**Yeas—33**

Bennett

Dingell

Miller

Shugars

Berryman

Dunaskiss

Murphy

Smith, A.

Bouchard

Emmons

North

Smith, V.

Bullard

Gast

Peters

Steil

Byrum

Geake

Posthumus

Stille

Cherry

Jaye

Rogers

Van Regenmorter

Conroy

Koivisto

Schuette

Vaughn

DeBeaussaert

McManus

Schwarz

Young

DeGrow

Nays—0**Excused—4**

Cisky

Gougeon

Hart

Hoffman

Not Voting—1

O'Brien

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 906, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 1998 and September 30, 1999; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

Senate Bill No. 1266, entitled

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

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

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

The motion prevailed.

Senator Miller's statement is as follows:

I want to wish all the members here a very happy, merry Christmas and a healthy new year. But I also want to say I'm disappointed that we did not take up House Bill No. 5757.

I think that I owe that to all the trusted employees of both chambers—not only the Senate, but the House. We give our thanks to the dedication and the hours those people work. There's going to be a lot of employees here who are not picked up because of new Senators or new Representatives. I think they deserve the opportunity. This was not going to be any multimillion-dollar buyout. There were no legislators; this was no benefit to legislative or elected officials. This retirement bill, House Bill No. 5757, was for staff people and the workers who make our lives a lot better off here.

I think they deserve to have a vote here, and I'm disappointed. I want that statement in the Journal—that Art Miller was there and wanted to cast his vote for the employees who put in countless hours here, and they deserved a shot at early retirement like many of the other employees.

By unanimous consent the Senate returned to the order of
Resolutions

Senate Concurrent Resolution No. 104.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 75, p. 2210.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 3:05 a.m.

Pursuant to Senate Concurrent Resolution 104, the President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, December 22, at 11:45 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

