

No. 19
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 4, 1999.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—excused
North—present
Peters—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—excused
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Reverend Father James Wysocki of Holy Cross Catholic Church of Marine City offered the following invocation:

All authority comes from You, Lord, the author of life and ruler of souls. Help our leaders in the Michigan Senate to reflect with wisdom and act with prudence. Make them crusaders for the safety, education and welfare of the poor, the children, the elderly, families and workers.

Many are the needs around us, few are our resources, and great is the generosity of God. May those who go to bed hungry be fed by those who have more than they need. May those who suffer the diseases of poverty find help from those who suffer the diseases of affluence. May those who are neglected find care from those who are loved.

Keep ever before our Senators the common good of the people they represent as they formulate good laws that work for all. Help them utilize in the best possible ways the monetary, personnel and natural resources of our great state. May their deliberations and decisions lead the people of our state toward the greener pastures Your prophets have long foretold, as we march into the next millennium together under Your watchful care. Amen.

Motions and Communications

Senator Jaye entered the Senate Chamber.

Senator Rogers moved that Senators Gast, Goschka, Gougeon and McManus be temporarily excused from today's session.

The motion prevailed.

Senator Gougeon entered the Senate Chamber.

Senator Emerson moved that Senator Leland be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senators Murphy and V. Smith be excused from today's session.

The motion prevailed.

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senator Shugars admittance to the Senate floor.

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

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the center aisle.

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

Senators Goschka and McManus entered the Senate Chamber.

Recess

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

The motion prevailed, the time being 10:07 a.m.

10:16 a.m.

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

During the recess, Senator Shugars introduced T.J. Duckett to the Senate and presented him with Senate Resolution No. 18, a resolution of tribute.

Mr. Duckett responded briefly.

During the recess, Senator Gast entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 3:
House Bill Nos. 4011 4059 4238 4239

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, March 3, for his approval the following bill:

Enrolled Senate Bill No. 60 at 2:25 p.m.

The Secretary announced the printing and placement in the members' files on Wednesday, March 3 of:

Senate Bill Nos 395 396 397 400

House Bill Nos. 4350 4351 4352 4353 4354 4355 4356 4357 4358 4359 4360 4361 4362

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 125, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 732 (MCL 257.320a and 257.732), section 320a as amended by 1998 PA 350 and section 732 as amended by 1998 PA 348.

The question being on the passage of the bill,

Senator Dingell offered the following amendments:

1. Amend page 4, following line 26, by inserting:

"(10) THE SECRETARY OF STATE SHALL NOT ENTER POINTS FOR VIOLATIONS OF SECTION 81134 OR 82127(1) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81134 AND 324.82127, OR A LAW OR ORDINANCE SUBSTANTIALLY CORRESPONDING TO THOSE SECTIONS AND FOR VIOLATIONS OF SECTION 81135 OR 82127(3) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81135 AND 324.82127, OR A LAW OR ORDINANCE SUBSTANTIALLY CORRESPONDING TO THOSE SECTIONS BEGINNING 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION."

2. Amend page 5, line 5, after "AND" by inserting a comma and "UNTIL 3 YEARS AFTER THE EFFECTIVE DATE OF THE 1999 AMENDATORY ACT THAT AMENDED THIS SECTION,".

3. Amend page 5, line 25, after "SECTIONS." by inserting "THIS SUBDIVISION APPLIES UNTIL 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION.".

Senator Leland entered the Senate Chamber.

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

The question being on the passage of the bill,

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

Roll Call No. 43

Yeas—34

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter
Dunaskiss	Jaye	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

Nays—1

Dingell

Excused—2

Murphy

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 126, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 81134, 81135, and 82141 (MCL 324.81134, 324.81135, and 324.82141), section 81134 as amended by 1998 PA 355 and sections 81135 and 82141 as added by 1995 PA 58.

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. 44**Yeas—34**

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Koivisto
Leland

McCotter
McManus
Miller
North
Peters
Rogers
Schuette
Schwarz

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

Nays—1

Dingell

Excused—2

Murphy

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Van Regenmorter offered to amend the bill to read as follows:

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 81134, 81135, 82128, 82129, and 82141 (MCL 324.81134, 324.81135, 324.82128, 324.82129, and 324.82141), section 81134 as amended by 1998 PA 355 and sections 81135, 82128, 82129, and 82141 as added by 1995 PA 58.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 312, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509o (MCL 168.509o), as added by 1994 PA 441.

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. 45

Yeas—35

Bennett	Emmons	Leland	Shugars
Bullard	Gast	McCotter	Sikkema
Byrum	Goschka	McManus	Smith, A.
Cherry	Gougeon	Miller	Steil
DeBeaussaert	Hammerstrom	North	Stille
DeGrow	Hart	Peters	Van Regenmorter
Dingell	Hoffman	Rogers	Vaughn
Dunaskiss	Jaye	Schuetten	Young
Emerson	Koivisto	Schwarz	

Nays—0

Excused—2

Murphy

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 336, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 358 (MCL 168.358), as amended by 1990 PA 7.

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. 46

Yeas—35

Bennett	Emmons	Leland	Shugars
Bullard	Gast	McCotter	Sikkema
Byrum	Goschka	McManus	Smith, A.
Cherry	Gougeon	Miller	Steil
DeBeaussaert	Hammerstrom	North	Stille
DeGrow	Hart	Peters	Van Regenmorter
Dingell	Hoffman	Rogers	Vaughn
Dunaskiss	Jaye	Schuetten	Young
Emerson	Koivisto	Schwarz	

Nays—0

Excused—2

Murphy

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following joint resolution was read a third time:

Senate Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 21 of article V, to provide for the filling of the office of lieutenant governor upon a vacancy.

The question being on the adoption of the joint resolution,

Senator Sikkema moved that further consideration of the joint resolution be postponed temporarily.

The motion prevailed.

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

The following bill was read a third time:

House Bill No. 4090, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57l.

The question being on the passage of the bill,

Senator Schwarz offered the following amendment:

1. Amend page 2, line 3, after “POSITIVE” by striking out “BY MASS SPECTROMETRY” and inserting “BY GAS CHROMATOGRAPHY WITH MASS SPECTROMETRY, GAS CHROMATOGRAPHY, HIGH PERFORMANCE LIQUID CHROMATOGRAPHY, OR AN EQUALLY, OR MORE, SPECIFIC TEST USING THE SAME SAMPLE OBTAINED FOR THE ORIGINAL TEST”.

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

Senator Hart offered the following amendment:

1. Amend page 3, following line 19, by inserting:

“(7) THE SUBSTANCE ABUSE TESTING AUTHORIZED AND REQUIRED BY THIS SECTION DOES NOT APPLY TO A CHILD. AS USED IN THIS SUBSECTION, “CHILD” MEANS AN INDIVIDUAL, UNDER THE AGE OF 18, WHO IS NOT EMANCIPATED UNDER 1968 PA 293, MCL 722.1 TO 722.6, AND WHO LIVES WITH A PARENT OR CARETAKER.”.

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

Senator Byrum offered the following amendment :

1. Amend page 3, following line 19, by inserting:

“(7) THE FAMILY INDEPENDENCE AGENCY SHALL NOT IMPLEMENT SUBSTANCE ABUSE TESTING AUTHORIZED BY THIS SECTION UNTIL THE LEGISLATURE APPROPRIATES ADEQUATE MONEY FOR SUBSTANCE ABUSE ASSESSMENT AND SUBSTANCE ABUSE TREATMENT.”.

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

Senator Byrum requested the yeas and nays.

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

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

Roll Call No. 47**Yeas—14**

Byrum
Cherry
DeBeaussiaert
Dingell

Emerson
Hart
Jaye
Koivisto

Leland
Miller
Peters

Smith, A.
Vaughn
Young

Nays—21

Bennett	Goschka	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hammerstrom	Rogers	Steil
Dunaskiss	Hoffman	Schuette	Stille
Emmons	McCotter	Schwarz	Van Regenmorter
Gast			

Excused—2

Murphy	Smith, V.
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Not Voting—0

In The Chair: Hoffman

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. 48**Yeas—25**

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
DeGrow	Hammerstrom	Miller	Sikkema
Dingell	Hoffman	North	Steil
Dunaskiss	Jaye	Rogers	Stille
Emmons	Koivisto	Schuette	Van Regenmorter
Gast			

Nays—10

Byrum	Emerson	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
DeBeaussaert	Leland		

Excused—2

Murphy	Smith, V.
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Not Voting—0

In The Chair: Hoffman

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 protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to

provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Protest

Senator Byrum, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4090 and moved that the statements she made during the discussion of the amendment she offered be printed as her reasons for voting “no.”

The motion prevailed.

Senator Byrum’s first statement is as follows:

People seeking help for substance abuse problems need to receive treatment quickly before they lose either the will to seek assistance or before their problem reaches a crisis state. Substance abuse agencies cannot treat more people without additional funding. Last year the total amount appropriated for substance abuse was \$109.6 million and the amount appropriated this year in the Governor’s recommended budget is exactly the same amount, \$109.6 million. There was no funding increase, the Senate Fiscal Agency confirms that there are no additional funds provided in the budget to support any additional increase in substance abuse services. Now, I had Fiscal Agency pull waiting list information for me, and I want to share that with you. This is as of September 1998 and it’s the most recent information that I could get. It shows a waiting list of nearly a thousand people. They range in areas all over the state from the Detroit Health Department having 63 people on a waiting list, to the eastern Upper Peninsula having 30, to Genesee County having 164, Kalamazoo County having 89, mid-south, which is the Jackson area, having 71, Grand Rapids, Kent County 102, to the Downriver area with 100.

So, what my amendment does is if we’re going to put this program in place, we shall not implement it until we are willing to adequately fund these services. I think that’s reasonable. You can have it both ways. If we’re going to increase the caseload for substance abuse treatment, then we need to fund it. The Governor’s recommended budget does not take that into account, and this amendment says as a prerequisite you need to have adequate funding. I would urge my colleagues’ adoption.

Senator Byrum’s second statement is as follows:

Well, this is my point: How can you implement a program that is going to expand the need for these services if we’re not willing to put any money into additional substance abuse treatment services? Today, if we don’t do anything different, we know we have a backlog, a waiting list of almost a thousand people, it’s only going to increase with a program like this. So, I think if we’re serious, we need to put the bucks with the program, and that’s all I’m saying. You can have it both ways, and that’s what we’re trying to do.

So, I guess my question back to those who would be supporting this legislation: What’s the shell game we’re playing here? If we’re not willing to put up the money, then we’re really just window-dressing. We’re playing to some sort of poll or some sort of message that we want out there and not addressing the real issue.

Senator Byrum’s third statement is as follows:

You cannot take same number of dollars and divide it among more clients without reducing the duration or the quality of the assessment or treatment. Longer waiting lists and decreasing services are problems that will arise because funding provided is not adequate.

The following bill was read a third time:

House Bill No. 4091, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57b (MCL 400.57b), as added by 1995 PA 223.

The question being on the passage of the bill,

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

Roll Call No. 49**Yeas—25**

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
DeGrow	Hammerstrom	Miller	Sikkema
Dingell	Hoffman	North	Steil
Dunaskiss	Jaye	Rogers	Stille
Emmons	Koivisto	Schuette	Van Regenmorter
Gast			

Nays—10

Byrum	Emerson	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
DeBeaussaert	Leland		

Excused—2

Murphy	Smith, V.
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Not Voting—0

In The Chair: Hoffman

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.

Senator Rogers moved to reconsider the vote by which the committee recommendation to give the bill immediate effect was not concurred in.

The motion prevailed.

The question being on concurring in the committee recommendation to give the bill immediate effect,
Senator Rogers requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 50**Yeas—24**

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
DeGrow	Hammerstrom	Miller	Sikkema
Dunaskiss	Hoffman	North	Steil
Emmons	Jaye	Rogers	Stille
Gast	Koivisto	Schuette	Van Regenmorter

Nays—10

Byrum	Emerson	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
DeBeaussaert	Leland		

Excused—2

Murphy

Smith, V.

Not Voting—1

Dingell

In The Chair: Hoffman

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

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

Senate Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 21 of article V, to provide for the filling of the office of lieutenant governor upon a vacancy.

(The joint resolution was read a third time earlier today and consideration postponed. See p. 272.)

The question being on the adoption of the joint resolution,

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

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 259, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending sections 113, 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 242, 246, 248, 251, 267, 303, 305, 342, 344, 350, 350a, 350e, 352, 353, 353e, 354, 355, 356, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 443, 451, 454, 461, 462, 484, 485, 486, 492, and 493 (MCL 18.1113, 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1242, 18.1246, 18.1248, 18.1251, 18.1267, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350e, 18.1352, 18.1353, 18.1353e, 18.1354, 18.1355, 18.1356, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1443, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1492, and 18.1493), section 113 as amended by 1987 PA 122, sections 115, 203, 205, 217, 221, 246, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 350a, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 353 as amended by 1994 PA 107, section 353e as added by 1997 PA 144, section 354 as amended by 1995 PA 286, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, and 486 as added by 1986 PA 272, and by adding sections 237a, 281a, 430, and 451a; and to repeal acts and parts of acts.

(For text of amendments, see Senate Journal No.18, p. 259.)

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

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

Roll Call No. 51**Yeas—34**

Bennett	Emmons	McCotter	Shugars
Bullard	Gast	McManus	Sikkema
Byrum	Goschka	Miller	Smith, A.
Cherry	Gougeon	North	Steil
DeBeaussaert	Hammerstrom	Peters	Stille
DeGrow	Hart	Rogers	Van Regenmorter
Dingell	Hoffman	Schuetten	Vaughn
Dunaskiss	Koivisto	Schwarz	Young
Emerson	Leland		

Nays—0**Excused—2**

Murphy

Smith, V.

Not Voting—1

Jaye

In The Chair: Hoffman

Senator Rogers moved that the bill be given immediate effect.

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

The Senate agreed to the full title.

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

General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Goschka as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hoffman, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

Senate Bill No. 379, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18f of chapter XII (MCL 712A.18f), as amended by 1998 PA 480.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 1, line 1, after "CHAPTER" by striking out "XII" and inserting "XIIA".

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Young's statement is as follows:

I rise today to make a statement regarding academic achievement in the Detroit schools and the school takeover bill we approved in this chamber on Tuesday.

Those who supported the bill spoke gallantly of helping children who are trapped in a failing school system. Many cited examples of Detroit graduates who cannot compete for jobs. Some of my colleagues recklessly described our children as functionally illiterate. These students, who must already challenge negative stereotypes, are now forced to disprove more untruths.

I know many graduates of Detroit schools are, in fact, talented and beautiful young men and women facing bright futures. I commend them and offer them my encouragement.

I am also aware that some Detroit children are not given the opportunities to reach their full potential. Some schools and some portions of some schools are failing, and I agree.

I opposed Senate Bill No. 297 because I believe it violated the voting rights of citizens who elected the Detroit School Board. Whether or not anyone in this chamber approves of the school board, citizens of the city of Detroit chose those individuals to oversee the school system. I do not believe anyone in this body can morally nor constitutionally revoke that decision.

My views did not prevail in this chamber. After contemplating the political reality—that this bill will indeed become law after easy approval from the Republican-controlled House of Representatives and the signature of our Republican Governor—I call on our House colleagues to demonstrate that the intent of this bill truly is to address academic problems.

Hillsdale, Flint, Sault Ste. Marie and many, many other school districts across the state failed to perform as well as Detroit children on MEAP tests. Detroit schools outscored 240 other districts in fourth grade reading. Our fourth graders outscored children in 146 other districts in math. Our seventh graders outscored their peers in 76 districts in reading and 47 other districts in math.

As we in the Detroit community come to terms with the honest truth of our situation—that some schools and children are very successful, while others are not—I ask that the Legislature consider the truthful situations of children around the state. It is not a victory, not even a short-lived political victory, if we act on behalf of one school district and leave the others behind. If children are failing in schools, it should not matter where they live.

If we are passing this legislation to save children's educations, we must save all of them. We cannot do for one group of children what we will not do for others. We must treat them equally, the way we, as parents, make sure each of our own children is treated equally.

I call on the members of the House of Representatives to restore my faith in this process and dutifully amend Senate Bill No. 297 until it truly corrects educational problems in all struggling school districts.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Van Regenmorter introduced

Senate Bill No. 406, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 68 (MCL 791.268), as added by 1996 PA 556.

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

Senators Jaye, Dingell and Dunaskiss introduced

Senate Bill No. 407, entitled

A bill to create a police officers bill of rights; to prescribe continuous training of police officers; and to prescribe duties for certain public officials.

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

Senator Rogers introduced

Senate Bill No. 408, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 1996 PA 510.

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

Senator Rogers introduced

Senate Bill No. 409, entitled

A bill to amend 1931 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIA (MCL 712A.18k), as amended by 1998 PA 478.

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

Senator Rogers introduced

Senate Bill No. 410, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 1996 PA 508.

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

Senator Leland introduced

Senate Bill No. 411, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

Senator Leland introduced

Senate Bill No. 412, entitled

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," (MCL 141.901 to 141.921) by adding section 13e.

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

Senator Leland introduced

Senate Bill No. 413, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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

Senator Schwarz introduced

Senate Bill No. 414, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," (MCL 550.901 to 550.962) by adding section 33.

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

House Bill No. 4011, entitled

A bill to amend 1905 PA 157, entitled "An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; and to provide the powers and duties of certain local units of government and certain officials," by amending section 6 (MCL 41.426), as added by 1989 PA 79.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4059, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1603 (MCL 324.1603), as added by 1995 PA 60.

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

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

House Bill No. 4238, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27 of chapter IX (MCL 769.27) and by adding section 1g to chapter IX.

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

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

House Bill No. 4239, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 64 (MCL 791.264).

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

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

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 30

The resolution consent calendar was adopted.

Senator Emmons offered the following resolution:

Senate Resolution No. 30.

A resolution commemorating March 1999 as Parenting Awareness Month.

Whereas, The children of Michigan are the state's most precious resource, and these young people deserve the support of a society that reinforces healthy living; and

Whereas, The Michigan Senate believes that the education of students is enhanced by the involvement of parents and families in their children's education; and

Whereas, Studies demonstrate that when parents are involved in their children's education, the attitudes, behaviors, and achievement of students are positively enhanced; and

Whereas, The State Board of Education's Action Plan includes a request that every school building and district adopt a family involvement plan as a part of its school improvement plan. The plan should be geared toward building strong connections between the home, school, and community as a means of improving achievement and behavior; and

Whereas, The State Board of Education's Family Involvement Policy adopted in May 1997 states that schools must welcome the public's involvement and recognize and tap the strengths, dynamism, and resources of all those who wish to participate with the schools in practical and tangible ways. It also states that teacher training institutions have a responsibility to provide training in family involvement; and

Whereas, Parents who nurture, love, and appropriately discipline their children can help them become citizens with high self-esteem and who will be healthy, happy, loving, responsible, trustworthy, and protective adults; and

Whereas, Informed parenting can help reduce social problems such as substance abuse, teenage pregnancy, unemployment, poverty, and crime; and

Whereas, Providing parenting knowledge and skills will benefit all the residents of Michigan; now, therefore, be it Resolved by the Senate, That March 1999 be declared as Parenting Awareness Month; and be it further

Resolved, That the Senate encourage the House of Representatives of the state of Michigan to join the Senate and the State Board of Education in designating March 1999 as Parenting Awareness Month and in promoting parenting education throughout Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the State Board of Education, the House of Representatives, the Governor, and the Michigan congressional delegation as evidence of our support.

Senators Young and Bullard offered the following concurrent resolution:

Senate Concurrent Resolution No. 6.

A concurrent resolution to disapprove Executive Order 1999-1 on executive reorganization.

Whereas, On February 3, 1999, Governor Engler, pursuant to authority outlined in Article V, Section 2 of the Constitution of the State of Michigan of 1963, issued Executive Order 1999-1. This proposal on executive reorganization seeks to provide for changes in responsibilities within the Department of Michigan Jobs Commission, the Department of Management and Budget, and the Michigan Strategic Fund; and

Whereas, Article V, Section 2 of the *Constitution of the State of Michigan of 1963* also provides:

Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature, pursuant to Article V, Section 2 of the Constitution of the State of Michigan, disapprove Executive Order 1999-1; and be it further

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

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

Scheduled Meetings

Farming, Agribusiness and Food Systems Committee - Wednesday, March 10, at 1:00 p.m., Room 405, Capitol Building (3-1725).

State Police and Military and Veterans Affairs Appropriations Subcommittee - Thursday, March 11, at 1:00 p.m., Room 100, Farnum Building (3-2426).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 11:22 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.

