

No. 28
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 25, 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
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

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

Minister Paul St. Louis of Deerfield Church of Christ of Lapeer offered the following invocation:

Gracious God, we are thankful for this gracious opportunity to be able to come together. We pray that Your blessing will be upon these legislators this day even as has been upon our country throughout its history. We're thankful for the freedoms that we enjoy and for those who have fought so valiantly for them through the years. We're thankful for Your blessing that is upon this great state of Michigan. We pray that You will continue to bless us as we seek Your will and Your guidance.

We pray this day that You will especially be with our armed forces in Kosovo and keep them safe and out of harm's way.

We pray that You will also grant wisdom and guidance to the leaders of our world that they might find peace.

Be with this assembly this day as they discuss matters and may they see Your hand at work bringing a consensus, something that is difficult to come by in these days. But, Father, as we seek what is best for the people of the state, may we realize that Your ways, Your guidance will lead us in that direction and bring us to unity to make this state even greater in the days and the years and the months to come.

We pray in regards to the bills that are before the Senate that You will help us to see what is best for the children of Detroit, for the future of our state, that You'll give wisdom and guidance concerning spending issues and concerning issues in our state that we will continue to regard the sanctity of life as the precious gift from You that it is.

In all these things, may Your will be done here in Michigan even as it is in heaven. It's in the name of Your Son, Jesus Christ, that we pray. Amen.

Motions and Communications

Senator V. Smith moved that Senator Koivisto be temporarily excused from today's session.
The motion prevailed.

Senators Emerson and Goschka entered the Senate Chamber.

Senator Rogers moved that Senators McCotter and Shugars be temporarily excused from today's session.
The motion prevailed.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:05 a.m.

10:14 a.m.

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

During the recess, Senators Shugars, Koivisto and McCotter entered the Senate Chamber.

Senator Jaye entered the Senate Chamber.

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

The motion prevailed.

Senator Bullard's statement is as follows:

It is with great sadness and with happiness also that I announce the departure of Rob Elhenicky from my office. Rob is going to the Governmental Affairs Department of Jackson National Life, and he'll be working in Michigan and other states, so you're going to see him around.

Rob came to me from the University of Kentucky, and what impressed me was he went to the University of Kentucky to play hockey. I was further impressed when I found out he had led the team in penalty minutes. I thought, "This is the type of guy I want in my office."

Rob's energetic, enthusiastic, optimistic, loyal, funny, out-going, and Rob and I have a lot of discussions—almost like father-son discussions. Rob, I just want to tell you, I appreciate all the advice you've given me.

Rob is a fine young man with a great future. We're going to miss him, but we know he'll do well in later life.

I'm going to present him with a special tribute. I appreciate the Senate and staff giving Rob a round of applause.

Senator Leland's statement is as follows:

I know Rob. Rob is a friend of mine. Congratulations. I wish you well.

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

Senate Bill No. 297, entitled

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 402 and 471a (MCL 380.402 and 380.471a), section 471a as amended by 1982 PA 71, and by adding part 5A and section 449.

The House of Representatives has substituted (H-18) the Senate substitute (S-3) to the House substitute (H-8).

The House of Representatives has concurred in the Senate substitute (S-3) to the House substitute (H-8) as substituted (H-18) and ordered that the bill be given immediate effect.

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

Senator Rogers 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 President, Lieutenant Governor Posthumus, assumed the Chair.

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

Roll Call No. 94

Yeas—31

Bennett	Gast	Koivisto	Schwarz
Bullard	Goschka	McCotter	Shugars
Cherry	Gougeon	McManus	Sikkema
DeBeaussiaert	Hammerstrom	Miller	Smith, V.
DeGrow	Hart	Murphy	Steil
Dunaskiss	Hoffman	North	Stille
Emerson	Jaye	Rogers	Van Regenmorter
Emmons	Johnson	Schuette	

Nays—7

Byrum	Leland	Smith, A.	Young
Dingell	Peters	Vaughn	

Excused—0

Not Voting—0

In The Chair: President

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

Protest

Senator Leland, under his constitutional right of protest, (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 297 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Leland's statement is as follows:

I have several comments I would like to make, and I would urge my colleagues to vote "no" on concurrence. Some of my remarks you've heard before; some of them will be new.

Let me just say that, in terms of Detroit schools, I think that there have been improvements. I mentioned this earlier when I spoke a couple of weeks ago. We had a deficit; the deficit was removed; we now have a surplus. We had schools that weren't accredited; we now have every school in Detroit accredited. We have new members on the school board who just got elected, who I feel deserve a chance.

But there are a couple of very serious issues here that I'm very concerned about. One is, of course, the voting rights issue. You know that is something that I don't think that I or my constituents will ever get over. We elected our school board members to go and do a job. Voting rights is something that is very near and dear to my constituents and to myself. It wasn't that long ago when my constituents got their right to vote. I can remember watching T.V. in the '60s and seeing the fire hoses and the dogs.

My constituents and African Americans have fought very long and hard for their right to vote. They have been shot at. They have been dragged. They have been hung. Their churches have been burned; their houses have been burned just for the right to vote. I remember people of my persuasion, of my religion getting on the freedom busses 40 years ago and going down South and joining the Freedom Riders to demonstrate and be with Martin Luther King.

This is something that I take very seriously. It's very near and dear to myself, and as I said to my constituents, "Major problem." I'll never get over that. I would hope that, even though you folks are going to support this bill, you're sensitive to that. Give me some sign and show you're sensitive to that. Show me some language. Shake your head. Raise your hand. I just hope that you understand this is something that is very difficult for me and my constituents to ever comprehend.

The process—I feel that the process was wrong. I talked about coming to my district and talking to my constituents, coming into schools and talking about the issue. You didn't do that.

You're putting someone in charge of the school system now who I don't think is able to run the school system. We wish him well, but putting my mayor in charge is sort of like putting a lifeguard in charge who can't swim.

I don't know if you saw the newspaper yesterday and today. Every day when I read the newspaper, I pick up things and read things about how things are just not well run in my city. There are hundreds of millions of dollars in federal dollars that we're not spending. Recently, we gave back \$18.5 million to the feds because money wasn't spent on the homeless; \$6.5 million went back because it wasn't spent on a lot of different programs. We're not the best-managed and run city that you think we are, and you're putting my mayor—who works hard, who means well—but he's got his plate full. He's got a full-time job. He doesn't need another job.

For these reasons, I ask my colleagues to not concur.

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

The motion prevailed.

Senator Cherry's statement is as follows:

I rise to urge concurrence with the House amendments to Senate Bill No. 297 which, just to help members if they're not aware of it, this is the bill that deals with the governance of the Detroit school system.

Mr. President, this bill has been one of great difficulty through its legislative debate and its course through both the Senate and the House, I think for some pretty apparent reasons.

The bill itself tends to mix questions dealing with governance and with educational needs and demands that a school system faces in this modern economic society that are never more apparent than in our urban school districts.

The bill also tends to mix some school district politics with municipal politics, and Mr. President, there is, I think, a temptation to be suspect about some of the symbolism involved with this particular bill because, let's face it, the Detroit school system is not the only struggling school system in the state. Many wonder why we are focused on that particular school system. Mr. President, that difficulty was never more apparent than in the House of Representatives last night where the debate there was full of passion and frustration and mistrust and, at times, overreaction.

You can't help but listen to the debate here in the Senate and the House and wonder if we've chosen the right course. But ultimately, Mr. President, when you stop a moment and reflect on the difficulty that the children face in that school district, you clearly understand that what is occurring now is not satisfactory and that you must take a step forward, and this bill does that. I can't help but believe that it may not be perfect, but it's going to result in positive outcomes in the city of Detroit.

On that basis alone, Mr. President, I wish to encourage concurrence, but as I do that, I also want to suggest to members of this body that this bill would not be posed for final passage without the work that the Senate had done on this package. This institution cannot do this good work without us working together, and I want, Mr. President, to take this moment to express my appreciation to my colleague, the Majority Floor Leader, Senator DeGrow. Quite frankly, we would not have, I thought, been able to construct this bi-partisan agreement without his leadership. His word has been absolutely golden. He's reached out and worked with us, and I want to say, "Thank you" for that.

As I do that, I think it's important to know, as I know as a leader, that you don't do this by yourself. You can only lead with the support of your caucus. So it is clear that we've been able to enjoy the support and cooperation with our Republican colleagues here in the Senate. I want to say, "Thank you" there as well.

Watching the debate unfold in the House, I think it's important to also note that we have had people here in the Senate oppose this package. I think they need to be given a note of appreciation because in their opposition, they have focused on facts. They have focused on concerns. They have avoided attempting to divide us as an institution. Their opposition has been well placed, and it has, I believe, elevated the debate, discussion and the product here in this chamber.

I particularly, Mr. President, also want to say, "Thank you" to my colleague, Senator Virgil Smith, the Minority Floor Leader, who has worked very hard on this issue, has taken some very difficult positions and difficult stands, has been eloquent, has understood the issue and has taken great time to educate many of us about what is the situation in the city of Detroit and its school system. I think he deserves all of our appreciation on that issue.

When we started this session at the beginning in January, I said that term limits is going to present us with a great challenge, and the greatest challenge the Senate would face is setting an example for the Legislature and for future Senates. I think that in this bill, we've risen to that occasion. It's not one of us—it's all of us. It's not just those who support it—it's those who oppose. This institution has met its challenge, has produced an outstanding product. It may not be perfect, but I think it's going to make life better for many, many young people in the city of Detroit as they attempt to get an education so they can compete in their future lives.

Again, I'd urge concurrence.

Third Reading of Bills

Senator Rogers moved that consideration of the following joint resolution and bills be postponed for today:

Senate Joint Resolution G

Senate Bill No. 287

Senate Bill No. 390

The motion prevailed.

Senator Rogers moved that consideration of the following bills be postponed temporarily:

Senate Bill No. 151

Senate Bill No. 442

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 79, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

The question being on the passage of the bill,

Senator Dingell offered the following amendments:

1. Amend page 4, line 14, by striking out "59,258,600" and inserting "59,158,600".
2. Amend page 4, line 17, by striking out "68,934,400" and inserting "68,834,400".
3. Amend page 5, line 19, by striking out "7,591,400" and inserting "7,491,400" and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Dingell requested the yeas and nays.

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

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

Roll Call No. 95

Yeas—12

Byrum
Cherry
Dingell

Emerson
Hart
Jaye

Leland
Murphy
Peters

Smith, A.
Vaughn
Young

Nays—24

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

Excused—0**Not Voting—2**

Miller Smith, V.

In The Chair: President

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

Senators V. Smith and Miller entered the Senate Chamber.

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

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

Roll Call No. 96**Yeas—37**

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

Nays—1

Jaye

Excused—0**Not Voting—0**

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 366, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2000; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The question being on the passage of the bill,

Senators Shugars and Jaye offered the following amendment:

1. Amend page 40, following line 5, by inserting:

“Sec. 215. (1) The funds appropriated in part 1 shall not be expended to provide coverage for state employees or their dependents for abortion services other than for spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed if those services are not required by civil service or collective bargaining agreement.

(2) The office of the state employer is directed to immediately negotiate the elimination of coverage for abortion services other than as provided in subsection (1) through the collective bargaining process.

(3) The office of the state employer shall semiannually report to the senate and house of representatives standing committees on appropriations in writing of the status of the negotiations described in subsection (2).

(4) If the office of the state employer cannot negotiate the elimination of the coverage for abortion services, the office of the state employer shall include in the semiannual report described in subsection (2) all the following:

(a) The reasons why negotiations have been unsuccessful.

(b) The cost of providing abortion services coverage to the covered state employees.

(c) The total number of state employees and their dependents who used abortion services except as permitted under subsection (1).

(d) The total number of abortions performed during the reporting period.”.

The question being on the adoption of the amendment,

Senator A. Smith offered the following amendment to the amendment:

1. Amend Senator Shugars Amendment No. 1, page 40, line 5, subsection (1), after the second “abortion” by inserting a comma and “preserve the health”.

The amendment to the amendment was not adopted.

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

Senator Peters offered the following amendment:

1. Amend page 40, following line 5, by inserting:

“Sec. 215. (1) None of the funds appropriated for executive branch departments in part 1 of this act shall be used to pay for contracts for supplies or services over \$25,000.00 unless the department used a form of competitive sealed bidding, except in the following situations:

(a) Procurement contracts with a local unit of government, a university, or a community college.

(b) Procurements of office space or real property.

(c) Contracts to sell the state real and personal property at public auction.

(d) Procurement contracts with the federal or a state government.

(e) Contracts for expert witnesses for litigation.

(2) Notwithstanding any other provision of this section, the department of management and budget or a designee may make or authorize others to make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions as determined by the department. However, emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be maintained by the department.

(3) “Contract” means all types of state agreements, regardless of what they may be called, for the procurement or disposal of supplies or services.”.

The question being on the adoption of the amendment,

Senator Peters 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. 97**Yeas—16**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hammerstrom
Hart
Jaye

Koivisto
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hoffman
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—0**Not Voting—1**

Leland

In The Chair: Hoffman

Senator Peters offered the following amendment:

1. Amend page 58, following line 17, by inserting:

“Sec. 716. (1) The director of the department shall make all reasonable efforts to award not less than 20% of the value of all contracts for goods and services to small businesses. The director of the department shall allocate purchases so that small businesses of all sizes have a realistic opportunity to bid for contracts.

(2) Not later than December 15, 1999, all state departments, agencies, and officials that have had procurement authority delegated to them by the director shall report to the director on any state policies that the department, agency, or officials believe hinder small businesses from successfully participating in the state procurement process.

(3) Not later than February 15, 2000, the department shall report to the legislature its findings under subsection (2) and any possible improvements in the procurement process for small businesses.

(4) “Small business” means a person who conducts business primarily in this state, who is located in this state, and who has less than \$3,000,000.00 in gross sales per year.”.

The question being on the adoption of the amendment,

Senator Peters 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. 98**Yeas—17**

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Hammerstrom
Hart
Jaye
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: Hoffman

Senator Peters offered the following amendment:

1. Amend page 40, following line 5, by inserting:

“Sec. 215. Of the funding appropriated to departments in part 1, any funds awarded in the form of a grant, and any funds expended for the purpose of entering into contracts for goods and services will be subject to the following conditions:

(1) A grant recipient, contractor or person who has an interest in a contractor or grant recipient, or person who has an interest in a contractor or grant recipient, or the spouse, parent, child, or spouse of a child of a contractor or grant recipient, shall not make a contribution to a candidate or a committee during the following periods:

(a) The time period during which the contractor or grant recipient has a contract with the state.

(b) The 3 years following the final expiration or termination of the contractor’s or grant recipient’s contract with this state.

(2) A contractor or grant recipient who has an interest in a contractor, or grant recipient or the spouse, parent, child, or spouse of a child of a contractor or grant recipient, or a person who has an interest in the contractor or grant recipient, shall not make a contribution to a candidate or committee through a legal entity that is established, directed, or controlled by any of the persons described in this subsection during the time period described in subsection (1).

(3) For the purposes of this section, a person is considered to have an interest in a contractor or grant recipient if any of the following circumstances exist:

(a) The person holds at least a 1% interest in the contractor or grant recipient.

(b) The person is an officer or a managerial employee of the contractor or grant recipient as defined by rules promulgated by the department.

(c) The person is an officer of the person who holds at least a 1% interest in the contractor or grant recipient.

(d) The person is an independent committee of the contractor or grant recipient.

(4) A contractor or grant recipient is considered to have made a contribution if a contribution is made by a person who has an interest in the contract or grant recipient.

(5) As used in this section:

(a) “Candidate” means both of the following:

(i) That term as defined in section 3 of the Michigan campaign finance act, 1976 PA 388, MCL 169.203.

(ii) The holder of any state, legislative, or local elective office.

(b) “Contractor” means a person who has entered into a contract with this state to provide supplies or services described in section 261 of the management and budget act, 1984 PA 431, MCL 18.1261.

(c) “Committee” means any of the following:

(i) A candidate committee as that term is defined in section 3 of the Michigan campaign finance act, 1976 PA 388, MCL 169.203.

(ii) A political party committee as that term is defined in section 11 of the Michigan campaign finance act, 1976 PA 388, MCL 169.211.

(iii) An independent committee as that term is defined in section 8 of the Michigan campaign finance act, 1976 PA 388, MCL 169.208.

(iv) A committee organized by a legislative caucus of a chamber of the legislature.

(d) "Officer" means either of the following:

(i) An individual listed as an officer of a corporation, limited liability company, or limited liability partnership.

(ii) An individual who is a successor to an individual described in subparagraph (i).".

The question being on the adoption of the amendment,

Senator Peters 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. 99

Yeas—16

Byrum	Emerson	Leland	Smith, A.
Cherry	Hart	Miller	Smith, V.
DeBeaussaert	Jaye	Murphy	Vaughn
Dingell	Koivisto	Peters	Young

Nays—21

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

Excused—0

Not Voting—1

North

In The Chair: Hoffman

Senator Peters offered the following amendment:

1. Amend page 58, following line 17, by inserting:

"Sec. 716. To ensure the fair and equitable treatment of all persons who deal with the procurement system of this state and to provide safeguards for the maintenance of a procurement system of quality and integrity, the department or state agencies acting under delegated procurement authority shall require individuals, partnerships, businesses or corporations who provide good or services to the state to submit a listing of the names and addresses of all persons having a beneficial interest greater than 7.5% of the value of that business and the names and addresses of all the officers and directors or partners of that business.".

The question being on the adoption of the amendment,

Senator Peters 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. 100

Yeas—15

Byrum	Hart	Miller	Smith, V.
Cherry	Jaye	Murphy	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland	Smith, A.	

Nays—22

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

Excused—0**Not Voting—1**

Emerson

In The Chair: Hoffman

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

Senator Emerson entered the Senate Chamber.

Senator Peters offered the following amendment:

1. Amend page 58, following line 17, by inserting:

"Sec. 716. (1) The department shall publish or cause to be published a monthly newsletter available to the public or maintain an Internet website that contains notice of all invitations for bids and requests for proposals issued by the department or any state agency operating under delegated authority. Except in emergency situations, documented in writing by the department, the department shall not accept an invitation for bid or request for proposal less than 15 days after the bid or proposal was first published in the newsletter or less than 30 days after the notice was made on the Internet website. In addition to the requirements of this subsection, the department may advertise the invitation for bids and requests for proposals in any manner the department determines appropriate that would give the greatest number of individuals and businesses who would be interested in making a bid or proposal the opportunity to make a bid or proposals. The department may supply something less than the entire newsletter to those members of the public who request in writing to receive information about bids and requests for proposals only about certain categories or subjects.

(2) The department shall charge a fee for the newsletter. However, the fee shall not exceed the actual cost of preparing, publishing, and circulating the newsletter to individuals and businesses. The department shall use all reasonable means to circulate the newsletter to individuals and businesses that want to receive the newsletter."

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 101**Yeas—38**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille

Dingell
Dunaskiss
Emerson
Emmons

Jaye
Johnson
Koivisto
Leland

Rogers
Schuette
Schwarz

Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

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

Senator DeBeaussaert offered the following amendments:

1. Amend page 30, line 18, by striking out "822,300,000" and inserting "860,000,000".
2. Amend page 30, by striking out all of line 19 and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator DeBeaussaert requested the yeas and nays.

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

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

Roll Call No. 102

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Murphy
North
Peters
Rogers
Schuette
Schwarz

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

Nays—0

Excused—1

Miller

Not Voting—0

In The Chair: Hoffman

Senator Dingell offered the following amendment:

1. Amend page 45, following line 27, by inserting:

“EXECUTIVE OFFICE

Sec. 550. From the amount appropriated to the executive office in section 105, none of the \$50,000.00 appropriated for the governor’s expense allowance shall be allocated for expenditure until the governor provides documentation regarding the use of the funds. The documentation shall include, but not be limited to, a listing of specific purchases and the identity of the vendor that provided the goods or services purchased. The documentation shall not be destroyed after payment and shall be available for public inspection pursuant to article IX, section 23 of the Michigan constitution.”.

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

Senator Young offered the following amendment:

1. Amend page 86, line 22, by inserting:

“Sec. 973. The funds appropriated in section 111 to the bureau of state lottery shall not be used to conduct a lottery drawing held on Sunday.”.

The question being on the adoption of the amendment,

Senator Young 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. 103

Yeas—18

Byrum	Emerson	Rogers	Smith, V.
Cherry	Hart	Schuette	Van Regenmorter
DeBeaussiaert	Leland	Shugars	Vaughn
Dingell	Murphy	Smith, A.	Young
Dunaskiss	Peters		

Nays—19

Bennett	Goschka	Johnson	Schwarz
Bullard	Gougeon	Koivisto	Sikkema
DeGrow	Hammerstrom	McCotter	Steil
Emmons	Hoffman	McManus	Stille
Gast	Jaye	North	

Excused—1

Miller

Not Voting—0

In The Chair: Hoffman

Senator Peters offered the following amendment:

1. Amend page 40, following line 5, by inserting:

“Sec. 215. (1) None of the funds appropriated for executive branch departments in part 1 of this act shall be used to pay for contracts for supplies or services over \$25,000.00 unless the department used a form of competitive sealed bidding, except in the following situations:

- (a) Procurement contracts with a local unit of government, university, or community college.

- (b) Procurements of office space or real property.
- (c) Contracts to sell the state real and personal property at public auction.
- (d) Procurement contracts with the federal or a state government.
- (e) Contracts for expert witnesses for litigation.
- (f) Procurement contracts for computer software and services to proprietary computer software.
- (g) Parts for existing state owned products.

(2) Notwithstanding any other provisions of this section, the department of management and budget or a designee may make emergency procurements when there exists a threat to public health, welfare, or safety under emergency conditions as determined by the department. However, emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be maintained by the department.

(3) "Contract" means all types of state agreements, regardless of what they may be called, for the procurement or disposal of supplies or services.

(4) Invitation for bids, request for proposals, and single- and multi-step bidding are appropriate forms of competitive sealed bidding."

The question being on the adoption of the amendment,

Senator Peters requested the yeas and nays.

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

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

The motion prevailed.

Point of Order

Senator Schwarz raised the Point of Order that the amendment offered by Senator Peters to Senate Bill No. 366 was not germane to the bill because it amends the Management and Budget Act.

The Assistant President pro tempore, Senator Hoffman, ruled that the amendment was germane.

The question being on the adoption of the amendment,

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

Roll Call No. 104

Yeas—15

Byrum	Goschka	Leland	Smith, V.
Cherry	Hart	Murphy	Vaughn
DeBeaussaert	Jaye	Peters	Young
Dingell	Koivisto	Smith, A.	

Nays—21

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

Excused—2

Emerson

Miller

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. 105**Yeas—33**

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

Nays—3

Dingell	Jaye	Peters
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Excused—2

Emerson	Miller
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Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

Senate Bill No. 365, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 36, line 17, after "Sec. 620." by striking out the balance of the section and inserting "(1) Funds appropriated under this bill shall not be used to pay for the purchase, installation, repair, or maintenance of any air conditioning unit or equipment unless the recipient to whom or on whose behalf the payment is made is a senior citizen or who provides a letter to the department from his or her physician certifying that the air conditioning unit or equipment is medically necessary.

(2) A recipient of funds appropriated under this bill shall not lease or purchase any air conditioning unit or equipment unless the recipient to whom or on whose behalf the payment is made is a senior citizen or who provides a letter to the department from his or her physician certifying that the air conditioning unit or equipment is medically necessary.

(3) The department shall make and distribute a detailed report to the members of the senate and house within 60 days of implementation of this bill. This report shall include the department's efforts to notify cash assistance recipients, department supervisors and caseworkers, and owners and developers of housing facilities funded wholly or in part with state funds of the provisions in subsections (1) and (2) of this section."

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

The question being on the adoption of the amendment,

Senator Jaye 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. 106

Yeas—15

Bennett
Bullard
Byrum
DeGrow

Dunaskiss
Goschka
Hoffman
Jaye

Koivisto
McCotter
North
Rogers

Schuette
Shugars
Sikkema

Nays—20

Cherry
DeBeaussaert
Emmons
Gast
Gougeon

Hammerstrom
Hart
Johnson
Leland
McManus

Murphy
Peters
Schwarz
Smith, A.
Smith, V.

Steil
Stille
Van Regenmorter
Vaughn
Young

Excused—3

Dingell

Emerson

Miller

Not Voting—0

In The Chair: Hoffman

Senator Emerson offered the following amendments:

1. Amend page 9, line 12, by striking out "331,231,800" and inserting "352,031,800".
2. Amend page 10, line 1, by striking out "1,209,339,200" and inserting "1,230,139,200" and adjusting the subtotals, totals, and section 201 accordingly.
3. Amend page 37, following line 4, by inserting:
"Sec. 622. It is the intent of the legislature that the department income disregard policy be set at \$250.00 plus 25% of the recipient's earned income balance."

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

Senator Dingell entered the Senate Chamber.

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. 107**Yeas—35**

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

Nays—1

Jaye

Excused—2

Emerson

Miller

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

Senate Bill No. 370, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The above question was read a third time.

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. 108**Yeas—35**

Bennett	Gast	McCotter	Sikkema
Bullard	Goschka	McManus	Smith, A.
Byrum	Gougeon	Murphy	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter

Dingell
Dunaskiss
Emmons

Johnson
Koivisto
Leland

Schuetten
Schwarz
Shugars

Vaughn
Young

Nays—1

Jaye

Excused—2

Emerson

Miller

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 361, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The question being on the passage of the bill,

Senator Young offered the following amendments:

1. Amend page 11, line 2, by striking out “26,993,600” and inserting “41,993,600”.
2. Amend page 11, line 11, by striking out “43,179,100” and inserting “58,179,100”.
3. Amend page 11, line 14, by striking out “16,525,100” and inserting “24,791,600”.
4. Amend page 11, line 20, by striking out “11,056,300” and inserting “17,789,800” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

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

The motion prevailed.

Senator Young offered the following amendments:

1. Amend page 11, line 1, by striking out “341.0” and inserting “364.0”.
2. Amend page 11, line 2 by striking out “195.0 FTE positions” and inserting “218.0 FTE positions”.
3. Amend page 11, line 2, by striking out “26,993,600” and inserting “28,823,600”.
4. Amend page 11, line 11, by striking out “43,179,100” and inserting “45,009,100”.
5. Amend page 11, line 14, by striking out “16,525,100” and inserting “17,275,100”.
6. Amend page 11, line 20, by striking out “11,056,300” and inserting “12,136,300” and adjusting the subtotals, totals, and section 201 accordingly.
7. Amend page 33, following line 2, by inserting:

“Sec. 325. From the amount appropriated in part 1 for health systems administration, the department shall utilize not less than 120 inspectors, provided adequate funding is available, to annually survey and investigate the care and services delivered in nursing homes, county medials care facilities, and hospital long term care units in accordance with the provisions of the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, and federal Medicare and Medicaid certification standards.”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 109

Yeas—19

Byrum	Hammerstrom	Leland	Smith, V.
Cherry	Hart	Murphy	Stille
DeBeaussaert	Jaye	Peters	Vaughn
Dingell	Johnson	Schwarz	Young
Goschka	Koivisto	Smith, A.	

Nays—17

Bennett	Gast	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrow	Hoffman	Rogers	Steil
Dunaskiss	McCotter	Schuetz	Van Regenmorter
Emmons			

Excused—2

Emerson	Miller
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Not Voting—0

In The Chair: Schwarz

By unanimous consent the Senate returned to the amendments offered by Senator Young.

The question being on the adoption of the amendments,

Senator Young withdrew the amendments.

Senators Peters and Schuetz offered the following amendments:

1. Amend page 9, line 27, by striking out “21,070,500” and inserting “36,070,500”.
2. Amend page 10, line 3, by striking out “93,223,800” and inserting “108,223,800”.
3. Amend page 10, line 10, by striking out “0” and inserting “15,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 33, following line 2, following section 325, by inserting:

“Sec. 326. Of the funds appropriated for the Michigan state housing development authority, housing and rental assistance program, \$15,000,000.00 shall be provided for the urban homestead initiative contingent upon the United States department of housing and urban development block granting all funds currently allocated to Michigan.”.

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

Senator Emerson entered the Senate Chamber.

The question being on the passage of the bill,

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

The motion did not prevail.

Senator Peters requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 110

Yeas—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Murphy
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Jaye
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Miller

Not Voting—1

Johnson

In The Chair: Schwarz

Senator V. Smith moved to reconsider the vote by which the amendments offered by Senator Young were not adopted.

On which motion, Senator V. Smith requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 111

Yeas—15

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Koivisto
Leland

Murphy
Peters
Smith, A.
Smith, V.

Stille
Vaughn
Young

Nays—21

Bennett
Bullard

Goschka
Gougeon

McCotter
McManus

Schwarz
Shugars

DeGrow
Dunaskiss
Emmons
Gast

Hammerstrom
Hoffman
Jaye

North
Rogers
Schuette

Sikkema
Steil
Van Regenmorter

Excused—1

Miller

Not Voting—1

Johnson

In The Chair: Schwarz

Senator Young offered the following amendments:

1. Amend page 11, line 1, by striking out “341.0” and inserting “363.0”.
2. Amend page 11, line 2, by striking out “195.0 FTE positions” and inserting “218.0 FTE positions”.
3. Amend page 11, line 2, by striking out “26,993,600” and inserting “28,778,600”.
4. Amend page 11, line 11, by striking out “43,179,100” and inserting “44,964,100”.
5. Amend page 11, line 14, by striking out “16,525,100” and inserting “17,255,100”.
6. Amend page 11, line 20, by striking out “11,056,300” and inserting “12,111,300” and adjusting the subtotals, totals, and section 201 accordingly.
7. Amend page 33, following line 2, by inserting:

“Sec. 325. From the amount appropriated in part 1 for health systems administration, the department shall utilize not less than 120 inspectors, provided adequate funding is available, to annually survey and investigate the care and services delivered in nursing homes, county medials care facilities, and hospital long term care units in accordance with the provisions of the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, and federal Medicare and Medicaid certification standards.”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 112

Yeas—19

Byrum
Cherry
DeBeaussaert
Dingell
Emerson

Goschka
Hammerstrom
Hart
Jaye
Koivisto

Leland
Murphy
Peters
Schwarz
Smith, A.

Smith, V.
Stille
Vaughn
Young

Nays—17

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hoffman
McCotter

McManus
North
Rogers
Schuette

Shugars
Sikkema
Steil
Van Regenmorter

Excused—1

Miller

Not Voting—1

Johnson

In The Chair: Schwarz

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

Roll Call No. 113**Yeas—22**

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

Nays—14

Byrum	Emerson	Leland	Smith, V.
Cherry	Hart	Peters	Vaughn
DeBeaussaert	Jaye	Smith, A.	Young
Dingell	Koivisto		

Excused—1

Miller

Not Voting—1

Johnson

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators V. Smith, Young, Cherry and Jaye, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 361.

Senators V. Smith, Young and Jaye moved that the statements they made during the discussion of the amendments offered by Senator Young be printed as their reasons for voting “no.”

The motion prevailed.

Senator V. Smith's first statement, in which Senator Cherry concurred, is as follows:

I listened to my good friend from the 1st District. I listened to the facts that he put in front of this body. I am hard pressed to understand how I can see some of my colleagues defend the actions of the abusers. Who are we defending them against? We are defending the abusers against the people who have worked their entire lives in this state paid taxes to this state are finally in their twilight years of living in a nursing home situation, and we do not want to protect them. That is absolute insanity.

Senior citizens who have given their entire lives to the state of Michigan, raised their families here, paid taxes here, been responsible members of the community here. When they finally get in their twilight years, if there are not family members who are there and available to try to protect them, then it is our responsibility to protect them.

I thought I heard the price tag of \$1.9 million. Peanuts! We have a \$28 million budget. I would ask the subcommittee chair to really take another look at this. For \$1.9 million, we should not allow for one more day for any of those investigations that the good Senator from the 2nd District mentioned to go on without a proper following through of state responsibility—not one more day.

If we do, then it is on us. It is us saying that we are going to accept seniors being abused in this state. I heard him. I heard those horror stories. I have read them in the newspapers. How are we going to go home to our constituency and say we are not going to protect senior citizens in this state? We are going to allow them to be abused in nursing home situations.

I do not know about all of the members of this body, but I have had that experience. I have had that experience of having a loved one in a nursing home. I went as much as I could. The other members of my family went as much as they could. But even if we went every day, we still could not ensure that our loved one would be protected.

The state has a responsibility, and 23 inspectors are what we need to bring us up to snuff to make sure that seniors are protected. We need to protect them. I hope you support the Young amendment

Senator V. Smith's second statement, in which Senator Cherry concurred, is as follows:

I am really pleased to hear the good Senator from the 34th District. I've worked with him in the past, and I know he is committed. I know that once he sinks his teeth into an issue, he's going to make sure that all of the facts are put on the table—I've watched him operate in committee. One thing I would like to say to the good Senator is I can appreciate the role that he has accepted on behalf of his caucus, and I surely appreciate the role that the good Senator from Ann Arbor has accepted on behalf of the Democratic caucus. But what Senator Young is putting on the table needs to have some response today, not three months from now! I don't care, well, I do care, and I do hope we are successful in pushing the Young amendment all the way through this body. I do know the Chief Executive Officer has the ability to put this off the tracks in the House or put it off the tracks in a conference committee, so he has a lot of ways to side step this if he really doesn't want to spend this \$1.9 million.

I am asking you today and the majority party today to get on record with Senator Young. Let's send them a message. Let's send them a message that we know they are studying it, but we are not going to allow senior citizens to be abused in this state. This vote for the Young amendment will send a clear message that the Senate's going on record—that we are studying it, and we want everybody in that system to understand we are not going to tolerate abuse on senior citizens. And for \$1.9 million, we are going to put it on the table. We are going to be in support of more inspectors in that system, and we are not going to allow seniors to be abuse in this state.

Senator V. Smith's third statement, in which Senator Cherry concurred, is as follows:

I hope that the same fervor for the first Young amendment that existed is here for this one. This amendment has a minor change. I would hope that the body would look kindly on this amendment and make sure that we protect senior citizens in this state. I would ask for support for the Young amendment.

Senator V. Smith's fourth statement, in which Senator Cherry concurred, is as follows:

I voted against Senate Bill No. 361 because of the failure of the Young amendment to be considered by this body. In my estimation, senior citizens and the needs of senior citizens should be paramount in this state. Those seniors who have given their whole lives to this state should at least be given consideration and protection when they are in their most vulnerable state and within one of the nursing homes regulated by this state.

Senator Young's first statement, in which Senator Cherry concurred, is as follows:

For the information of the body, the reason why I wanted to temporarily pass Amendment No.1 is Amendment No.1 speaks to the \$15 million increase that I would like to see in this budget with regards to nursing homes, but I thought it would be more appropriate if we moved to Amendment No. 2 which actually speaks to the 23 inspectors who I believe that we ought to begin to train for purposes of our nursing homes. The reason why is after reviewing the report from General Office of Accounting and looking at some of the citings, I think we ought to pay attention to a few things that are happening.

These are just a few of the nursing home atrocities that have come out in the report that has gone national as the review of the state of Michigan has taken place. One, a resident was found to have maggots in the sores on his feet, but the home would not send him to the hospital because it was alleged that the director of nursing specifically told the staff “the state would be called in to investigate, and we do not need that right now”—105 days without being investigated and still pending.

Another complaint included 28 separate allegations about care provided to 17 residents, including allegations that the director of nurses physically abused a resident because she could not stand the sound of the resident gritting her teeth—115 days without doing anything about it.

An employee was fired for refusing to falsify documents—136 days with nothing done about it.

Another family found that a portable x-ray company took x-rays of a patient without an explanation—195 days, nothing done about it.

A resident signed himself out of a home and did not return for 251 days. Investigation? No. Nothing done about it.

Another facility had 16 complaints that have not been investigated. The oldest uninvestigated complaint alleged that a resident’s leg was amputated because the facility did not take proper precautions to prevent infection. That complaint has gone 320 days without being investigated.

I’m hoping that you’ll see the reason why we need more investigators.

Now yesterday, the figure that was banded around is that these 23 investigators would cost an additional \$1.08 million, according to my figures, which I think would be dollars well spent. I think the other problems we have is that the investigators that we do have, as I mentioned yesterday, are currently doing an initial investigation, but we don’t do the follow-up. We have no clue as to whether or not actual complaints are being resolved. This also came out in the report.

But one of the things that I found alarming that came out in the report as we found, we have currently the inability to essentially track enforcement actions. The other problem we have, we have a lack of the data as a result of the complaints to know that we’re, in fact, taking care of the investigations. Thirdly, we have an inability to identify the nursing homes under common ownership.

But yet, that which we’ve received is that we are currently working on it although, under the report, this collaborative remediation project and large parts of the cite and fines system were also noted as being ineffective. So what we have is a situation where we have various atrocities taking place in our nursing homes. As I mentioned, I only pulled a few from this report, and hopefully, everyone will get the report and see how bad this is and how it talks about inadequate rules and regulations in place to protect those in nursing homes.

Finally, yesterday we were shown a brochure that was held up by the chair of the Consumer and Industry Services appropriations subcommittee, who indicated that this great brochure, the department’s doing great, and it’s given everywhere. Come to find out after reviewing the brochure, it doesn’t just deal with nursing homes and long-term care, it deals with all of our medical facilities of which amount somewhere in the neighborhood of 742. I believe that 10,000 of these were printed, 8,000 put out which leaves about 7 to 10 copies per nursing home which means we aren’t doing anything in terms of making sure that people are aware of what we need to do.

What I think is most important here is that I don’t see and don’t understand how it is that we currently don’t view it as our responsibility to protect those who are in our nursing homes when we know that rates of forgetfulness, senility, dementia are increasing up to 80 percent of the population in our nursing homes. Now how can we, in fact, sit here in good conscience and not begin to provide the kinds of steps, the action needed to protect these people in the nursing homes? I believe that we ought to do that. I think the reports are in place. I think there is no doubt about it that we are correct in what needs to be done, and I fail to see why this chamber isn’t looking toward doing it.

Now while all this is taking place, we are also under the gun because HCFA, which is the Health Care Financing Administration, has also put some things in place that we have to adhere to. The thing that gets me is that if we haven’t been able to meet our current responsibility to date with staffing levels. How are we going to do it with these new requirements in place? So the whole systematic approach that we have enough to take care of it isn’t working because the reports are not only just from the state of Michigan but have gone national that we, in fact, aren’t taking care of business. For that reason, HCFA is implementing new rules requiring that all complaints be investigated within 10 days—not only the investigation but if we’re going to know, then we need to do the follow-up. That speaks to, again, we need the additional inspectors. We know that the department cannot keep up with the complaints under the current rules with current staff levels.

The other alarming thing, the reason for the urgency for doing this now is I’m told that the department told the U.S. General Accounting Office that it takes up to nine months to train nursing home inspectors. So to not do it today puts us more than nine months behind, and meanwhile, we’re putting people in jeopardy who are residing in these nursing homes and need our review.

It takes a holistic approach to address this concern. I would hope the membership would take step one by providing the additional inspectors and hope you would support the amendment.

Senator Young's second statement, in which Senator Cherry concurred, is as follows:

Well, after listening to a good friend of mine and the Senator from the 21st District and trying to appreciate how one can say that someone has done an excellent job and you support them when you know that there has been no job done well at all, I think gets us to where I have to give a few more facts because, obviously, this information is not getting through.

Now I heard the good Senator from the 2nd District indicate that it got through to him because he not only saw it in the newspapers and read some of the publications, but it appears that the good Senator from the 21st District didn't read all these articles. So, with the patience of the chamber, I'll do this one more time, realizing that the chair of the CIS budget, who happens to be the Senator from the 30th District, is into *deja vu*.

Michigan has 50,000 nursing home residents and 456 nursing homes. In a 1998 survey of Michigan residents found that only 29 percent ranked the quality of care in nursing homes as "fair" and another 21 percent gave them "poor" ranking. The number of elderly in nursing homes with dementia has increased dramatically to almost 80 percent. Many of the current standards for nursing homes were created in 1957 and have not been revised to reflect the number of seriously ill persons in the homes, nor consumers changing expectations of care.

We heard from the good Senator from the 21st District—he admitted he would hope by the time he reached nursing home status that we would have more inspectors. He would hope that by the time he reached nursing home status that he, in fact, would be able to live in dignity. He had hope that by the time he reached nursing home status, family members could visit him and know that he was in good hands.

In fact, today no one in a nursing home can say that definitively because, in fact, what we have is many, many atrocities in our nursing homes. We have citations by the feds. We're not doing a good job, and the quality of care is not being addressed. That can only be done by a holistic approach.

Now something else that I heard, and I hope that the membership will listen to this because this is very important. I also heard the Senator from the 21st District indicate that he would hope when he reached nursing home status that things would be much, much better, and so he'll have an opportunity to do that pretty soon because it is my understanding that the budget coming over from the House is going to be a little more senior-, user-friendly for our nursing for our nursing home population.

You will have an opportunity because I've always discussed in this chamber that in order for us to have quality services, we've got to have quality employees, and the way to get quality employees is that you pay them. I don't think any employee going into a nursing home does not take into consideration before accepting that job whether or not he or she has to change diapers. That's part of the job. It's no different than any other job that you go for that if you've got something going for you, you find out what the responsibilities are prior to wanting the job and then accepting that and seeing if that which you would be paid for addresses your need. There's no doubt that there are things in the nursing home employment field that many of us in this chamber wouldn't want to do on a day-to-day basis. I concur. But we know, in order to have a quality situation, employees have to be paid fairly, complaints and investigations must be addressed, and we have to truly have a commitment to make sure that once you reach the wiser age, and you are no longer able to take care of yourself, and family, loved ones and friends can't take care of you, and they have to put you into a long-term care facility, that we know that you can live with some sense of decency. What we're saying is that is not happening today. We know that is not happening today.

Nearly 95 percent of Michigan nursing homes do not pass annual inspections free of citations—95 percent! We also know in those cases the department is remiss in following-up with the citations to ensure that the problems have been resolved. In fact, in 1995 we found 42 nursing homes had fines imposed against them yet only four actually paid. The state, in my opinion, should be collecting these fees. In addition, as the payer of 70 percent of the nursing home expenses, the state could tighten its purse strings in one of several different manners.

What bothers me mostly is that we ask, "Why is this our responsibility?" Well, Medicaid happens to be the state's long-term safety net, that's number one. Fifteen percent of those 65 to 79 require assistance with daily needs. Forty percent of those over 80 require daily living assistance. Ladies and gentlemen, we do have a responsibility, and we have a responsibility to make sure there are quality life opportunities in our long-term facilities. I think it's inexcusable that we fail to act, and I think it's our responsibility to make sure we don't sit back and act like this does not exist. To act as if everyone is doing a quality job, act as if everyone in our long-term facilities by way of nursing homes are doing ok, act as if these atrocities don't exist and act as if we don't care because none of our loved ones are in these facilities. I think the time today is to act. It's all in front of us, and, again, how can we even sit here and act like we don't have a need or responsibility to do that just flies right by me. I would hope that we would take this into consideration.

Pass this amendment for the increase in inspectors and make sure that people in nursing homes have dignity and, in fact, be able to live out their remaining years realizing that as they cared for all of us, now that they can't take care for themselves, someone is there to do so. I would hope you support the amendment.

Senator Young's third statement, in which Senator Cherry concurred, is as follows:

I listened to someone that I've come to enjoy working with, the good Senator from the 34th District, but I guess what troubles me is that any time there is a problem that we have an opportunity to take care of, we tend to want to put it on the back burner.

The truth of the matter is, the task force that was alluded to is probably over a year old. It came out of last year's budget. Nobody ever met for a whole year. Now that same task force is going to be touted as a response to the current problems, when this report dealt with a three-year period.

I doubt, Senator from the 34th District, that I could keep anyone's feet to the fire, but I appreciate the comment. What I'm asking for here is that we keep each other's feet to the fire. The truth of the matter is that this a very serious problem that we are again talking about putting off. In many cases we are talking about imminent danger, life-threatening problems, people in harm's way, people whose problems—if they had been addressed on the front end—wouldn't have reached the kinds of atrocities we have seen in our nursing home system if we were to act.

Part of me says, I know how some of this system works and that we have different steps in the process by which we are able to find solutions. But we first have to be willing to do something. What I'm hearing here is that we are not willing to do anything. We are going to say 30 days is okay to wait for more people to die. We are going to say another year is okay before we decide to get serious about nursing home reform issues. Another year can go by—and who knows how many we will lose—but that's okay because we have a task force that is now going to start meeting, when it was actually requested a year ago.

I don't think that demonstrates a commitment. I don't think that demonstrates meeting the responsibility. I think that what it says is that maybe this body doesn't feel that the quality of life for a senior citizen is worth us protecting.

The other day, I was talking to an 80-year-old man whose plans were based on 30 days, and 10 days because he didn't think he had much longer to live. And here we are talking about someone in that age group waiting 30 days for a task force, waiting a year for some recommendations to come out, when, in fact, all the investigations have already taken place and answers have already been offered.

Everybody knows what needs to be done. We don't have to reinvent the wheel. We have the responsibility, by way of the money coming in from the federal government in the Medicaid program. We know this is part of our long term care system that needs to be fixed. Many of us know what the problems are.

Yet, we are talking about, "Let's study this." Well, what has taken place while we have studied is that the atrocities have only increased. We still haven't supported the proper pay levels for workers in those nursing homes. We still haven't done anything to make sure that we at least have another side of the argument because we still rely on surveys that come from operators. We don't have the necessary amount of inspectors to what is needed, but yet we want to wait.

I would hope that we wouldn't wait. I think there is something that we can do today to demonstrate that we care. I think the process will work, as it always has, and those enhancements can be made.

Why do we always take the negative approach? Let's not do anything when we know the process allows for refinement. If 23 inspectors are factored in and said that it's too many, do think that I would have a problem with saying the number should be reduced? I don't think so.

The question before us is addressing a major problem in this state and a major embarrassment for this state and foremost the protection of those who are blessed enough to live beyond their years of independence. We ought to take that responsibility. We ought to protect them, and I would hope that we would support this amendment today.

Senator Young's fourth statement, in which Senator Cherry concurred, is as follows:

This amendment puts the increased amount of FTEs for investigators at 22. It begins to bring the figure down to what the subcommittee chair of CIS talked about. As I indicated, the process will accommodate this refinement. I think the important thing is that we do something today to let people know we're serious, to send that message that we want to protect our senior citizens and those who can't protect themselves in our nursing homes. I would hope the membership would support it.

Senator Jaye's statement is as follows:

I've listened to debate on this issue. I've read the amendment, and I'm convinced—I'm going to vote for the Young amendment.

I don't often vote for an increase in expenditure. But 23 additional inspectors, \$1.7 million is an investment that we can afford. I challenge those individuals who call themselves compassionate, who say that they posture themselves to show some humanity and respect for those who are vulnerable.

Now we certainly do have in front of us the super old, the super elderly—those who have been blessed to live beyond their years of independence. I understand that these nursing homes are only inspected once a year, unannounced. Only once a year. We have an ever increasing and growing population of senior citizens. We have increases in corporate welfare. We have increases in all kinds of programs for healthy individuals. We have increases for all kinds of dubious spending. But what about the super elderly—the folks that are most fragile and vulnerable in our society? Where's your compassion? Where's your intergenerational commitment? Where are your decencies and your standards and humanity?

I think occasionally additional spending and investment is appropriate, and I thank Senator Young for introducing this amendment, and I look forward to seeing the record roll vote on this amendment. I'd like us to please pause and consider that we are about to leave for the Easter holidays. So with the religious calendar and the time of Lenten

periods, we can certainly look at maybe some sacrifices in other less meritorious parts of the budget to fund these extra 23 employees at \$1.7 million. I'm going to vote for this amendment. I hope it passes and shame on you who don't vote for this amendment.

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

Senate Bill No. 372, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2000; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The above bill was read a third time.

The question being on the passage of the bill,

Senator A. Smith offered the following amendments:

1. Amend page 4, line 1, by striking out "\$2,475,200" and inserting "\$0".
2. Amend page 4, following line 8, by inserting:
"STF grant to attorney general \$2,353,600".
3. Amend page 4, following line 19, by inserting:
"CTF grant to attorney general \$121,600".
4. Amend page 4, line 24, by striking out "\$60,220,800" and inserting "\$57,745,600".
5. Amend page 4, line 26, by striking out "\$11,136,700" and inserting "\$13,490,300".
6. Amend page 4, line 23, by striking out "\$181,400" and inserting "\$303,000".
7. Amend page 8, line 12, by striking out "\$893,903,700" and inserting "\$892,517,900".
8. Amend page 8, line 18, by striking out "\$558,320,300" and inserting "\$559,288,100".
9. Amend page 8, line 19, by striking out "\$311,288,600" and inserting "\$311,828,200".
10. Amend page 9, line 1, by striking out "\$910,608,900" and inserting "\$912,116,300".
11. Amend page 9, line 2, by striking out "\$301,531,700" and inserting "\$300,145,900".
12. Amend page 10, line 11, by striking out "\$8,649,700" and inserting "\$8,528,100".
13. Amend page 10, line 15, by striking out "\$7,020,500" and inserting "\$6,898,900" and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator A. Smith requested the yeas and nays.

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

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

Roll Call No. 114

Yeas—15

Byrum	Emerson	McManus	Smith, V.
Cherry	Hart	Murphy	Vaughn
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland	Smith, A.	

Nays—22

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

Excused—1

Miller

Not Voting—0

In The Chair: Schwarz

Senator Dingell offered the following amendment:

1. Amend page 50, following line 9, by inserting:

“Sec. 805. The bureau of aeronautics shall provide a report to the legislature that summarizes the use of state-owned airplanes within the fiscal year. This report shall include, but not be limited to, the following information:

(a) The total number of flights taken by each state-owned airplane.

(b) The total number of flight hours each airplane was in service.

(c) The total number of passengers, flight duration, flight destination, and department represented on each flight.

This report shall be provided to the house and senate appropriations committees and house and senate fiscal agencies on or before September 30, 2000.”.

The question being on the adoption of the amendment,

Senator Dingell 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. 115**Yeas—16**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hart
Jaye

Koivisto
Leland
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Miller

Not Voting—0

In The Chair: Schwarz

Senator Dingell offered the following amendment:

1. Amend page 25, following line 5, by inserting:

“Sec. 332. Funds appropriated in section 110 for state trunkline federal aid and road and bridge construction shall not be used to build any new state roads until all existing state roads are in good condition.”.

The question being on the adoption of the amendment,

Senator Dingell 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. 116**Yeas—10**Dingell
Emerson
HartKoivisto
Leland
MurphyPeters
Smith, V.Vaughn
Young**Nays—27**Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
DunaskissEmmons
Gast
Goschka
Gougeon
Hammerstrom
Hoffman
JayeJohnson
McCotter
McManus
North
Rogers
Schuette
SchwarzShugars
Sikkema
Smith, A.
Steil
Stille
Van Regenmorter**Excused—1**

Miller

Not Voting—0

In The Chair: Schwarz

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

Roll Call No. 117**Yeas—37**Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
EmmonsGast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
KoivistoLeland
McCotter
McManus
Murphy
North
Peters
Rogers
Schuette
SchwarzShugars
Sikkema
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young**Nays—0****Excused—1**

Miller

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

House Bill No. 4011

House Bill No. 4013

The motion prevailed.

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

Senate Bill No. 178

Senate Bill No. 380

Senate Bill No. 151

Senate Bill No. 442

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 178, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending section 12 (MCL 207.112), as amended by 1996 PA 56.

The question being on the passage of the bill,

Senator McManus offered the following substitute:

Substitute (S-2).

The substitute 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. 118

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Murphy
North
Peters
Rogers
Schuette
Schwarz

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

Nays—0

Excused—1

Miller

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. 380, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 7417.
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. 119

Yeas—36

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

Nays—1

Smith, A.

Excused—1

Miller

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator A. Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 380.

Senator Smith’s statement is as follows

I voted “no” on Senate Bill No. 380 for a number of reasons. The first one is that this is cosmetic surgery. This bill ostensibly was created to deal with the Hash Bash in the city of Ann Arbor. The Hash Bash happens one day a year, and this bill was to solve all of the drug problems and marihuana use of the youth in the state of Michigan. Three hundred sixty-four days a year the children and the adults in districts of every Senator in this chamber abuse substances. This bill does absolutely nothing to change that but what this bill would do is take a vote, a considered vote by the citizens of the city of Ann Arbor to deal with an extraordinary issue. Thousands of individuals come to the city of Ann Arbor for the Hash Bash. To prosecute offenses under the health code means that every case has to come into the district court for adjudication. The ticket offense that the city of Ann Arbor established has relieved the court docket of hundreds and hundreds of cases, lots of court delays with really, truly serious concerns and the loss or the removal of the subjectivity on an issue where you live and what you look like could often determine the penalty that could be exacted. Ann Arbor’s penalty is within the framework of the public health code, which allows a fine of zero dollars to \$100.00 for a substance abuse offense. Ann Arbor fines individuals \$25.00. Again, that removes the opportunity for subjectivity across a number of district courts that would be required to come into play to handle the number of offenses that would be before us.

Again, this bill does absolutely nothing to address the concern. If you were truly interested in helping young people and adults who come down to Ann Arbor for the Hash Bash because they have a substance abuse interest or addiction, then you have attached a measure in this bill that said, “For those people who are found guilty under this provision of the public health code, we will mandate 2 weeks or more of substance abuse programming.” But you wanted to take the headlines—“The Senate Ends the Hash Bash!” Well, it does not end the Hash Bash. The Hash Bash is a question of a freedom of speech. Yes, the city of Ann Arbor entertains a great expense to police and patrol and ticket offenders on the Hash Bash. We incur that same, if not greater, expense when we have people come in to do the Ku Klux Klan rally. These are issues of freedom of speech. They are cost incurred by the community, and the community determined that there were better ways to handle this issue than to clog the courts and to subject people to an indiscriminate and often discriminatory prosecution under an existing law by creating a uniform penalty for an offense.

I voted “no,” and I certainly hope that the House takes a closer look at this. This is an emotional, difficult issue. I’m sure I will be branded as somebody who supports drug use for youth. Nothing could be further than the truth. The fact is, I think that my city in Ann Arbor took a very responsible and close look at this and determined that in the best interest of their community and their courts they were going to deal with it in a way that was allow them under the law.

The following bill was read a third time:

Senate Bill No. 151, entitled

A bill to amend 1951 PA 35, entitled “An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts,” by amending section 5 (MCL 124.5), as amended by 1988 PA 36.

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. 120

Yeas—37

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

Nays—0

Excused—1

Miller

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators North, Gougeon, Steil and Johnson moved that they be named co-sponsors of the following bill:

Senate Bill No. 151

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 442, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7011 and 7060 (MCL 500.7011 and 500.7060), as added by 1986 PA 121.

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. 121

Yeas—37

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

Nays—0

Excused—1

Miller

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Shugars, North, Gougeon, Steil and Johnson moved that they be named co-sponsors of the following bill:

Senate Bill No. 442

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

House Concurrent Resolution No. 24.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives and Senate adjourn on Thursday, March 25, 1999, they stand adjourned until Tuesday, April 13, 1999.

The House of Representatives has adopted the concurrent resolution.

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

Senator Rogers moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Hammerstrom, Shugars and Leland asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hammerstrom's statement is as follows:

Yesterday, and again today on the floor, we heard a lot about the fact that Senate Bill No. 380 was about the Hash Bash in Ann Arbor. My friends, this bill is not about the Hash Bash. It is about a message, a message we are sending to people, especially young people—when we have local ordinances that downplay the negatives of drug use.

The committee chair yesterday talked about the testimony in committee from two young men who had been lured—yes, lured into using marijuana, on the belief that it was no big deal. They bravely talked about how this almost ruined their lives. One young man talked about how his mother cried every night. I know only five of us on this floor are mothers, but I know that every one in this chamber can relate to a mother crying over a child. We know that marijuana is harmful.

Senator Rogers yesterday talked about one marijuana cigarette being equivalent to a pack of regular cigarettes and the increased risk of cancer. We know that marijuana stays in one's body long after being inhaled. And, we know that marijuana in the blood stream, impairs coordination and concentration. We know that it reduces sperm count levels in men, and I can't help but wonder what it does to the female reproductive organs.

Today in our schools, we are seeing an ever increasing number of children with Attention Deficit Disorder (ADD) and other disabilities. How many of these are the result of young women being lured into believing that marijuana use is no big deal? We've heard about how educated the people in Ann Arbor are who voted for the reduced penalty. Well, they may be educated, but if they still believe using marijuana is no big deal, they are not very bright. We did the right thing, and we sent the right message.

Senator Shugars' statement is as follows:

I just wanted to announce to my colleagues that most of you signed Senate Resolution No. 36, talking about the Greek Independence Day. Today, March 25, 1999, is the 178th anniversary of the Greek independence. There are over 50,000 descendants in Michigan which we represent.

Senator Leland's statement is as follows:

I want to respond to you about a couple of articles I read in the paper. One started yesterday—I actually gave it the 24-hour rule. I slept on it, and I didn't think I would actually respond to it, but then again, in the paper today, there was another article about the same old story which was about the issue of unspent money in my city, in Detroit.

The *Free Press* got a Freedom of Information Act request, and they found that there has been, in the last several years, \$429 million in Detroit—as outlined in the *Free Press* the last couple of days—that has not been spent in my city.

Now, we are the highest taxed city in the state of Michigan. We have an income tax of 3 percent. We have a utility tax. We have the highest property tax. And when I realize that we have hundreds of millions of dollars in unspent money, something is wrong.

You know, I've spent most of my career as a social worker and as a legislator trying to find ways to feed the hungry, clothe the naked, and shelter the homeless. Well, we have a lot of homeless people in Detroit, and according to this article, we have hundreds of millions of dollars.

I got a couple of phone calls today from a couple of constituents who used to live in a project in my area called the Herman Gardens. They've been displaced recently, and a couple of years ago their homes were razed—their homes were taken down. They were told by the city, because of the hundreds of millions of dollars, that they have in housing money that their project would be rebuilt, and it would be rebuilt in a campus style. They would have strip malls. They would have a recreation center. They would have a green space. They would have social service agencies, on board, in house. They would have a latch key program. They'd have after-school programs, and so on.

I remember going to those meetings with the folks in the city with the housing department a couple of years ago. Well, what we have right now in Herman Gardens is the entire project, two years later after all of the promises were made, is a ghost town. It's wired around. It's fenced in, and it says do not enter, no trespassing, and it's dangerous.

Something is inherently wrong with the way we're doing business in Detroit, at least particularly when it comes to housing our people, particularly my constituents who have been displaced at the former Herman Gardens.

The only reason I raise this, the only reason I want to discuss this, is because I would hope that as our good mayor—who I have said over and over again works hard and tries hard—takes over the school system—not just the school system, but as our good mayor goes out to Washington to become the co-chair of the Democratic Party and count bodies in terms of the census, and all the other things that he's trying to do—I just hope that he doesn't lose track. I hope that our good mayor doesn't forget what he was elected to do. That was to take care of us in Detroit. But right now, I, along with my constituents, feel like we are home alone.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Schwarz introduced

Senate Bill No. 484, entitled

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts of certain cities; to permit the creation of certain boards; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 125.981, 125.982, 125.983, 125.984, and 125.985), as amended by 1992 PA 146.

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

Senator Stille introduced

Senate Bill No. 485, entitled

A bill to amend 1943 PA 202, entitled "Municipal finance act," by amending section 1b of chapter VII (MCL 137.1b), as amended by 1982 PA 469.

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

Senators Sikkema, Hammerstrom and Johnson introduced

Senate Bill No. 486, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 472 (MCL 168.472).

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

Senators Schuette, Bennett, Johnson, Shugars, Steil and Peters introduced

Senate Bill No. 487, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1993 PA 291, and by adding sections 60a, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, and 78m.

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

Senators Steil, Schuette, Bennett, Johnson, Shugars and Peters introduced

Senate Bill No. 488, entitled

A bill to provide for the identification, inspection, and certification of abandoned property by local units of government; to prescribe certain duties for certain local units of government; to provide for certain administration and collection fees; and to facilitate the return of abandoned tax delinquent property to productive use.

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

Senators Peters, Schuette, Bennett, Johnson, Shugars and Steil introduced

Senate Bill No. 489, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 79, 79a, 79b, 79c, 79d, 79e, and 79f.

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

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 420, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 1997 PA 61.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, line 1, after "June 5," by striking out "2001" and inserting "2003".

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

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Peters and Young

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4060, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80152 (MCL 324.80152), as added by 1995 PA 58.

With the recommendation that the bill pass.

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

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 23, 1999, at 3:00 p.m., Room 810, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Peters and Young

Excused: Senator Gast

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 2:27 p.m.

Pursuant to House Concurrent Resolution No. 24, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, April 13, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.