

No. 27
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 28, 2001.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

The roll was called by the Assistant 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
Schuette—present
Schwarz—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator George Z. Hart of the 6th District offered the following invocation:
 "I am weak, but Thou art strong; Jesus keep me from all wrong.
 I'll be satisfied as long as I walk, let me walk, close with Thee.
 Just a closer walk with Thee. Grant it, Jesus, is my plea.
 Daily walking close to Thee, let it be, dear Lord, let it be."

Senators Young and Murphy entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Bullard, Goschka, Gougeon, Jaye and Schuette be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

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

The motion prevailed.

Senators Schuette and Bullard entered the Senate Chamber.

Senator Emmons moved that the following bill, now on the order of General Orders, be referred to the Committee on Judiciary:

Senate Bill No. 151, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 911.

The motion prevailed.

Senator Emmons moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 341

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

The following communication was received:
 Department of State

March 26, 2001

Please find enclosed the certificates of election for Martha Scott, Valde Garcia and Leon Drolet, elected at the March 20, 2001 special election to fill the vacancies in the 2nd and 26th State Senate Districts and the 33rd State Representative District respectively.

A copy of the official canvass of votes for the 26th State Senate District is provided. In addition, a copy of the Official County Canvassers' Statement for the 2nd State Senate District (certified by the Wayne County Board of Canvassers) and the 33rd State Representative District (certified by the Macomb County Board of Canvassers) is also provided.

Please do not hesitate to contact this office if we can be of further assistance.

Sincerely,
 Christopher M. Thomas
 Director of Elections

United States of America
 THE STATE OF MICHIGAN
 DEPARTMENT OF STATE

I, Candice S. Miller, Secretary of State and Custodian of the Great Seal of the State of Michigan, certify that Martha Scott was elected to fill the vacancy in the 2nd State Senate District for a partial term expiring 1-1-2003, as shown by the March 20, 2001 special election returns certified by the Wayne County Board of Canvassers on March 26, 2001 and placed on file in this office.

[SEAL]

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol, in the City of Lansing.
 March 26, 2001

Candice S. Miller
 Secretary of State

State of Michigan County of WAYNE ss.

We Hereby Certify, That the foregoing is a correct transcript of the Statement of the Board of County Canvassers, of the County of WAYNE, of the votes given in such County for the indicated candidates at the Special General Election held on Tuesday, March 20, 2001, as appears from the original statement on file in the office of the County Clerk.

In Witness Whereof, We have hereunto set our hands and caused to be affixed the Seal of the Circuit Court for the County of WAYNE this 26th day of March, 2001.

Joanna Bonner Alyce A. Smith
Joan R. Reilly Susan Haroutunian

[SEAL]

Attest:
Cathy M. Garrett
Clerk of the Board of County Canvassers

United States of America

THE STATE OF MICHIGAN

DEPARTMENT OF STATE

I, Candice S. Miller, Secretary of State and Custodian of the Great Seal of the State of Michigan, certify that Valde Garcia was elected to fill the vacancy in the 26th State Senate District for a partial term expiring 1-1-2003, as shown by the March 20, 2001 special election returns certified by the Board of State Canvassers on March 23, 2001 and placed on file in this office.

[SEAL]

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol, in the City of Lansing. March 26, 2001
Candice S. Miller
Secretary of State

SPECIAL ELECTION CERTIFICATION

The Board of State Canvassers of the State of Michigan, having met at the office of the Secretary of the State in Lansing for the purpose of canvassing the votes cast at the special election conducted in the 26th State Senate District on March 20, 2001, hereby certifies that this is a true statement of the votes given in the election.

We further determine that Valde Garcia was elected to the office of State Senator, District 26, for a term expiring on January 1, 2003.

In Witness Whereof, we have subscribed our names in Lansing, Michigan this 23rd day of March, 2001.

Alan L. Cropsey, Chairperson
Elizabeth Hardy, Member
Dorothy E. Jones, Member

United States of America

THE STATE OF MICHIGAN

DEPARTMENT OF STATE

I, Candice S. Miller, Secretary of State and Custodian of the Great Seal of the State of Michigan, certify that Leon Drolet was elected to fill the vacancy in the 33rd State Representative District for a partial term expiring 1-1-2003, as shown by the March 20, 2001 special election returns certified by the Macomb County Board of Canvassers on March 21, 2001 and placed on file in this office.

[SEAL]

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol, in the City of Lansing. March 26, 2001
Candice S. Miller
Secretary of State

State of Michigan County of MACOMB ss.

We Hereby Certify, That the foregoing is a correct transcript of the Statement of the Board of County Canvassers, of the County of MACOMB, of the votes given in such County for the indicated candidates at the Special General Election held on Tuesday, March 20, 2001, as appears from the original statement on file in the office of the County Clerk.

In Witness Whereof, We have hereunto set our hands and caused to be affixed the Seal of the Circuit Court for the County of MACOMB this 21st day of March, 2001.

Joanne L. Paraventi
James Johnstone
Patricia Bill

[SEAL]

Attest:
Carmella Sabaugh
Clerk of the Board of County Canvassers

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 27:
House Bill Nos. 4256 4259

The Secretary announced the printing and placement in the members' files on Tuesday, March 27, of:
Senate Bill Nos. 360 361

Messages from the Governor

The following messages from the Governor were received and read:

March 27, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Construction Safety Standards Commission

Ms. Cheryl Lynn Hughes, 956 Chads Way, Charlotte, Michigan, county of Eaton, as a member representing construction management, succeeding herself, for a term expiring on March 18, 2004.

Mr. Martin Ross, 4744 Ridge Crest, Williamsburg, Michigan 49690, county of Grand Traverse, as a member representing construction labor, succeeding himself, for a term expiring on March 18, 2004.

March 27, 2001

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

General Industry Safety Standards Commission

Mr. Michael D. Koehs, 47211 Mission Valley East, Macomb, Michigan 48042, county of Macomb, as a member representing employees in the public sector, succeeding himself, for a term expiring on March 26, 2004.

Ms. Geraldine Alice Johnson, 6319 Balfour Drive, Lansing, Michigan 48911-5441, county of Ingham, as a member representing the general public, succeeding herself, for a term expiring on March 26, 2004.

Mr. Kris G. Mattila, 26346 Sixth Street, Box 532, Hubbell, Michigan 49934, county of Houghton, as a member representing the general public, succeeding himself, for a term expiring on March 18, 2004.

Mr. Thomas J. Pytlik, 3306 Westway Drive, Bay City, Michigan 48706, county of Bay, as a member representing management, succeeding Ms. Doris J. Morgan of Brighton, whose term has expired, for a term expiring on March 26, 2004.

March 27, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Board of Health and Safety Compliance and Appeals

Mr. Michael R. Carey, 1203 Pine Court, Iron Mountain, Michigan 49801, county of Dickinson, as a member representing management in the construction industry, succeeding himself, for a term expiring on March 18, 2005.

Ms. Cynthia A. Ostrowski, 3613 Hollensshade, Rochester Hills, Michigan 48306, county of Oakland, as a member representing employees in the health field, succeeding herself, for a term expiring on March 18, 2005.

March 27, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Personnel Agency Board

Dr. Edward Benson, 214 Cloverland Drive, Lansing, Michigan 48910, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on September 30, 2004.

Mr. Sameer N. Sarafa, 35624 Lancashire Drive, Farmington Hills, Michigan 48331, county of Oakland, as a member representing professionals, succeeding himself, for a term expiring on September 30, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senators Jaye, Gougeon, Goschka, Miller and Smith entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator DeBeaussaert as Chairperson.

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

Senate Bill No. 30, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16277 and 20190.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 257, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 36 to chapter IX.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 341, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," (MCL 211.901 to 211.906) by adding section 5a.

Substitute (S-1).

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

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

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

Senate Bill No. 116, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending the title and sections 1, 2, 3, 5, 6, 8, and 19 (MCL 446.201, 446.202, 446.203, 446.205, 446.206, 446.208, and 446.219), section 5 as amended by 1998 PA 233.

The above bill 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. 31**Yeas—35**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Emmons moved that consideration of the following bill be postponed for today:

Senate Bill No. 109

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 105, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 353f.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 2, line 2, by striking out all of subsections (2) and (3) and inserting:

“(2) IF THE FEDERAL GOVERNMENT PROVIDES THE STATE WITH ADDITIONAL FUNDING IN ANY YEAR DESCRIBED IN SUBSECTION (1) ABOVE THE LEVEL OF FEDERAL FUNDS RECEIVED DURING THE FISCAL YEAR ENDING SEPTEMBER 30, 2001, FOR THE PURPOSES OF THE STATE WATER POLLUTION CONTROL REVOLVING FUND ESTABLISHED UNDER SECTION 16A OF THE SHARED CREDIT RATING ACT, 1985 PA 227, MCL 141.1066A, THE MONEY APPROPRIATED AND TRANSFERRED IN SUBSECTION (1) SHALL FIRST BE USED FOR ANY STATE MATCH REQUIRED FOR RECEIPT OF THE ADDITIONAL FEDERAL REVENUES.”.

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

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. 32**Yeas—16**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hammerstrom
Hart

Jaye
Koivisto
Leland
Miller

Murphy
Peters
Smith
Young

Nays—18

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hoffman
Johnson
McCotter

McManus
North
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Vaughn

Not Voting—1

Schwarz

In The Chair: Hoffman

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

Senator Smith offered the following amendments:

1. Amend page 2, line 5, after "WITH" by striking out "ADDITIONAL".
2. Amend page 2, line 6, by striking out "ABOVE THE LEVEL OF FEDERAL FUNDS RECEIVED".
3. Amend page 2, line 12, after "FUND" by striking out "ONLY" and inserting "DOUBLE".

The question being on the adoption of the amendments,

Senator Emerson 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. 33**Yeas—15**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hammerstrom
Hart

Koivisto
Leland
Miller
Murphy

Peters
Smith
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Hoffman
Jaye
Johnson

McCotter
McManus
North
Schuette
Shugars

Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Schwarz

Vaughn

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. 34**Yeas—33**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye

Johnson
Koivisto
Leland
McManus
Miller
Murphy
North
Peters

Schuetter
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—1

McCotter

Excused—2

Schwarz

Vaughn

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. 230, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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. 35**Yeas—33**

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

Nays—1

Jaye

Excused—2

Schwarz

Vaughn

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. 233, 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, 2002; 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 amendment:

1. Amend page 38, line 22, after “facilities” by inserting “The department shall maintain a facility to inspector ratio of no more than 150 to 1.”.

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 237, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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. 36**Yeas—32**

Bennett	Emerson	Koivisto	Schuette
Bullard	Emmons	Leland	Shugars
Byrum	Gast	McCotter	Sikkema
Cherry	Goschka	McManus	Smith
DeBeaussaert	Gougeon	Miller	Steil
DeGrow	Hammerstrom	Murphy	Stille
Dingell	Hart	North	Van Regenmorter
Dunaskiss	Hoffman	Peters	Young

Nays—1

Jaye

Excused—2

Schwarz

Vaughn

Not Voting—1

Johnson

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:

House Bill No. 4234, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 315 (MCL 462.315).

The above bill 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. 37**Yeas—33**

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

Nays—0

Excused—2

Schwarz

Vaughn

Not Voting—1

Bennett

In The Chair: Hoffman

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

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

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

“An act to revise, consolidate, and codify the laws relating to railroads and their employees; to prescribe powers and duties of certain state and local agencies and officials; to prescribe fees; to create certain funds; to provide for the disposition of certain money; to provide remedies and penalties; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

Senator Bennett entered the Senate Chamber.

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

Senate Bill No. 236, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The above bill 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. 38**Yeas—33**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

Koivisto
Leland
McCotter
McManus
Miller
Murphy
North
Peters

Schuetter
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—1

Jaye

Excused—2

Schwarz

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senator Schwarz entered the Senate Chamber.

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

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

Senate Bill No. 238, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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 18, line 15, after “including” by inserting a comma and “by December 31, 2001.”.

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

The question being on the passage of the bill,

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

Roll Call No. 39**Yeas—35**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Byrum's statement is as follows:

I rise in support of this bill and to express my gratitude for the additional \$541,000 added to this budget for the DNA laboratory program. As everybody knows, in this body, I proposed similar funding initiatives on several occasions in the past. This money will stop the current roadblock to timely prosecution by shortening the time it takes the State Police lab to process DNA evidence. We know that the current backlog is somewhere around 15,000 cases and grows each month. By eliminating the backlog of new cases, we are enabling our prosecutors to continue using the State Police lab, instead of having to send samples out to much more costly labs, and to more effectively do their jobs. I'm pleased that we are finally sending a tough message to criminals: "If you commit a crime, you will be prosecuted in quick fashion."

The following bill was read a third time:

Senate Bill No. 239, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2002; 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 question being on the passage of the bill,

Senators Peters and Jaye offered the following amendment:

1. Amend page 24, following line 16, by inserting:

"Sec. 330. The department shall not expend any funds appropriated in part 1 to participate in a study of taxation of persons based on the amount of mileage driven in this state as a method of taxation imposed on persons for the privilege of using the public roads and highways of this state."

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

Senator Dingell offered the following amendment:

1. Amend page 24, following line 16, by inserting:

"Sec. 331. From the funds appropriated in part 1, the department shall conduct a study of rail grade separation needs in the state. The study shall include input from private railroad carriers, local units of government, and local road agencies. From the study findings, the department shall develop a priority list of grade separation projects in the state. At a minimum, the project list shall consider safety enhancements, local participation, and the cost of each project on the list. The department shall report on the study findings and the priority list of grade separation projects to the senate and house appropriations subcommittees on transportation and the senate and house fiscal agencies by April 1, 2002."

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

Senator Dunaskiss offered the following amendment:

1. Amend page 30, following line 5, section 507, by striking out "county road commissions" and inserting "cities and villages".

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

Senator Smith offered the following amendment:

1. Amend page 23, following line 25, by inserting:

"(e) The life-cycle cost analysis required under section 1h of 1951 PA 51, MCL 247.651h."

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

The Assistant Associate President pro tempore, Senator Miller, assumed the Chair.

Senator Dingell offered the following amendment:

1. Amend page 24, following line 16, by inserting:

"Sec. 332. Funds appropriated in section 116 to the Detroit/Wayne County port authority shall not be used for the development of a multi-use public dock. Any funds appropriated to the Detroit/Wayne County port authority in excess of the amount required under section 24 of the Hertel-Law-T. Stopczynski port authority act, 1978 PA 639, MCL 120.124, shall only be used as non-federal matching funds for the development of a passenger-only terminal at the port of Detroit. The Detroit/Wayne County port authority will not engage in activity that will compete with an existing operation conducting business at the port of Detroit."

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. 40**Yeas—16**

Bullard	Dingell	Jaye	Murphy
Byrum	Dunaskiss	Koivisto	Peters
Cherry	Emerson	Leland	Smith
DeBeaussaert	Hart	McCotter	Young

Nays—19

Bennett	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Steil
Emmons	Hoffman	Schuette	Stille
Gast	Johnson	Schwarz	Van Regenmorter
Goschka	McManus	Shugars	

Excused—1

Vaughn

Not Voting—0

In The Chair: Miller

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

The motion prevailed.

Senator Dingell's first statement is as follows:

Just north of the area that I represent in the city of Detroit is the Nicholson Terminal and Dock Company. The port authority in Detroit has this idea that it's going to set a multi-use terminal in competition to the private entity, the Nicholson Terminal and Dock Company. I find this offensive. It's an item of Republican ideology that the public sector should not enter into direct competition intentionally with the private sector.

Many of the people who work at the Nicholson Terminal and Dock Company are constituents of mine. They are very upset. They want me to do something about it to prevent the Port of Detroit from doing this kind of thing.

This amendment is a very narrowly crafted amendment which would allow the Port of Detroit to set up a passenger-only terminal, but not the kind of multi-use terminal that would enter into direct competition with the private sector. I recommend the amendment to my colleagues. I think it's a good amendment. I would appreciate your support.

Senator Dingell's second statement is as follows:

This amendment specifically allows the kind of development the Port of Detroit claims it wants to do. It specifically disallows competition by the Port of Detroit with a private entity—the Nicholson Terminal and Dock Company—which is the sort that the Nicholson Terminal and Dock Company feels the Port of Detroit is going to try and do in the future. Something that I feel the Port of Detroit is going to try and do in the future. So let's keep the Port of Detroit honest. We'll give them the authority they want, just not give them any more than that.

Senator Smith offered the following amendment:

1. Amend page 15, following line 23, by inserting:

“Sec. 207. At least 60 days before beginning any effort to privatize, the departments and agencies receiving appropriations under this act shall submit a complete project plan to the senate and house of representatives appropriations subcommittees on general government and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the senate and house of representatives appropriations subcommittees on general government and the senate and house fiscal agencies within 30 months.”.

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

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

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

The motion did not prevail.

Senator Dingell moved to reconsider the vote by which the amendment he offered was not adopted.
 The question being on the motion to reconsider,
 Senator Dingell moved that further consideration of the motion be postponed temporarily.
 The motion did not prevail.
 The question being on the motion to reconsider,
 The motion did not prevail.
 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. 41

Yeas—35

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

Nays—0

Excused—1

Vaughn

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. 232, 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, 2002; 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 amendment:

1. Amend page 18, line 12, after “participant.” by inserting “When an individual is re-referred to Work First because of an inability to retain employment, the department shall confer with the Michigan rehabilitation services, the family independence agency, or other professionals if deemed appropriate by the Michigan works agency to screen for and identify issues that are preventing the participant from succeeding in the labor market. Each Michigan works agency shall determine locally the number of times an individual may be re-referred back to the program before consulting with other service agencies. If no prohibitive barriers to work are found, the individual shall comply with the work first program, or be subject to appropriate penalties.”.

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

Senator Peters offered the following amendment:

1. Amend page 14, following line 26, by inserting:

“Sec. 214. Funds appropriated shall not be spent for advertising in any medium, or for any media production that will be broadcast by electronic media to the general public, that features the voice, image, or voice and image of a state officer who has filed a statement of organization under the campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, with the intent of standing for election to a statewide public office on November 6, 2002.”.

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. 42

Yeas—14

Byrum	Emerson	Miller	Schwarz
Cherry	Hart	Murphy	Smith
DeBeaussaert	Jaye	Peters	Young
Dingell	Leland		

Nays—21

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

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Steil offered the following amendments:

1. Amend page 6, line 6, by striking out “1,044,700” and inserting “1,144,700”.

2. Amend page 7, line 16, by striking out “22,699,200” and inserting “22,799,200” and adjusting totals, subtotals and section 201 accordingly.

3. Amend page 23, line 23, after “sciences,” by striking out “\$570,000.00” and inserting “\$620,000.00”.

4. Amend page 23, line 25, after “and” by striking out “\$374,700.00” and inserting “\$424,700.00”.

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

The question being on the passage of the bill,

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

Roll Call No. 43

Yeas—34

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Shugars
Byrum	Goschka	McManus	Sikkema
Cherry	Gougeon	Miller	Smith
DeBeaussaert	Hammerstrom	Murphy	Steil

DeGrow
Dingell
Dunaskiss
Emerson

Hart
Hoffman
Johnson
Koivisto

North
Peters
Schuette

Stille
Van Regenmorter
Young

Nays—1

Jaye

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 234, 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, 2002; 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, 2002; 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,

Senator Schwarz offered the following amendments:

1. Amend page 19, line 21, by striking out “25,070,000” and inserting “26,848,000”.
2. Amend page 19, line 23, by striking out all of line 23.
3. Amend page 21, line 19, by striking out “65,025,300” and inserting “65,917,300”.
4. Amend page 22, line 1, by striking out all of line 1 and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Smith offered the following amendment:

1. Amend page 59, following line 16, subsection (6), after “website.” by inserting:

“(7) The privacy policy adopted by the e-Michigan office shall include the following provisions:

(a) Any state website shall alert viewers of the need to accept cookies in order to use specific functions for continued use of the website and require active acceptance by the viewer for the state to use the cookie for that function only. This subsection shall not be interpreted to limit a viewer’s ability to access an area of any state website that does not require the use of a cookie.

(b) The cookies used by the e-Michigan office, any state department, or state agency shall be sent back only to the originating server.

(c) Any viewer who accepts a cookie on any state website shall be notified when that cookie is removed.

(d) The e-Michigan office and all state departments and agencies are prohibited from selling or sharing any information gathered from the use of cookies with other state departments, governmental entities, or private entities.

(e) This privacy policy shall be adopted before November 1, 2001. The e-Michigan office shall notify the state budget director, the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies that the privacy policy has been implemented with the above provisions.”.

The question being on the adoption of the amendment,

Senator Smith 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. 44

Yeas—19

Byrum	Goschka	Leland	Schuette
Cherry	Hammerstrom	Miller	Smith
DeBeaussaert	Hart	Murphy	Van Regenmorter
Dingell	Jaye	North	Young
Emerson	Koivisto	Peters	

Nays—16

Bennett	Emmons	Johnson	Shugars
Bullard	Gast	McCotter	Sikkema
DeGrow	Gougeon	McManus	Steil
Dunaskiss	Hoffman	Schwarz	Stille

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

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

The motion prevailed.

Senator Smith’s first statement is as follows:

This amendment deals with cookies on the Internet and the e-Michigan site. It would require an affirmative notice to citizens coming onto the Internet sites that the state operates—an affirmative notice that cookies will be placed—and it will give them an opportunity to then set their computers to see where cookies are being placed and to decline them. It also would require that if a cookie is set by a department, it goes only to the department or agency that has requested the cookie, and it is not shared through other departments within the entity of government. It would also require that individuals know that information that may be collected by an independent agency or department will not be shared or sold, and it assures citizens of privacy.

I think it dovetails very well with the next or later amendment that is also dealing with cookies. Many people don’t read the privacy policies. Simply notifying individuals that there is a privacy policy does not guarantee that they will then look in that policy, be notified that a cookie is being set, and what their remedies might be if they choose not to participate in that process where they are trapped and categorized by the state of Michigan. This is supposed to be a system that we establish for the convenience of our citizens to give them greater access to our agencies and departments, and not one that constitutes a potential invasion of privacy on them and selling of information to other agencies and other entities that are outside of government.

I urge your support for the amendment.

Senator Smith's second statement is as follows:

Through you to the Senator from the 23rd, I believe we defined cookies last year. Cookies are probably defined by the Department of Management and Budget in their temporary policy that we required to be promulgated last year in the budget, so I think there is a standing definition of cookies. If you'd like, I would be willing to pass this amendment, and we'll write a definition of cookies. But it is a term of art within the computer and Internet system, and I don't think that's a necessity.

Senator Smith's third statement is as follows:

Boy, I hope they're chewy cookies, so let's chew on this. This amendment requires an affirmative action on the part of the state to notify its citizens that it will, indeed, be tracking them; that session cookies may disappear, but the long-term cookies will stay; and that they may pass through a link to a private entity to which the state links you or you link through the state. So your privacy may not be protected because this state allows you to link outside of it.

It's one click. It's a click from the notice into a privacy policy. It notifies people that within the body of privacy policy there is a statement on how you can disarm the cookie process and protect yourself from the tracking device. The state has given no clear statement nor argument on why it needs to place a cookie on your computer—why it needs to be able to track you should you come back.

The purpose of the customizing is for the purpose of marketing and shifting you around other entities on a computer. The not-common practice on other sites that exist is because those other sites are commercial sites. They, indeed, want the cookie that lets them market to you more efficiently and that lets them track your behavior when you're in their Web site.

We have a federal policy with the Internal Revenue Service that says affirmatively that they will not place cookies, that they do not use cookies, and that the citizens of the United States can expect privacy when they go to that site in state government. Again, there is no reason for the state of Michigan to be setting cookies that last. There is no problem with one click out of a statement at the beginning of your entry onto the Internet site that belongs to the citizens of the state of Michigan that they are entitled to privacy, and if they want to know about a cookie policy in the state, they need to go into the privacy policy and read it.

I urge support for the amendment.

Senator Smith's fourth statement is as follows:

With all due respect to the Senator from the 24th District, this isn't a statutory provision. This is a provision written into the boilerplate of the annual budget. If the technology changes swiftly, we are able to address those changes in next year's budget. I urge support for an amendment that protects and notifies the citizens of the state of Michigan that when they visit their government's site, they have an expectation of privacy, that they will be notified immediately on entry of the site that the state of Michigan may place cookies, and that to determine how they deal with that, if they choose not to be tracked, is to go into the state's privacy policy.

Senator Jaye offered the following amendment:

1. Amend page 52, following line 7, by inserting:

“Sec. 656. The first expenditure priority for the appropriation in part 1 for the library of Michigan grant to the Detroit public library shall be the digital image preservation of historical documents, books, photographs, and other items of historical significance. Preservation activities shall include inventory of the historical collection, digital imaging of documents, and posting of digital images on the library's website.”

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

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

The motion prevailed.

Senator Jaye's first statement is as follows:

This amendment would require that as the first expenditure priority of the appropriations to the Library of Michigan to the Detroit Public Library—this is their special supplemental \$5.78 million—shall be to digitally get the image of the historical documents, books, photographs, maps, and other items of historical significance.

As I mentioned yesterday, there was a flood, actually a sewage backup in the basement of the Burton Historical Library. It was a very nasty sewage backup, and it destroyed a lot of documents forever. Not only were a number of those documents lost forever, but we don't know how many documents and maps and other historical items were stolen. Worse yet, now during Detroit's 300th anniversary, we have members of academia, members of business, and just members of the public—genealogists and regular citizens—having to wait long hours just to have access to these documents. Half days is all the library is operating.

We already have a special state subsidy to Detroit like every other unit of government. They get \$1.5 million. The city of Detroit already had a millage rate approved last year, specifically dedicated funding for the library. But what I'm asking for consideration by the body is not to cut anything, but to say, “Use this money—that special \$5.78

million—to digitize the historical documents.” Put them on the Web site so that people, 24 hours a day throughout the state of Michigan, can get access to these documents before there’s another flood, before there’s any theft, before there’s any more misplacement, fire, or any other kind of tragedy.

There’s a saying that those who fail to learn the lessons of history are destined to repeat those mistakes. We’ve lost so many documents throughout the ages—the Library of Alexandria, several other fires and floods. These documents are not secure. Five million dollars is a ton of money, and that money should be designated—this amendment would have that money designated—to have them scanned into the Web site that the Detroit Public Library would operate.

I request your support of this amendment.

Senator Jaye’s second statement is as follows:

I very much appreciate the chair of this subcommittee being willing to at least discuss these issues with me. There were some comments made that if we have the first priority—the \$5.78 million—go to digitize these documents, the library might have to close down. I handed out to you on Friday, March 23, The Detroit News letter in which the editor said that the Detroit Burton Historical Library closed down for four months last fall. Now it’s only open half days. So, obviously then, they only need half of the \$5.78 million as they were closed for four months and only open half the time right now.

To digitize this collection would cost \$2 million. The amendment says the first priority should be to digitize—first priority. It doesn’t cut anything. So instead of just saying, “Well, we hope that some time in the future they might get their act together. We hope there won’t be another flood. We hope there won’t be some more thefts. We hope they won’t misplace documents. We hope they’ll be able to get this material before the end of 300th anniversary,” why don’t we take action now? Remember, this budget doesn’t begin until October 1.

So, if not now, when? This is a special state supplement, recognizing that there is a statewide significance, a statewide value, and a statewide obligation that the Detroit Historical Library has in exchange for this \$5.78 million. So if this library truly is a statewide asset—which it is—if it truly merits a statewide special appropriations of \$5.78 million, then I would respectfully suggest—this is not micro-management—this is our statewide obligation to preserve a statewide asset while there’s still time.

We’ve already lost who knows how many documents. Any of you who have had the horror of flooding in your basement—I’ve had—and you’ve tried to pull those photographs together, all those memories of the weddings and Christmases and birthdays and reunions are gone forever. Any of you who have seen some old Bibles or high school reunion booklets that are all full of mold and where the acid has gone through, know they’re destroyed forever. How many more years do we need to wait?

This is a statewide asset. We’re giving them an extra \$6 million. They’ve already shut down for four months and open for half days. They’ve got the money. The question is do you have the political will? Do you have the courage to preserve this piece of history that’s being lost? I’d ask you to take a second look at this amendment and approve it.

Senator Peters offered the following amendment:

1. Amend page 59, following line 16, following subsection (7), by inserting:

“Sec. 716. (1) The director of the department of management and budget shall make all reasonable efforts to award contracts for goods and services to minority- and women-owned businesses. The director of the department shall allocate purchases so that minority- and women-owned businesses of all sizes have a realistic opportunity to bid on contracts.

(2) Not later than December 15, 2001, all state departments, agencies, and officials that have had any procurement authority delegated to them by the director shall report to the director on any state policies that the department, agency, or official believe hinders minority- and women-owned businesses from successfully participating in the state procurement process.

(3) Not later than February 15, 2002, the department shall report to the legislature its findings under subsection (2) and any possible improvements in the procurement process for minority- and women-owned businesses.

(4) The department of management and budget shall create definitions of minority-owned businesses and women-owned businesses and promulgate rules to implement this section.”.

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. 45

Yeas—14

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Goschka
Hammerstrom
Hart

Leland
Miller
Murphy

Peters
Smith
Young

Nays—20

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

Excused—1

Vaughn

Not Voting—1

Jaye

In The Chair: Hoffman

Senator Peters offered the following amendments:

1. Amend page 58, line 16, after “may” by inserting “not”.
 2. Amend page 58, line 18, by striking out all of lines 18 through line 4 on page 59 and renumbering the remaining subsections.
 3. Amend page 59, line 11, after “under” by striking out “subsections (1), (2), and (3)” and inserting “subsection (2)”. The amendments were not adopted, a majority of the members serving not voting therefor.
- Senator Peters requested the yeas and nays.
The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

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

The motion prevailed.

Senator DeBeaussaert’s statement is as follows:

I rise in support of the Peters amendment. I am equally troubled by the fact that we’re putting in place a policy prior to the receipt of the report that is being proposed for the current year—in the supplemental—that we have not yet voted on. It seems to me to make good sense to wait for the report to come back to us before deciding whether it’s a good policy. From what I know today, I am not convinced that it is.

I know that no other state currently has advertising on their state Web sites—that one other city has, in Honolulu, Hawaii. I’ve looked at that Web site, and frankly, it is a bit troubling to me to see a commercial for an insurance company or an auto dealer or something like that appearing on an official site. I think that the Senator who introduced the amendment makes a good point that we would not feel comfortable here having corporate sponsorship of our voting board. If, in fact, this is the way that we’re anticipating that people will deal with government in the future, I think we would not want to have, for example, auto insurance companies to be sponsoring our Secretary of State offices. In fact, that’s the effect of what this would be. If you go to the Secretary of State Web site, you could see a specific ad for one specific auto insurance company. That leads to the kind of relationships that I find troubling. I think it’s wrong to put this policy in place before we have the report. I’m not sure, even with the report, I’d be comfortable with it. So I support the amendment.

I would also point out that there was some reference to a cap of \$250,000 in terms of the revenues generated from these ads. It seems to me that the language simply says that only \$250,000 would be kept within the e-commerce section and anything beyond \$250,000 would go to the General Fund. So if we could generate much more than \$250,000, we don’t know how much that would be.

I support the amendment. I think it makes good sense for us to wait before we act.

Senator Schwarz offered the following amendment:

1. Amend page 59, following line 16, after “website.” by inserting:

“(7) The privacy policy adopted by the e-Michigan office shall include the following provisions:

(a) Instruction on how visitors can set their browsers to be warned before each cookie is written to a visitor’s computer.

(b) The e-Michigan office will also include instructions for visitors to inform them how to view and remove cookies on their personal computers.”.

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

Senator Schwarz moved to reconsider the vote by which the amendment offered by Senator Smith was adopted.

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

The question being on the adoption of the amendment,

Senator Smith requested the yeas and nays.

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

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

Roll Call No. 46

Yeas—18

Byrum	Goschka	Leland	Peters
Cherry	Hammerstrom	Miller	Schuette
DeBeaussaert	Hart	Murphy	Smith
Dingell	Jaye	North	Young
Emerson	Koivisto		

Nays—17

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

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Peters offered the following amendment:

1. Amend page 59, following line 16, following subsection (7), by inserting:

“(8) The e-Michigan office internet portal shall be hosted and maintained by a firm located in the state of Michigan.”.

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. 47

Yeas—15

Byrum	Emerson	Koivisto	Peters
Cherry	Goschka	Leland	Smith
DeBeaussaert	Hart	Miller	Young
Dingell	Jaye	Murphy	

Nays—20

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

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

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

Roll Call No. 48**Yeas—31**

Bennett	Emmons	Koivisto	Schwarz
Bullard	Gast	Leland	Shugars
Byrum	Goschka	McCotter	Sikkema
Cherry	Gougeon	McManus	Steil
DeGrow	Hammerstrom	Miller	Stille
Dingell	Hart	Murphy	Van Regenmorter
Dunaskiss	Hoffman	North	Young
Emerson	Johnson	Schuette	

Nays—4

DeBeaussaert	Jaye	Peters	Smith
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Excused—1

Vaughn

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. 283, entitled

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2001; to implement the appropriations within the budgetary process; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The above bill was read a third time.
 The question being on the passage of the bill,
 Senator Stille offered the following amendment:
 1. Amend page 18, following line 25, by inserting:

“(3) GRANTS

Muskegon County convention and visitors bureau	\$	50,000
GROSS APPROPRIATION	\$	50,000

Appropriated from:

State general fund/general purpose	\$	50,000”
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and adjusting the subtotals, totals, and section 201 accordingly, and renumbering the remaining subsections.

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

Senator McManus offered the following amendment:

1. Amend page 30, following line 15, by inserting:

“AGRICULTURE

Sec. 301. For the fiscal year ending September 30, 2001, distributions from the horsemen’s simulcast purse pool to the thoroughbred purse pool at Mount Pleasant meadows racetrack as provided under section 19 of the horse racing law of 1995, 1995 PA 279, MCL 431.319, shall not exceed \$700,000.00.”

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

Senator Byrum offered the following amendments:

1. Amend page 13, following line 13, after “School excellence operations” by striking out “\$675,000” and inserting “\$5,675,000”.

2. Amend page 13, following line 13, after “School aid fund” by striking out “\$675,000” and inserting “\$5,675,000” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 33, following line 17, by striking out all of section 601 and inserting:

“Sec. 601. From the school aid fund appropriation in part 1 for school excellence operations, \$675,000.00 shall be allocated to mathematics and science centers as provided under this section. The \$675,000.00 shall be allocated to the 4 remaining satellite extensions not selected by the department of education to be funded as full centers in 2000-2001 under section 99 of the school aid act of 1979, 2000 PA 297, MCL 388.1699, to convert the 4 remaining satellites to full math and science centers in 2000-2001.

Sec. 602. From the school aid fund appropriation in part 1 for school excellence operations, \$5,000,000.00 shall be allocated to school districts, public school academies, and intermediate school districts as provided under this section. The \$5,000,000.00 shall be awarded as competitive grants to eligible districts, intermediate districts, and public school academies located within eligible school districts in accordance with the provisions of the competitive grant allocation listed in section 32f of the school aid act of 1979, 2000 PA 297, MCL 388.1632f, with the singular exception that a school district eligible for funding under this section must have had no more than 1,500 pupils in membership in 1998-99.”

The question being on the adoption of the amendments,

Senator Emerson 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. 49

Yeas—17

Byrum	Goschka	Koivisto	North
Cherry	Hammerstrom	Leland	Peters
DeBeaussaert	Hart	Miller	Smith
Dingell	Hoffman	Murphy	Young
Emerson			

Nays—18

Bennett	Gast	McManus	Sikkema
Bullard	Gougeon	Schuette	Steil
DeGrow	Jaye	Schwarz	Stille
Dunaskiss	Johnson	Shugars	Van Regenmorter
Emmons	McCotter		

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Byrum to Senate Bill No. 283 and moved that the statement she made during the discussion of the amendments be printed as her reasons for voting “no.”

The motion prevailed.

Senator Emmons’ statement is as follows:

I would hope that we would turn down this amendment. While all these programs are wonderful, I want to protect my foundation allowance first. I have been looking at revenue numbers, and we do not need to add anything else that would impair the acceleration and the payment of those foundation allowances.

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

The motion prevailed.

Senator Byrum’s first statement is as follows:

I don’t consider this supplemental a Christmas tree, but what I am trying to do in this amendment is to address this state’s number one priority—I know it’s the number one priority of the constituents in each and every one of your districts—our public school system and the education of our children.

This amendment will expand the number of schools that are eligible for the reading readiness grant program. Currently, only schools with more 1,500 pupils may even apply for these grants. This is most unfortunate as many of our smaller schools have the same reading and learning disability needs as the larger schools. This amendment will expand the award to apply to schools fewer than 1,500 pupils, thus permitting all schools to participate in the program. There are 157 school districts that are currently not eligible for this program that would benefit if this amendment is adopted.

Just to give you some examples because they cut across each and every one of the Senate districts in this state. They would be: Burt Township Schools, Saugatuck Public Schools, Mancelona Public Schools, Homer Community Schools, Cassopolis Public Schools, Reading Community Schools, Harbor Beach Community Schools, Vandercook Lake Public Schools, Grass Lake Community Schools, Hanover-Horton Schools, Michigan Center School District, Kent City Community Schools, and the list goes on and on. There are 157 school districts as I indicated earlier.

I encourage your support for this amendment as there is a strong likelihood that schools in each and every one of your districts will be affected positively if this amendment is adopted.

Senator Byrum’s second statement is as follows:

To the good Senator, I hardly think that a \$5 million appropriation is going to hamper the entire school aid budget. Now this is an opportunity to address a very real need that exists currently in this fiscal year. We have students who are very needy of reading readiness in many rural, small districts across this state. Are those students any less deserving than students in larger districts?

Now I had the opportunity to visit a school district just a week ago. It happens to be one that I represent in this county. It’s a small rural district that has been on the cutting edge of reading readiness. They have been a model program that districts from across the state have visited to look at the wonderful program they have implemented. They have fewer than 1,500 students enrolled in the district, and they are at the point now where they are going to be looking at laying off in their reading readiness initiative because they can’t even apply for this money.

Now this isn’t going to break the bank. This is something that is very worthwhile. It represents the highest priority in this state—that being education. And we all know if we don’t pay now, we will pay later because if a child is not able to read and have the basic building blocks of learning very early on, then they are less likely to complete school. They are more likely to show up in other social costs within our system. We’re going to pay now, or we’ll pay later.

This is a vehicle bill where we can secure this funding, and it is most likely that it is the only opportunity we’re going to have this year. I plead with the body to adopt the Byrum amendment.

Senator Byrum offered the following amendments:

1. Amend page 13, following line 13, after "School excellence operations" by striking out "\$675,000" and inserting "\$1,175,000".

2. Amend page 13, following line 13, after "School aid fund" by striking out "\$675,000" and inserting "\$1,175,000" and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 33, following line 17, by striking out all of section 601 and inserting:

"Sec. 601. From the school aid fund appropriation in part 1 for school excellence operations, \$675,000.00 shall be allocated to mathematics and science centers as provided under this section. The \$675,000.00 shall be allocated to the 4 remaining satellite extensions not selected by the department of education to be funded as full centers in 2000-2001 under section 99 of the school aid act of 1979, 2000 PA 297, MCL 388.1699, to convert the 4 remaining satellites to full math and science centers in 2000-2001.

Sec. 602. From the school aid fund appropriation in part 1 for school excellence operations, \$500,000.00 shall be allocated to school districts and public school academies as provided under this section. The \$500,000.00 shall be allocated to elementary schools consisting of multiple schools with grade 4 operated by a different school or schools than grade 5 that would have met the qualifications for golden apple awards in accordance with the remaining provisions of section 96 of the school aid act of 1979, 2000 PA 297, MCL 388.1696. An eligible elementary school under this section shall provide to the department of treasury any information the department of treasury considers necessary to make the determination of whether that elementary school meets those requirements. A determination by the department of treasury under this section is final. A golden apple award earned by an elementary school under this section shall be paid to the school district that operates the elementary school. The school district shall distribute the award to the component school operating grade 4. The amount of the golden apple award allocated under this section shall consist of \$1,000.00 per full-time employee who works in the school operating grade 4 plus \$10,000.00 to be allocated to the principal of that school for school improvements, but shall not be less than \$50,000.00 per recipient elementary school."

The question being on the adoption of the amendments,

Senator Cherry 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. 50

Yeas—18

Bullard	Dunaskiss	Hoffman	Murphy
Byrum	Emerson	Koivisto	Peters
Cherry	Goschka	Leland	Smith
DeBeussaert	Hammerstrom	Miller	Young
Dingell	Hart		

Nays—17

Bennett	Jaye	North	Sikkema
DeGrow	Johnson	Schuette	Steil
Emmons	McCotter	Schwarz	Stille
Gast	McManus	Shugars	Van Regenmorter
Gougeon			

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator Byrum’s first statement is as follows:

This amendment will expand the number of schools that are eligible for the Golden Apple Award. Currently participation is restricted to elementary schools configured with grades 4 and 5 in the same building. As a result, 77 districts that meet the achievement criteria are not receiving the awards. Now this cuts across 33 of the state’s Senate districts, where you have districts that meet the criteria, but because the building configuration does not accommodate grades 4 and 5 in the same school building, they are ineligible.

This amendment will expand the award to apply to all of Michigan’s elementary schools. According to a House fiscal analysis, such an expansion bill would cost a mere \$500,000. This is certainly a worthwhile investment. I encourage you to support this amendment. There’s a strong likelihood that schools in your own district will benefit from it.

Senator Byrum’s second statement is as follows:

Thank you very much to the good Senator from the 32nd District. That bill is currently over in the Senate Appropriations Committee, but it affects next fiscal year 2002. This amendment would put in place those Golden Apple awards for this current fiscal year. I think it’s something that is also a matter of fairness. It is something that we should do, and those school districts that just happen to have a building configuration different than what the statute requires deserve to have these Golden Apple awards, just as much as any other district. I would urge the adoption.

Senator Gougeon offered the following amendments:

1. Amend page 33, following line 17, by inserting:

“DEPARTMENT OF COMMUNITY HEALTH

Sec. 550. (1) The department shall immediately rescind policy bulletin MSA 01-03 related to Medicaid conditions of participation for hospitals and the department shall not implement during fiscal year 2000-2001 Medicaid notice of proposed policies 0039-Hospital relating to payments under the outpatient hospital adjustor and 0004-Hospital relating to graduate medical education payments unless all references to per diem payments are deleted from these policies.

(2) Qualified health plans are required to have contracts with hospitals within a reasonable distance from their enrollees. The department may waive this requirement if it certifies that after good faith negotiations, no reasonable agreement could be reached among the parties.

(3) In the absence of a contract with qualified health plans, a qualified health plan shall reimburse a hospital for medically necessary, appropriately authorized services arranged by a physician under contract with the qualified health plan, with admitting privileges at that hospital, at Medicaid fee-for-service rates. The department shall reimburse the qualified health plan the differential between the actuarially equivalent per diem rate and the actual Medicaid fee-for-service payment that was paid to the hospital by the qualified health plan.

(4) The conditions specified in subsection (3) shall only apply to those qualified health plans that can certify that the capitation rate that was included in their bid, for inclusion in the state’s Medicaid managed care program, was based on per diem estimates for inpatient hospital services.

(5) To the extent that a qualified health plan identified in subsection (4) can demonstrate that they have sustained a financial loss due to the requirement that they reimburse noncontracting hospitals on a fee-for-service basis rather than on a per diem basis, for the period from October 1, 2000 to the effective date of this act, the department shall reimburse the affected qualified health plan from available lapses in the health plan services line.”.

2. Amend page 38, following line 2, by inserting:

“Sec. 1302. Section 1706 of 2000 PA 296 is repealed.”

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

The question being on the passage of the bill,

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

Roll Call No. 51

Yeas—33

Bennett	Emmons	Koivisto	Schwarz
Bullard	Gast	Leland	Shugars
Byrum	Goschka	McCotter	Sikkema
Cherry	Gougeon	McManus	Smith
DeBeaussaert	Hammerstrom	Miller	Steil

DeGrow
Dingell
Dunaskiss
Emerson

Hart
Hoffman
Johnson

Murphy
North
Schuette

Stille
Van Regenmorter
Young

Nays—2

Jaye

Peters

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Peters, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 283.

Senator Peters' statement is as follows:

I voted "no" because I believe that this is not an appropriate time to be doing a supplemental budget bill. This budget bill is based on the January consensus revenue estimate that, under that estimate, we go into a deficit by a couple million dollars. However, the Senate Fiscal Agency has already warned us that current revenues are likely to fall significantly more as the economy continues to underperform. Unless the economy turns around in a very short period of time, we are likely to have a considerable deficit at the end of this year. I believe it would be prudent for us to hold off on any kind of supplemental appropriations until will have a better picture of the financial state that this state is in, which will not be determined until later in the year. I believe that would be an appropriate time to pass a supplemental bill, rather not at this time, particularly given the downward revisions that we are getting with our revenue estimating conference.

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

The motion prevailed.

Senator Jaye's statement is as follows:

Unfortunately I wasn't able to get an amendment drafted in time to address page 33, line 19, by striking out all of section 701. What 701 does is it takes \$35 million of our General Fund to pay a fine, a penalty, to the federal government. We have been paying—the taxpayers have been paying because of the failure of the Family Independence Agency, since 1996 and years earlier—to implement a statewide collections system for child support. Since 1996, extension after extension after extension, we have been paying penalties each year. This year these penalties add up to \$35 million that could have gone to sewers, that could have gone to roads, that could have gone to pay for quality education for the smaller school districts, that could have gone for job training, or Heaven forbid, for a tax cut.

I found out last week that the state of Michigan now is going to be adopting parts of Wayne County's computerized collection program. I think it is worse than a shame; it's a tragedy when we're going to be spending \$35 million of the taxpayers' dollars on a penalty, and the department isn't suffering any kind of consequences. Individuals in charge of the program aren't suffering any individual consequences. Could you imagine a business that's given over \$100 million and over eight years to implement a statewide collections program for Friend of the Court, so that moms of kids get the payments, and they can't get the job done? Almost every other state has complied.

In this supplemental budget, \$35 million of General Fund money—that’s state dollars, not federal dollars, state dollars—is being spent on these penalties. As I understand it, this line item that’s going to pay the \$35 million was just added in General Orders yesterday. I would suggest that perhaps as this bill goes over to the House, that the House would take a look at linking the penalties to the departments that cause these sorts of year after year after year mistakes, incompetence, and problems that the rest of the state is suffering to have to pay.

So I hope that when we come back from our legislative break that we can somehow link the penalties to the departments’ expenditures because I remember how a person’s mind is focused when you’ve got your hand on their wallet, their heart and mind soon follow. Thirty-five million dollars is an outrage. I am very upset that this kind of money is taken from more meritorious programs.

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

Senate Bill No. 233, 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, 2002; 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.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 273.)

The question being on the adoption of the amendment offered by Senator Young,
 Senator Young withdrew the amendment.

Senator Young offered the following amendment:

1. Amend page 38, line 22, after “facilities.” by inserting “The department shall maintain a facility to inspector ratio of no more than 210 to 1.”.

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

The question being on the passage of the bill,

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

Roll Call No. 52

Yeas—34

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

Nays—1

Jaye

Excused—1

Vaughn

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. 235, 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, 2002; 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 question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 51, following line 2, by inserting:

“Sec. 663. The department shall make payments directly to a provider of electric or gas utility service if the department determines that a recipient who requests assistance and is more than 60 days late with payment to that provider is qualified for assistance under the state emergency relief program.”.

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

Senator Jaye 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. 53

Yeas—28

Bennett	Dunaskiss	Koivisto	Schuette
Bullard	Emerson	Leland	Schwarz
Byrum	Goschka	McCotter	Shugars
Cherry	Hammerstrom	Miller	Sikkema
DeBeaussaert	Hart	Murphy	Smith
DeGrow	Hoffman	North	Steil
Dingell	Jaye	Peters	Van Regenmorter

Nays—7

Emmons	Gougeon	McManus	Young
Gast	Johnson	Stille	

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Smith offered the following amendment:

1. Amend page 30, line 5, after “that” by striking out “the funds” and inserting “\$750,000.00”.

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

Senator Smith requested the yeas and nays.

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

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

Roll Call No. 54

Yeas—15

Byrum	Emerson	Leland	Schwarz
Cherry	Hart	Miller	Smith
DeBeaussaert	Hoffman	Murphy	Young
Dingell	Koivisto	Peters	

Nays—20

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

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

Senator Goschka offered the following amendment:

1. Amend page 54, following line 5, by inserting:

“Sec. 710. From the funds appropriated in part 1 for juvenile justice services, the department shall continue contracts for county juvenile justice day treatment programs.”.

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

Senator Young offered the following amendment:

1. Amend page 51, following line 2, by inserting:

“Sec. 664. It is the intent of the legislature that the department maximize their best efforts with the department of consumer and industry services to obtain any available federal funding for the purpose of transferring necessary funds to the department of consumer and industry services for up to 20 FTE positions for day care inspections.”.

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

The question being on the passage of the bill,

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

Roll Call No. 55**Yeas—35**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 30

The resolution consent calendar was adopted.

Senator Schwarz offered the following resolution:

Senate Resolution No. 30.

A resolution memorializing the life of Herbert A. Auer.

Whereas, With great respect for the accomplishments of Herbert A. Auer, the members of the Michigan Senate offer this accolade of tribute recognizing his lifetime achievements; and

Whereas, Herbert A. Auer was born on January 25, 1918, in Hammond, Indiana. He was the only child of Edward and Margaret Auer. Herb graduated from Western Michigan University in Kalamazoo in 1940. While attending college, he met Grace Lundy, whom he married on December 22, 1941. Children followed, including a daughter, Margaret I. of Battle Creek, and sons, Arthur E. and Dr. Thomas C. Auer and his wife Barbara of Traverse City. Herbert, Grace, and their children were blessed with nine grandchildren and seven great-grandchildren; and

Whereas, Herb's dedication to education was unwavering in pursuing his own, but primarily in promoting the growth and well-being of the many persons whose futures he nurtured. Upon graduation from Western Michigan University, Herb was a teacher in the Muskegon school system. He joined the staff of the *Muskegon Chronicle* in 1942, where he ultimately became the state editor. In 1954, he became director of the Continuing Education Publications office at Michigan State University in East Lansing, while earning a master's degree in adult education from Michigan State University; and

Whereas, Herbert Auer joined the staff of the Michigan State Medical Society (MSMS) in East Lansing in 1959 as managing editor of the monthly journal *Michigan Medicine*. Through hard work, commitment to quality, and genuine love of his work, he ultimately was promoted to the position of deputy director. His organizational skills and sensitivity to the needs of others provided the model for MSMS' successful continuing medical education and leadership development programs which continue today. Herb served as the executive vice president of the Michigan Health Council from 1979 until his retirement in 1984, at which time, he and his wife Grace moved to Traverse City; and

Whereas, Community service also played a high priority in his life. Herb was a dedicated member of the Junior Chamber of Commerce (Jaycees), receiving the Muskegon Jaycees Distinguished Service Award and Man of the Year Award, as well as serving as president of the Muskegon Chapter and Michigan State Jaycees and director of the National Jaycees Board. His leadership skills guided him wisely as president of the Muskegon Community Council, Michigan Parent Teacher Association, Adult Education Association of Michigan, Public Relations Association of Michigan, and Michigan College Public Relations Directors. During his retirement, he remained active as an elder for the Presbyterian Church of Traverse City, served on the Traverse Area District Library Mileage Educational Effort Committee, and was vice president of the Friends of Con Foster Museum; and

Whereas, Through his life's journey, Herbert A. Auer graciously touched the lives of many, many people—those he helped along the way and those who will benefit from his actions in the years to come; now, therefore, be it

Resolved by the Senate, That this accolade of tribute to the life of Herbert A. Auer serve as a symbol to his family and friends of the high regard in which his memory is held by the people of Michigan; and be it further

Resolved, That copies of this resolution be presented to his wife Grace and the Michigan State Medical Society.

Senator Young was named co-sponsor of the resolution.

Senators Stille and McManus offered the following concurrent resolution:

Senate Concurrent Resolution No. 11.

A concurrent resolution to establish a special joint committee to evaluate the Michigan State Fairgrounds and the pending sale of adjacent property.

Whereas, In recent years, the facilities and lands of the Michigan State Fairgrounds have been the focus of public attention. There have been numerous proposals for the facilities and for development of the grounds and nearby property; and

Whereas, These proposals have included discussions of a cultural and economic center, an industrial park, horse and auto racing facilities, and other development ideas. Some proposals have centered around the Michigan State Fair; and

Whereas, A 36-acre parcel of land adjacent to the Michigan State Fairgrounds has generated considerable interest and speculation of late. This parcel was purchased by the state through a Department of Natural Resources trust fund, and was sold to a private entrepreneur for approximately \$6.1 million less than one year ago. Within several months, this party agreed to sell it to a developer for \$10.5 million. The latest reports indicate that the Detroit Public Schools may buy the property for \$17 million as part of a deal that may include selling part of the acreage to a major retailer; and

Whereas, With the whirl of activities and uncertainties surrounding the sale of this property, the public resources and money that may be involved, and long-term ramifications for the Michigan State Fair, it is imperative that this situation be monitored and evaluated; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there be created a special joint committee to evaluate the Michigan State Fairgrounds and the pending sale of adjacent property. The special joint committee shall consist of three members of the Senate appointed in the same manner as standing committees are appointed and three members from the House of Representatives appointed in the same manner as standing committees are appointed. The special joint committee will report its findings and any recommendations by June 30, 2001.

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

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Emmons moved that the concurrent resolution be referred to the Committee on Farming, Agribusiness and Food Systems.

The motion prevailed.

Senator North was named co-sponsor of the concurrent resolution.

House Concurrent Resolution No. 12.

A concurrent resolution to urge the United States Department of Energy to explore the development of new natural gas resources that do not negatively impact the environment and lead to the long-term stability of affordable natural gas prices.

Whereas, Throughout this winter, our country has experienced a shortage of natural gas. Several factors have contributed to this shortage, including economic conditions, the weather, patterns of consumption, changes in the regulatory climate in some regions, and uneven planning and development; and

Whereas, Natural gas is a versatile fuel, with a long record of safety and dependability for heating homes and generating electricity. Compared to other options for large-scale energy, it is generally not as damaging to the environment as other sources are. With these attractive features, the potential for even more uses, and the current shortages and market instability, development of natural gas is of the utmost importance; and

Whereas, In our national response to these factors, however, it is imperative that policymakers, industry, and the public not lose sight of the long-term damage we can do to our country and its resources if development efforts do not respect the environment. Developing natural gas resources should not completely overshadow the importance of our country's non-energy resources. The short-term thinking that would harm the environment in a frantic search for natural gas is not unlike some of the short-term thinking that has contributed to the current problems; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Energy to develop incentives to promote the exploration and the development of new natural gas resources that do not negatively impact the environment and lead to the long-term stability of affordable natural gas prices; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Energy.

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 Emmons moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Emmons moved that the concurrent resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senator Young was named co-sponsor of the concurrent resolution.

House Concurrent Resolution No. 19.

A concurrent resolution to urge the Department of Consumer and Industry Services to increase public awareness of its energy programs.

Whereas, With the recent publicity from the energy problems in California, last summer's spike in gasoline prices, and projections of significant rises in the cost of natural gas, there is renewed public concern about energy in our state. These factors remind us all of the central role that energy availability and cost play in each of our lives and in every business; and

Whereas, Michigan has in place numerous programs to help individual families and businesses of all sizes better manage energy resources. In addition to some community-based initiatives, the Michigan Department of Consumer and Industry Services offers a wide range of grants, incentives, and educational opportunities to help us use energy better. These programs, many of which are federal-state and state-local partnerships, include conservation measures, biomass fuels, projects using alternative sources of power, reducing waste and inefficiencies, and building techniques and standards; and

Whereas, The Consumer and Industry Services energy programs range from demonstration grants to analyses of the energy efficiency of commercial buildings and from initiatives involving industries of the future to efforts with public schools and other public agencies. Several of the services offered encourage innovation in energy development and use; and

Whereas, The citizens and businesses of Michigan need to be made fully aware of the resources at their disposal. Programs in place represent important tools to help our state face all contingencies in the area of energy; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Department of Consumer and Industry Services to increase public awareness of its energy programs; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Consumer and Industry Services.

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 Emmons moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Emmons moved that the concurrent resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senator Young was named co-sponsor of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Leland's statement is as follows:

Mr. President, colleagues, I rise today with a heavy heart and to offer some remarks about my home, Detroit.

Eight years ago, Detroit was alive with optimism. We had just elected a Democratic president, the economy was beginning a boom, and Detroit was about to elect its first new mayor in twenty years.

I jumped on this bandwagon. I was the first legislator to support Dennis Archer's bid for mayor. He promised a world-class city by the year 2000, and I was convinced. I stand before you eight years later to admit that I was wrong. Dennis Archer's tenure as mayor has been a failure.

Most of you never see the real Detroit. You hop on the expressway and ride the concrete canyon to downtown, take in a play or a game, and return. But a new ballpark does not make a world-class city. A world-class city is marked by the vitality of its neighborhoods and the strength and diversity of its economy. By this standard, Detroit is no world-class city.

For a city to thrive, basic municipal services must be delivered, consistently and efficiently. Not a single department in Detroit comes close to this standard. Take our police force. Police officers are undertrained and understaffed. We have one of the worst homicide closure rates in the country. Police abuse has led to lawsuits costing tens of millions of dollars. Amnesty International is investigating the Detroit police for possible human rights violations. Even simple street lighting fails to function. On any given night, a distressing number of street lights in Detroit's neighborhoods are dark—entire grids shut down and multiple blocks on major thoroughfares are dark.

Thousands of Detroiters need quality, affordable public housing. But look at Herman Gardens. Four years ago, families were evicted, and the complex was leveled. We were promised a new village with housing, services, and shopping. Four years later, all that remains is a barbed wire fence and a broken promise. The funds to develop this land sit idle in the bank while the tenants evicted are still homeless.

But it's not just major developments that sit and wait. The city has title to over 40,000 parcels of land with no plan for redevelopment. On many of these lots sit houses in need of demolition. Again, state and federal funds have been appropriated, but the city simply cannot get the job done.

Even garbage removal is a mess. The streets are filthy. Alleys are impassable. City-owned lots are open air dumps. Neighborhood parks are no better—overgrown, littered, and unsafe.

In Detroit, the bus system is a necessity. Our busses never run on time. Busses and drivers sit in the garage in need of parts—parts still sitting in a warehouse that no one can find. When the busses do run, they run on roads rated the second worst in the nation.

The fire department is equally as bad. People have died because they didn't have working equipment to send, or the trucks failed to function, or hydrants just did not work.

The city's Building, Safety and Engineering Department seems to treat developers as enemies. They run into countless delays and red tape, unable to process the most basic permits.

And, of course, we all know about Detroit's "wait till spring" approach to snow removal.

Some claim that the resources are not there to tackle the problems facing Detroit. Nonsense! Detroit taxes itself at the highest rate in the state. The city has experienced budget surpluses. The problem, my friends, is management, not money. Frankly, the city leadership is simply not responsive. A culture of arrogance and entitlement engulf the departments at the expense of service and responsiveness. In the last eight years, the number of complaints I've handled about city services has skyrocketed, and the city's response has dwindled.

This has taken a toll. People are voting with their feet. Our current population as announced today—951,000 people—represents a staggering abandonment that continues unabated. Most of those leaving are middle-class families. Those that remain are people who cannot afford to move—the elderly and the poor.

Over the last eight years, I see nothing but missed opportunities. The economy boomed, revenues rose, but our city floundered. Look at the other major cities around the country. They made progress in the last decade, but not in Detroit. The responsibility for this failure must ultimately lie with our mayor. After eight years of mismanagement and missed opportunities, it is time for a change.

I understand that the mayor will soon be deciding whether to seek re-election. I urge you, Dennis, for the good of the city, retire. It is time for a new leader. If you choose to run, know that I will help lead the opposition. We are faced with two choices—give up or make a change. I, for one, refuse to give up on Detroit. I refuse to accept a city that fails to live up to its potential. I refuse to believe that our best days are behind us. I know we can do a better job, and we must do a better job.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Hammerstrom, Young, McCotter, Koivisto, Hoffman, Gast and Johnson introduced

Senate Bill No. 362, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 1999 PA 34.

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

Senator Jaye introduced

Senate Bill No. 363, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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

Senator Jaye introduced

Senate Bill No. 364, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 55a, 57e, and 57f (MCL 400.55a, 400.57e, and 400.57f), section 55a as amended by 1980 PA 251 and sections 57e and 57f as added by 1995 PA 223.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senator Stille introduced

Senate Bill No. 365, entitled

A bill to create the Michigan education boundary commission; to prescribe its powers and duties; and to prescribe certain powers and duties of certain state officials, departments, and agencies.

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

House Bill No. 4256, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has passed the bill.

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

House Bill No. 4259, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2002; 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 House of Representatives has passed the bill.

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

Committee Reports

The Committee on Finance reported

Senate Bill No. 341, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," (MCL 211.901 to 211.906) by adding section 5a.

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

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, March 27, 2001, at 1:00 p.m., Elijah Myers Room, 2nd Floor, Capitol Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Emerson

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submits the following:

Meeting held on Wednesday, March 21, 2001, at 3:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Emerson and Schwarz

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, March 27, 2001, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), North, Leland and Hart

Excused: Senator Steil

Scheduled Meetings**Appropriations -****Subcommittee -**

Higher Education - Friday, April 20, 10:00 a.m., University of Michigan-Flint, Harding Mott University Center, corner of Kearsley Street and southbound Chavez, Flint; Monday, April 23, 10:00 a.m., Grand Valley State University, Grand Rapids Campus-DeVos Center, 401 W. Fulton Street, Grand Rapids; Friday, May 4, 10:00 a.m., Concordia College, Student Union-Riverside Rooms A, B, and C, 4090 Geddes Road, Ann Arbor; Friday, May 11, 10:00 a.m., Lake Superior State University, Cisler Center, 650 W. Easterday Avenue, Sault Ste. Marie; and Tuesday, May 15, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 2:29 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, March 29, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

