

No. 15
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 25, 1998.

10:00 a.m.

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

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

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

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

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

Pastor Barbara Taylor of the Uptown Assembly of God Church in Grand Rapids offered the following invocation:

Almighty God, Maker of the Universe, the One who loves us more than we love ourselves, we give You praise, we give You honor, we give to You glory because You are worthy to be praised, and there is no one else who is worthy. Almighty God, we thank You that You have entrusted to man the ability to rule those who are under him. God, we pray that You would give to us Your wisdom, Your knowledge, and Your understanding. Almighty God, I pray this day that You would come forth in a mighty, mighty way. Allow our Senators, Father, to hear Your voice; to hear from the very throne of God that they will make the proper and correct decisions, Almighty.

God, I pray that if there is anyone here who is searching and wants to know what they need to know from You, they will open up their hearts to hear from You.

God, I pray through Your Son, Jesus Christ, that You will be known in a mighty and awesome way in this place. Have Your way. Give to us all Your wisdom, Your knowledge, and Your understanding. In Christ Jesus' name we pray, the Son of the Most High God. Amen and Amen.

Motions and Communications

Senator DeGrow moved that Senator Dunaskiss be temporarily excused from today's session. The motion prevailed.

Senator Dunaskiss entered the Senate Chamber.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

February 13, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:17 p.m. this date, administrative rule (98-2-2) for the Department of Consumer and Industry Services, Occupational Health Standards Commission, entitled "*Underground Construction, Caissons, Cofferdams, and Compressed Air*," effective 15 days hereafter.

February 13, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:20 p.m. this date, administrative rule (98-2-3) for the Department of Consumer and Industry Services, Occupational Health Standards Commission, entitled "*Personal Protective Equipment*," effective 15 days hereafter.

February 13, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:23 p.m. this date, administrative rule (98-2-4) for the Department of Consumer and Industry Services, Occupational Health Standards Commission, entitled "*Cadmium*," effective 15 days hereafter.

February 17, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you the the Office of Regulatory Reform, Legal Division filed at 1:35 p.m. this date, administrative rule (98-2-5) for the Department of Consumer and Industry Services, Occupational Health Standards Commission, entitled "*Lead*," effective 15 days hereafter.

February 17, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:38 p.m. this date, administrative rule (98-2-6) for the Department of Consumer and Industry Services, Occupational Health Standards Commission, entitled "*Methylene Chloride*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Office of Drug Control Policy

February 23, 1998

I am pleased to transmit the Residential Substance Abuse Treatment for State Prisoners grant application from the Office of Drug Control Policy to the U.S. Department of Justice, Office of Justice Programs, Corrections Program Office.

This application is being forwarded to your office for information and review pursuant to Section 1304 (a) 2 of the Violent Crime Control and Law Enforcement Act of 1994. This application requests \$2,065,140, which is the FY98 allocation for Michigan.

Should you have questions, please contact Ardith J. DaFoe, Director, Drug Law Enforcement Division at (517) 373-2952.

Sincerely,
Darnell Jackson, Director

The communication was referred to the Secretary for record.

The following communication was received and read:

February 25, 1998

Lieutenant Governor Connie Binsfeld
President of the Senate
State Capitol Building
Lansing, MI 48909

Dear Madam President:

I hereby resign from the office of State Senator for the Third Senatorial District effective at midnight on March 31, 1998.

Respectfully submitted,
Henry E. Stallings II

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, February 24:
House Bill Nos. 4173 5219

The Secretary announced the printing and placement in the members' files on Tuesday, February 24 of:
Senate Bill Nos. 892 893 894 895 896 899

The Secretary announced the printing and placement in the members' files on Wednesday, February 25 of:
House Bill No. 5607

Messages from the Governor

The following messages from the Governor were received and read:

February 24, 1998

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:
Domestic Violence Prevention and Treatment Board

Ms. Ferne A. Farber, 2713 Hammond Trail, Grayling, Michigan 49738, county of Crawford, as a member representing the general public, succeeding Ms. Karen Russell of Mt. Clemens, whose term has expired, for a term expiring on September 30, 2000.

The Honorable Richard B. Halloran, 14538 Warwick, Detroit, Michigan 48223, county of Wayne, as a member representing the general public, succeeding Ms. Nancy J. Diehl of Detroit, who has resigned, for a term expiring on September 30, 2000.

Ms. Anne Armstrong, 2115 Romence N.E., Grand Rapids, Michigan 49503, county of Kent, as a member representing the general public and as Chair, succeeding Mrs. Shannon B. Brower of Petoskey, who has resigned, for a term expiring on September 30, 2000.

Ms. Catherine C. Lucas, 214 Edgebrook Drive, Battle Creek, Michigan 49015, county of Calhoun, as a member representing the general public, succeeding Ms. Janet E. Findlater of Ypsilanti, who has resigned, for a term expiring on September 30, 2000.

February 24, 1998

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

Lake Superior State University Board of Trustees

Ms. Linda Margaret Hyatt Brown, P.O. Box 1823, Mackinac Island, Michigan 49757, county of Mackinac, as a member representing the general public, succeeding Mr. Thomas H. Weiss of Gaylord, whose term has expired, for a term expiring on January 27, 2006.

Mr. Devereaux Trepp, 10460 S. High Meadows Court, Traverse City, Michigan 49684, county of Grand Traverse, as a member representing the general public, succeeding himself, for a term expiring on January 27, 2006.

February 24, 1998

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

Michigan State Waterways Commission

Mr. Marc Howard, 34452 Jefferson, #38C, Mt. Clemens, Michigan 48045, county of Macomb, as a member representing the general public, succeeding himself, for a term expiring on September 18, 2000.

Mr. Frank P. McBride, Jr., 60 S. Deeplands Road, Grosse Pointe, Michigan 48236, county of Wayne, as a member representing the marine trade industry, succeeding himself, for a term expiring on September 18, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 181, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 476 and 525 (MCL 330.1476 and 330.1525), as amended by 1995 PA 290.

The House of Representatives has appointed Representatives Baird, Gubow and Scranton as conferees to join with Senators Van Regenmorter, Rogers and Peters.

The bill was referred to the Conference Committee on February 24, 1998.

Senate Bill No. 361, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 306 (MCL 331.1306), as amended by 1988 PA 502.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 362, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 116 (MCL 330.1116), as amended by 1995 PA 290.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 363, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1995 PA 81.

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

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

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

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

Senate Bill No. 364, entitled

A bill to amend 1973 PA 8, entitled "An act to provide for the construction and maintenance of sidewalks for use by handicapped persons," by amending the title and section 1 (MCL 125.1361).

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

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

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

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

Senate Bill No. 365, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending the title and sections 47a and 104b (MCL 559.147a and 559.204b), the title and section 104b as amended by 1982 PA 538 and section 47a as added by 1987 PA 31.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 367, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending sections 7 and 14 (MCL 408.387 and 408.394).

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1964 PA 154, entitled, "An act to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for the administration and enforcement of this act; and to prescribe penalties for the violation of this act," by amending section 14 (MCL 408.394).

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 714, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1996 PA 202, entitled "An act to authorize the state administrative board to convey certain state owned property in Kalkaska county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance," by amending the title and by adding sections 7, 8, and 9.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator DeGrow 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 Binsfeld, designated Senator Bouchard as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 880, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 2163 (MCL 600.2163).

Senate Bill No. 882, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 1989 PA 253.

Senate Bill No. 884, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4a (MCL 38.104a), as added by 1987 PA 47.

Senate Bill No. 885, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 75a (MCL 24.275a), as added by 1987 PA 46.

House Bill No. 4783, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 265 (MCL 206.265), as added by 1993 PA 128.

The bills were 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. 752, entitled

A bill to amend 1956 PA 5, entitled "Michigan uniform municipal court act," by amending section 23 (MCL 730.523) and by adding section 23a.

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. 753, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2 and 3 of chapter X and sections 34, 43, and 44 of chapter XIV (MCL 770.2, 770.3, 774.34, 774.43, and 774.44), section 2 of chapter X as amended by 1981 PA 205, section 3 of chapter X as amended by 1994 PA 374, and sections 34, 43, and 44 of chapter XIV as amended by 1980 PA 506.

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. 881, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2170.

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. 883, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 17 and 17b of chapter XIIA (MCL 712A.17 and 712A.17b), section 17 as amended by 1997 PA 169 and section 17b as amended by 1989 PA 254.

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

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

Senate Bill No. 789

Senate Bill No. 256

The motion prevailed.

The following bill was read a third time:

House Bill No. 4979, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Crawford county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The question being on the passage of the bill,

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

The motion prevailed.

Senator Cherry entered the Senate Chamber.

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Stallings' statement is as follows:

I find it very difficult to rise today on this auspicious occasion, but I'm reminded of a dear Christian friend of mine when I stood some time ago and made a statement on his behalf. I'd like to preface my statement by reading to this

body what I read at that time. It came out of Psalms 26 and that good Christian friend was Doug Carl, who passed away earlier this year. I thought it was appropriate to read that scripture then as I believe it is appropriate to read that scripture now. So if you would bear with me and then I'd like to make my statement on the record.

“Judge me, O Lord; for I have walked in mine integrity: I have trusted also in the Lord; therefore I shall not slide.

Examine me, O Lord, and prove me; try my reins and my heart.

For thy lovingkindness is before mine eyes: and I have walked in thy truth.

I have not sat with vain persons, neither will I go in with dissemblers.

I have hated the congregation of evil doers; and will not sit with the wicked.

I will wash mine hands in innocency: so I will compass thine altar, O Lord:

That I may publish with the voice of thanksgiving, and tell of all thy wondrous works.

Lord, I have loved the habitation of thy house, and the place where thine honor dwelleth.

Gather not my soul with sinners, nor my life with bloody men;

In whose hands is mischief, and their right hand is full of bribes.

But as for me, I will walk in mine integrity: redeem me, and be merciful unto me.

My foot standeth in an even place: in the congregations will I bless the Lord.”

I think it is appropriate at this time to also thank and I want to recognize my trusted and loyal staff, Kisha Beverly, Heather Boyer, Regina Mallett, and Charles Moore, who are sitting in the west wing of the Gallery. I want to recognize them for their outstanding dedication and loyalty; and also to my former disgruntled employees whose subsequent action has caused me and my family great pain, I truly wish them well also, knowing that God will compensate them accordingly.

It is with deep regret that I come before you today and announce my resignation from this honorable body. To all of those people who have supported me throughout this long, difficult time, I want to express my heartfelt thanks. To those who have stood against me, I direct them to the State Seal and to the motto, Tuebor, which means “I will defend.” And let me just state simply that at the appropriate time and in the appropriate form, I shall set the record straight with regard to the untruthful allegations made against me by former disgruntled employees.

Finally, I am mindful that God shall be the one judge of my soul and that the ultimate judges of my character and ability to lead are the voters of my district. So, in the words of a very infamous general who held his head high in battle, I say to this body, “I shall return.”

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4979, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Crawford county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

(This bill was read a third time earlier today and consideration postponed. See p. 229.)

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. 59

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 733, entitled

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

The 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. 60**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Stallings

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 856, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6023 (MCL 600.6023), as amended by 1989 PA 5.

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. 61**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Stallings

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 856

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 876, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1901 and 1902 (MCL 324.1901 and 324.1902), section 1901 as added by 1995 PA 60 and section 1902 as amended by 1996 PA 134.

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. 62**Yeas—37**

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

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: President

The Senate agreed to the title of the bill.

Senators Miller, Bouchard, Byrum, Cherry, DeGrow, Berryman, Vaughn, Peters, Schuette, Van Regenmorter, Jaye, Hoffman, Schwarz, Bullard and O'Brien moved that they be named co-sponsors of the following bill:

Senate Bill No. 876

The motion prevailed.

Senators A. Smith and Stille asked and was granted unanimous consent to make a statement and moved that the statements be printed in the Journal.

The motion prevailed.

Senator A. Smith's statement is as follows:

I rise to support the bill. I had the privilege of working with Tom Washington on a number of issues. His courage in legislation and his daring with legislation while he made every committee meeting I ever attended, one that was extremely interesting. He was a bold person with great vision in the environmental area. MUCC was probably the environmental group that single-handedly pushed through the bottle bill ballot question. Tom Washington was a leader in the polluter pay legislation that went very far to protect the environment of the state of Michigan. He was a leader on billboard legislation, seeking a moratorium on billboard construction in the state of Michigan.

He never took a timid direction when he felt passionately that what he could do, with his organization behind him, would protect Michigan citizens, their health, their environment and their visual beauty. I think this is a very appropriate way of recognizing Mr. Washington and I hope all of my colleagues will support the bill.

Senator Stille's first statement is as follows:

Yesterday I gave a brief explanation of Senate Bill No. 876 and I'll repeat part of that today.

This is the bill that would rename the Natural Resources Trust Fund in honor and in memory of Thomas L. Washington, so this would make the Natural Resources Trust Fund known as the Thomas L. Washington Natural Resources Trust Fund. As you all know, Tom was the executive director of MUCC and dedicated a tremendous amount of his time, effort and energies to the objectives of MUCC and protecting the environment.

Senator Stille's second statement is as follows:

I think most of the Senators already beat me to part of my request at this time, which was to allow for co-sponsorship. I think 17 co-sponsored it and I would encourage those that did not co-sponsor initially to do so at this time. Also, as part of an announcement this morning, I have with me on the floor today, Heidi Washington, who is Tom's youngest daughter. Heidi has been an employee in my office since I came to the Senate. I know the family is incredibly grateful for this action of the Senate and looking forward to the passage of this bill in the House. I would like to speak on behalf of the family in thanking all of you in honoring Tom Washington, who was a real soloist on environmental issues and particularly in his life MUCC. I would like Heidi to stand and be recognized as a member of the family.

The following bill was read a third time:

House Bill No. 5066, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2104 (MCL 324.2104), as added by 1995 PA 60.

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. 63**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Stallings

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 891, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled “The Michigan liquor control act,” (MCL 436.1 to 436.58) by adding section 26d.

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. 64**Yeas—37**

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Steil
Cherry	Gougeon	Peters	Stille

Cisky
Conroy
DeBeaussaert
DeGrow

Hart
Hoffman
Jaye

Posthumus
Rogers
Schuette

Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 891

The motion prevailed.

By unanimous consent the Senate returned to the order of

General Orders

Senator DeGrow 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 Binsfeld, designated Senator Bouchard as Chairperson.

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

House Bill No. 4841, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending sections 12a and 22 (MCL 207.112a and 207.122), section 22 as amended by 1995 PA 52.

The following are the amendments recommended by the Committee of the Whole:

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

"Sec. 2. (1) A specific tax at a rate of cents per gallon determined under subsection (2) is imposed on all gasoline and diesel motor fuel sold or used in producing or generating power for propelling motor vehicles used upon the public roads and highways in this state. The tax shall be paid at those times, in the manner, and by those persons specified in this act. It is the intent of this act to impose a tax upon the owners and drivers of motor vehicles using an internal combustion type of engine upon the public roads and highways of this state by requiring them to pay for the privilege of using the public roads and highways of this state, in addition to the motor vehicle license tax.

(2) The tax rate imposed under subsection (1) is as follows:

(a) For the tax imposed on gasoline and diesel motor fuel before August 1, 1997, 15 cents.

(b) For the tax imposed on gasoline after July 31, 1997, 19 cents.

(c) For the tax imposed on diesel motor fuel after July 31, 1997 BUT BEFORE THE EFFECTIVE DATE OF THE 1998 AMENDATORY ACT THAT ADDED SUBDIVISION (D), 15 cents.

(D) FOR THE TAX IMPOSED ON DIESEL MOTOR FUEL ON AND AFTER THE EFFECTIVE DATE OF THE 1998 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, 19 CENTS.

(3) The state commissioner of revenue shall notify each supplier, wholesale distributor, and each retail dealer of gasoline in this state of the tax rate imposed under subsection (1) immediately after the tax rate is determined.”.

2. Amend page 2, line 7, after “of” by striking out “6” and inserting “10”.

3. Amend page 2, line 18, after “department” by striking out “6” and inserting “10”.

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

Resolutions

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

Senate Resolution No. 71

Senate Concurrent Resolution No. 52

Senate Resolution No. 112

The motion prevailed.

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

Senate Resolution No. 144

The resolution consent calendar was adopted.

Senators Dingell and Bennett offered the following resolution:

Senate Resolution No. 144.

A resolution honoring Shelley Looney of the United States Women’s Olympic Hockey Team.

Whereas, Shelley Looney is a native of Brownstown Township. Shelley scored the winning goal against the Canadian Women’s Hockey Team on Tuesday, February 17, 1998. This was the first Gold Medal ever awarded to the United States Women’s Olympic Hockey Team; and

Whereas, Shelley’s power-play goal came at 10:37 in the third period. Teammate Sharon Whyte got the insurance goal, scoring into an empty net after the Canadians pulled their goalie to put another forward on the ice. The final score was 3-1. During the Americans’ undefeated march toward the Gold Medal, Shelley scored four goals and had one assist, earning five points in six games; and

Whereas, A 1990 graduate of Carlson High School in Gibraltar, the 26-year-old is a forward who has played for six years on the U.S. National Team. A Carlson teacher, Sheree Donaldson, remembers Shelley as a determined student who once settled on a goal and did what was necessary to achieve it. Shelley graduated 58th out of 320 students; and

Whereas, It is with great respect and appreciation that we honor Shelley for the hard work and dedication she has displayed to her team and country; now, therefore, be it

Resolved by the Senate, That the highest praise and tribute be hereby accorded to Shelley Looney, the 1998 Gold Medal-Winning Goal Scorer of the United States Women’s Olympic Hockey Team; and be it further

Resolved, That a copy of this resolution be transmitted to Shelley Looney as evidence of our admiration and esteem. Senators Cherry and Conroy were named co-sponsors of the resolution.

Senators Hart, Dingell, Koivisto, Vaughn, Berryman, Conroy, Bennett and Young offered the following resolution:

Senate Resolution No. 143.

A resolution to urge the Governor to declare a state of disaster in the communities of Allen Park, Dearborn Heights, Inkster, Taylor, and Westland due to recent flooding.

Whereas, During the period of February 16-19, 1998, southeast Michigan suffered from heavy and damaging rains. Several Wayne County communities were especially hard hit. The storms, coupled with the saturated ground from our unusual winter, caused significant harm to hundreds of families and businesses. The extent of the damage is such that the communities cannot adequately respond to the serious needs of their residents; and

Whereas, Neighborhoods in the cities of Dearborn Heights, Allen Park, Inkster, Taylor, and Westland are suffering the effects of flooded basements, closed schools and businesses, cars damaged by flooded streets, and serious public health concerns. City and county officials have declared this a state of emergency and are seeking a state declaration to assist in cleanup efforts; and

Whereas, Under the provisions of the Emergency Management Act, 1976 PA 390, the Governor is responsible for coping with dangers to this state presented by disaster; now, therefore, be it

Resolved by the Senate, That we urge the Governor to declare a state of disaster in the communities of Allen Park, Dearborn Heights, Inkster, Taylor, and Westland due to recent flooding; and be it further

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

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

Introduction and Referral of Bills

Senator Gast introduced

Senate Bill No. 925, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Senator Gast introduced

Senate Bill No. 926, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 1999; and to provide for the expenditure of the appropriations.

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

Senator Gast introduced

Senate Bill No. 927, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Gast introduced

Senate Bill No. 928, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Senator Gast introduced

Senate Bill No. 929, 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, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Gast introduced

Senate Bill No. 930, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 1999; and to provide for the expenditures of the appropriations.

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

Senator Gast introduced

Senate Bill No. 931, 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, 1999; 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 bill was read a first and second time by title and referred to the Committee on Appropriations.

Senator Gast introduced

Senate Bill No. 932, 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, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Gast introduced

Senate Bill No. 933, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Senator Gast introduced

Senate Bill No. 934, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 935, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 936, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 937, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 938, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 1999; and to provide for the expenditure of the appropriations.

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

Senator Gast introduced

Senate Bill No. 939, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 1997 PA 142.

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

Senator Gast introduced

Senate Bill No. 940, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 1997 PA 142.

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

Senators Bullard, North, O'Brien, V. Smith, Hart, Steil, Dunaskiss, Bouchard, Rogers, Shugars and Jaye introduced

Senate Bill No. 941, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 41a, 226a, 248, 251, 801, and 807 (MCL 257.41a, 257.226a, 257.248, 257.251, 257.801, and 257.807), sections 41a, 248, 251, and 807 as amended by 1993 PA 300, section 226a as amended by 1996 PA 59, and section 801 as amended by 1997 PA 80.

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

House Bill No. 4173, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1a, 17j, 19, and 31 (MCL 38.1a, 38.17j, 38.19, and 38.31), section 1a as amended by 1995 PA 176, section 17j as amended by 1989 PA 9, section 19 as amended by 1996 PA 521, and section 31 as amended by 1991 PA 48, and by adding section 17m; and to repeal acts and parts of acts.

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

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

House Bill No. 5219, entitled

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 2 (MCL 287.892).

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

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Committee Reports

The Select Committee to Examine the Qualifications of Senator Stallings reported

Senate Resolution No. 134.

A resolution to expel Senator Henry E. Stallings II of the Third Senatorial District, State of Michigan.

(For text of resolution, see Senate Journal No. 8, p. 122.)

With the recommendation that the following amendment be adopted and that the resolution then be adopted:

1. Amend the seventh Whereas clause, page 2, line 2, after "which" by inserting "if true constitutes a felony involving a breach of the public trust and which".

The committee further submits its findings and recommendations in the attached.

Bill Bullard, Jr.

Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Hoffman, A. Smith, Peters and Koivisto

Nays: None

The resolution was placed on the order of Resolutions.

**Findings and Recommendations of
The Senate Select Committee
to Examine the Qualifications of
Senator Henry E. Stallings, II
February 24, 1998**

This Committee has been established by Senate Resolution 131 and charged with the responsibility to examine the qualifications of Senator Henry E. Stallings, II and to determine his fitness to continue holding the high office to which he was elected and further to report its findings and recommendations to the 1998 Legislature.

This Committee has been empowered by SR 131 to subpoena witnesses, administer oaths, and examine the books, records, and tapes of any person, partnership, association, or corporation, public or private, involved in the matter properly before the Committee, and may call upon the services and personnel of any agency of the state and its political subdivisions and may engage such assistance as it deems necessary.

Legal Authority:

The authority under which this Committee and Senate is properly charged to operate in this matter is as follows: Article IV, Section 16 of the Constitution of the State of Michigan which states:

“Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings. . . . Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered into the journal, with the votes and names of the members voting upon the question.”

Senate Rule 1.301 which states:

“Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.”

Senate Rule 1.308 which states:

“a) A Senator shall not convert for personal use, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan.”

Senate Rule 1.310 which states:

“ . . . A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled . . . ”

Summary of Select Committee Activities

The Committee was created Wednesday, February 4, 1998, by the adoption of SR 131 and held three public meetings in carefully discharging its duties under SR 131. The first meeting of the Committee was held on Wednesday, February 11, 1998, the second on Wednesday, February 18, 1998, and the third this 24th day of February, 1998. During the course of these three meetings the Committee has considered testimony and has examined the following pieces of evidence:

Exhibit 1: Certified Copy of Preliminary Examination proceedings of September 9, 1996; 36th District Court, Detroit, Michigan, in the matter of *The People of the State of Michigan v. Henry E. Stallings, II*, District Court No. 96-65024.

Exhibit 1A: Documents referenced in Exhibit 1, consisting of State of Michigan Personnel Files; office expense disbursements of Candidate Committee, sales records, Skywalk Gallery/One Stop Framing.

Note: Testimony and documents contained in Exhibits 1 and 1A relating to matters other than the employment of Stewart Watts were disregarded by the Committee.

Exhibit 2: Certified Copy of Plea Proceedings, Third Circuit Court, Detroit Michigan, dated January 26, 1998, in the matter of *The People of the State of Michigan v. Henry E. Stallings, II*, Recorder’s Court No. 96-6996.

Exhibit 3: Copy of video tape interview of Senator Henry E. Stallings, II with WKBD-TV, UPN 50, Southfield, Michigan.

Exhibit 4: Original video tape interview of Senator Henry E. Stallings, II, dated January 27, 1998, obtained pursuant to subpoena issued by the Committee to television station WKBD-TV, UPN 50, Southfield, Michigan.

Exhibit 5: Carbon Copy of Pretrial Settlement Offer and Notice of Acceptance, dated January 26, 1998, Case No. 96-6996.

Summary of Committee Findings:

Having studied the exhibits presented to the Committee and having considered the testimony given in this matter, the Committee does hereby find:

1. That Stewart Watts made judicial statements under oath that he was employed by Henry E. Stallings, II from January 1995 until the end of March 1995 as Chief of Staff and Liaison Director and that he worked exclusively for Senator Henry E. Stallings, II at the One Stop Art Gallery in the Millender Center in Detroit during this time period. Mr. Watts testified further that he did very little state work for Senator Henry E. Stallings, II and yet was paid exclusively by the State of Michigan without ever receiving any compensation from the art gallery.

2. That on January 26, 1998, in the Third Circuit Court for the County of Wayne, State of Michigan, Senator Henry E. Stallings, II of the Third Senatorial District of the State of Michigan tendered a guilty plea to a felony charge of obtaining property or money greater than \$100 under false pretenses with intent to defraud in violation of MCL 750.218, and punishable by imprisonment for up to 10 years, and/or a fine of up to \$5,000.00.

3. While tendering the guilty plea, Senator Henry E. Stallings, II made judicial admission under oath that on various occasions between January 21, 1995 and April 1, 1995, while he was a State Senator, he aided and abetted in a felony by allowing a Senate employee's improper receipt of compensation from the State of Michigan while the employee was working for his art gallery.

4. That during an interview with television station WKBD-TV, UPN 50, Southfield, Michigan, on January 27, 1998, Senator Henry E. Stallings, II admitted that:

"There were a number of occasions that he did some personal work for me. . . uh . . . [T]hat's wrong and I'm willing to admit to that."

5. That these findings constitute sufficient proof that:

- A. Senator Henry E. Stallings, II did in fact makes judicial statements under oath confirming that he committed acts which constitute a felony involving the breach of public trust;
- B. Senator Henry E. Stallings, II did in fact convert for personal and/or business use, unrelated to the Senate, staff provided by the State of Michigan in clear violation of Senate Rule 1.308; and
- C. Senator Henry E. Stallings, II did in fact fail to conduct himself in a manner which justifies the confidence placed in him by the people and failed, by personal example and admonition to colleagues, to maintain the integrity and responsibility of his office in violation of Senate Rule 1.301.

6. That the evidence establishing Senator Henry E. Stallings' commission of acts constituting a felony involving the breach of public trust and extensive violations of Senate Rules 1.301 and 1.308 is both overwhelming and uncontroverted.

7. That the citizenry's confidence in government is a prerequisite to the functioning of a democratic society and that the actions of Senator Henry E. Stallings, II call into question the integrity of the Senator and may seriously undermine the confidence and trust of the citizenry in the institutions of their government.

8. That these findings constitute sufficient basis to justify the expulsion of Senator Henry E. Stallings, II from the Michigan Senate pursuant to the Michigan Constitution and Senate Rule 1.310.

Committee Recommendations

Having carefully and thoughtfully deliberated thereon, the Committee does hereby agree this 24th day of February, 1998, to report Senate Resolution 134 to the full body of the Michigan Senate with a favorable recommendation that it be adopted by the body and that Senator Henry E. Stallings, II of the Third Senatorial District, be expelled from the Michigan Senate.

Senator Bill Bullard (Chair)
 Senator Joanne G. Emmons
 Senator Phil Hoffman

Senator Don Koivisto
 Senator Alma Wheeler Smith
 Senator Gary Peters

COMMITTEE ATTENDANCE REPORT

The Select Committee to Examine the Qualifications of Senator Stallings submits the following:

Meeting held on Tuesday, February 24, 1998, at 1:05 p.m., Room 100, Farnum Building

Present: Senators Bullard (C), Emmons, Hoffman, A. Smith, Peters and Koivisto

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Friday, February 20, 1998, at 10:00 a.m., 911 N. University, Michigan League-Vandenberg Room, University of Michigan, Ann Arbor, Michigan

Present: Senators Schwarz (C) and Cisky

Excused: Senator Koivisto

Scheduled Meetings

Higher Education Appropriations Subcommittee - Tuesday, March 17, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-3447).

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

Scheduled Meeting Changed

Higher Education Appropriations Subcommittee - Friday, March 13, at 10:00 a.m., Western Michigan University, Aviation Education Center Building, Room 1207, W. K. Kellogg Airport, 237 N. Helmer Road, Battle Creek (3-3447).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 11:29 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, February 26, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.