

**No. 41**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Tuesday, May 12, 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 not 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  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—present  
Young—present

Senator Dale L. Shugars of the 21st District offered the following invocation:

“Children, obey your parents in the Lord, for this is right. Honor your father and mother—which is the first commandment with a promise—that it may go well with you and that you may enjoy long life on earth.” – Ephesians 6:1-3

Lord, as we celebrated Mother’s Day this past Sunday, we would like to give thanks and honor to each one of our mothers for all they have done for us and all they have taught us. Let us remember those lessons and live by them today and every day. They have provided us with nurturing, security, and love—and for this we give honor to them. We thank You for providing us with such wonderful women in our lives and blessing us with our own personal angels. There is no more honorable position than to be a mother, and they deserve praise not only on Mother’s Day, but we need to give them thanks every day.

Senator Cisky entered the Senate Chamber.

### Motions and Communications

#### Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:04 a.m.

10:10 a.m.

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

During the recess, Senators O’Brien, V. Smith, Stille, Schwarz, Schuette, Bullard, Bouchard, Van Regenmorter, Dunaskiss, Gast, Hoffman, Bennett, Gougeon, McManus, Jaye, North, Rogers, Emmons and Steil entered the Senate Chamber.

A quorum of the Senate was present.

The following communication was received:

Office of Drug Control Policy

May 6, 1998

I am pleased to transmit the grant application from the Office of Drug Control Policy to the U.S. Department of Justice, Bureau of Justice Assistance under the Local Law Enforcement Block Grant Program to request \$100,000 for State and Local Training and Education Assistance.

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

Sincerely,  
Darnell Jackson  
Director

The communication was referred to the Secretary for record.

The following communication was received:

Office of the Auditor General

May 8, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Office of Financial Management, Department of Management and Budget.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Secretary for record.

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending March 31, 1998:

Senator Michael Bouchard	February 28-March 1	National Conference of Insurance Legislators	\$372.15
		Washington, DC	

Senator Joe Conroy	January 22-25	Institute for State Policy Studies Conference Phoenix, AZ	\$268.00
	February 13-15	Federal Department of Education officials on Class Size and other Education Issues Washington, DC	\$519.34
Senator Christopher Dingell	March 5-8	National Conference of Commissioners on Uniform State Laws Baltimore, MD	\$723.97
Senator Joanne Emmons	February 27-March 2	NCSL Child Support Task Force Washington, DC	\$409.51
Senator Dick Posthumus	February 5	NCSL Leader to Leader Washington, DC	\$721.00

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 7:

**House Bill Nos. 4257 5638 5659 5662**

The Secretary announced the printing and placement in the members' files on Thursday, May 7 of:

**Senate Bill Nos. 1100 1101 1102 1103 1104 1109 1110 1111 1112**

**House Bill Nos. 5819 5820 5821 5822 5823 5824 5825**

The Secretary announced the printing and placement in the members' files on Friday, May 8 of:

**Senate Bill Nos. 1106 1107 1108 1113 1114 1115 1116 1117**

**House Bill Nos. 5826 5827 5828 5829 5830**

The Secretary announced the printing and placement in the members' files on Monday, May 11 of:

**Senate Bill Nos. 1121 1122 1124 1125 1126**

Senators Young and Cherry entered the Senate Chamber.

### Messages from the House

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

**Senate Bill No. 200**

**Senate Bill No. 97**

**House Bill No. 4289**

**Senate Bill No. 38**

**Senate Bill No. 752**

**Senate Bill No. 386**

The motion prevailed.

Senators Geake and Posthumus entered the Senate Chamber.

### Senate Bill No. 700, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16174 and 16221 (MCL 333.16174 and 333.16221), section 16174 as amended by 1993 PA 80 and section 16221 as amended by 1996 PA 594.

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. 801, entitled**

A bill to amend 1956 PA 205, entitled "An act to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act," by amending sections 1, 2, 4, 4a, 5, 6, and 9 (MCL 722.711, 722.712, 722.714, 722.714a, 722.715, 722.716, and 722.719), section 1 as amended by 1986 PA 107, sections 4 and 6 as amended by 1996 PA 308, section 4a as added by 1994 PA 388, section 5 as amended by 1989 PA 258, and section 9 as amended by 1996 PA 18, and by adding section 6a.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

**Senate Bill No. 804, entitled**

A bill to amend 1971 PA 174, entitled "An act to create the office of child support; and to prescribe certain powers and duties of the office, certain public agencies, and certain employers and former employers," by amending the title and sections 1, 2, 3, 3a, 4, and 5 (MCL 400.231, 400.232, 400.233, 400.233a, 400.234, and 400.235), the title and sections 1, 2, 3, and 5 as amended by 1985 PA 209 and section 3a as amended by 1996 PA 3, and by adding sections 4a, 4b, and 4c.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-2).

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

**Third Reading of Bills**

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

**Senate Bill No. 256**

**Senate Joint Resolution A**

**House Bill No. 5250**

**House Bill No. 5251**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 610, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

The question being on the passage of the bill,

Senator A. Smith offered the following amendment:

1. Amend page 3, line 6, after "BY" by striking out the balance of the line through "ADMINISTRATIVE" on line 7 and inserting "A STATE".

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

Senator A. Smith requested the yeas and nays.

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

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

**Roll Call No. 282****Yeas—35**

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

**Nays—1**

Stille

**Excused—0**

**Not Voting—1**

Koivisto

In The Chair: President

Senator V. Smith moved that rule 3.505 be suspended to allow Senator O'Brien to vote "yea" on the adoption of the amendment offered by Senator A. Smith to the following bill:

**Senate Bill No. 610**

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

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

The question being on the passage of the bill,

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

**Roll Call No. 283**

**Yeas—21**

Bennett	Emmons	McManus	Schuette
Bouchard	Gast	Miller	Shugars
Bullard	Geake	North	Steil
DeBeaussaert	Gougeon	Posthumus	Stille
DeGrow	Jaye	Rogers	Van Regenmorter
Dunaskiss			

**Nays—16**

Berryman	Conroy	Koivisto	Smith, A.
Byrum	Dingell	O'Brien	Smith, V.
Cherry	Hart	Peters	Vaughn
Cisky	Hoffman	Schwarz	Young

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protests**

Senators A. Smith, Berryman, Conroy, Young and V. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 610.

Senator A. Smith's statement, in which Senator Berryman concurred, is as follows:

I voted "no" on Senate Bill No. 610 because the greatest beneficiaries of affirmative action in the state of Michigan and in the United States have been women. Of that group who has most greatly benefitted from affirmative action are those women who have been white. When 50 percent of the contracts that are available from the state of Michigan are awarded to women then I think we can say we no longer need an affirmative action program because that is the number

we represent in the state's population. When 18 percent of the contracts are awarded to African Americans and other minorities, then maybe we have reached a level where we can say affirmative action is no longer needed. When the Supreme Court outlawed affirmative action in contracting with states a few years ago, they said, however, affirmative action programs would be appropriate if there is a compelling state interest. Is there a compelling state interest to assure that opportunity to perform work under contract with the state should be available to women and minority-owned businesses? I believe there is such a compelling interest. Is it a compelling interest for the state to assure that women and minorities have an opportunity to work in companies that contract with the state in numbers that reflect their population base in the area? I believe it is a compelling state interest. If you think that it is a compelling state interest to assure equality of opportunity, then we need a mechanism in place to plan for and to enforce that opportunity. We need an affirmative action program in the state of Michigan.

What you need to do today, those of you who voted "yes," is remember that when you go home and you look at your wives and your daughters, you get to tell them, "Hey babe, today I eliminated your opportunity to compete on equal footing in the contracting of state business with any company that you might decide to establish." Do not expect minorities and women to view your big tent as one that includes them. You do not include them politically, and you certainly today have demonstrated that you do not include them in the economic fabric of the state.

Senators Conroy, Young and V. Smith moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Conroy's statement is as follows:

Well, I haven't really gone through this bill line by line, but I look back as a contractor, a general contractor in this state and a real estate broker, and policy did get adopted by our local units of government and, indeed, by the state that would enhance the ability for minority people to participate in construction and other kinds of services that municipalities provide. I can see the faces of some, at that time it was 20 years ago, primarily black men who were applying for construction projects, road projects, curbing, gutters. Usually it was the smallest piece of a larger project, and it seemed to me that was at least one way of making winners out of people who hadn't a fair amount of success in the American dream. Indeed, some of those people now are in my age range, and I'm not as cognizant today as I was then of that problem, but it seems to me with the lagging success that we've had in our school system that we still have a problem of minorities migrating upwards in this society.

Instead of prohibiting these kinds of contracts, it seems to me we ought to have a plan. How are we going to get out of the morass that we have in our central cities? And those central cities are from Benton Harbor to Detroit to Flint to Battle Creek, from Muskegon—indeed a city in the sponsor's district, to Inkster. How are we going to get out of the problem we have where we have a fair amount of failure, a fair amount of people who have not been able to get connected into the system? It seems we ought to have a plan to attack the problem and then, say 20 or 25 years from now, do maybe what this bill purports to do. But you would think we would have to attain success in lifting up women and minorities into successful positions before we make that commitment to prohibit these kinds of action plans. I just don't quite understand it unless the sponsor of the bill is claiming victory in Muskegon, Michigan, which I visited recently, and I didn't see all that much success. I didn't even see it on the waterfront.

So it just seems to me that we ought to focus in on education, focus in on training, focus in on those kinds of abilities that are needed to succeed in life. When somebody comes to my office, I ask them how good of a writer they are. Now, I don't just ask them that. I also test them to see how they do, and a lot of people don't pass that test. So I've got no problem with people taking tests to qualify for jobs, but we should be paving the way to make it easier for people to succeed, to pass these tests, to do better, to become higher qualified people.

The Senator from the 2nd District grew up in a home where his father was an entrepreneur. He ran a business all of his adult life, and the Senator from the 2nd District had an advantage of education and parents who imbued him with what they thought should be his future. I thought he did a marvelous job in speaking about this issue and one of the best speeches I've ever heard on this Senate floor. I appreciate the background he brings to that. Some of us have tried to enlighten ourselves as we wended our way through this life and haven't done as well at it.

But it just seems to me that instead of prohibiting, which I guess may sound good in Ottawa County or in some other community, it would be better if we attacked it as a problem and try to fix it, and then at some stated time later say, "How are we doing? Is this needed anymore? Do we need to spend our resources on this any more? Have we brought this group of people up to a competitive nature? Are, indeed, they equal?" Or are we going, as the sponsor says, just have everybody equal. This will make everybody equal. This doesn't make everybody equal—the prohibition of this law. This simply says that everybody can then bid on a project. We know what that's like, and we know what happened before. You can all look at the various places you visit to see the kind of participation that is in the workplace, in our university system. When I go to Michigan State and to University of Michigan football games, I see African American players on the football field, and I don't see any of them, hardly, in the management of that university, or in half-time activities, I don't see any of them in the press box. So for us to just assume that this problem is solved is ludicrous on its face.

I shouldn't say just minorities because if you go to a basketball game and you see 70 people lined up on the front row there in the press deck, there aren't any women either.

So I think we ought to be a little bit more serious about what we do. We ought to be looking at our staffs. We ought to look at our policies. We ought to look at our attitudes and work on that in developing goals that we can uplift this community so it can be more productive, so it can indeed be like Ottawa County. But a part of that is we have to know how to read. We have to know how to compute, and we have to have an equal start. Maybe that start has got to be complemented or supplemented in the process.

I hope we're not thinking that everybody's equal when some children come to that schoolhouse door in the kindergarten and don't know how to spell their first name, don't know how to spell their last name, can't sound out letters, and it takes them another six or eight months longer to get on tune with the kids who are there. This story shouldn't be the story of just Senators' children. This story ought to be the story of that mother whose husband went west on her, who doesn't have the resources to provide, doesn't even know where the library is, and where things are not going to get better unless things change at an early age.

So I'm disappointed in the passage or even the presentment of this bill without at least some kind of stated purpose for fixing the problem that at least some of us know about. When people are sitting on the front porch in the summertime because they don't have work, there is a problem. There is a problem in this state and in these cities and in this country. I think we need to do something about that, so let's set some goals. Let's get a plan together. Just like the road is being fixed, let's fix our people. We'll all be better off.

Senator V. Smith's statement is as follows:

I wish this hadn't been the first bill of the day. I apologize to the body; I arise to oppose this bill, but my thoughts are still a little rattled. I saw another tragedy on our highways today on the way to work, and I guess, it's still affecting me.

I think this is the first bill of many that we will see in this body attacking the issue of affirmative action.

I understand why the majority in this country doesn't understand affirmative action—because they aren't affected by it. They don't have to understand affirmative action. Affirmative action, what is it? It's a concept that came into place to try to redress historical grievances against blacks in America. The ideal of affirmative action has expanded because there were others in this country who also felt historical discrimination—women being one, and of course, there was always proof of that because women were excluded from voting in this country, just like blacks were when this country was formed. When America was formed in 1776 and did its Declaration of Independence, and wrote it's Constitution, women and blacks and other minorities were excluded. The only people who were allowed to vote were white males, and you might even had to have been a propertied white male (I'm not sure), but I know our historical concept of democracy as it started out in America was very limited.

One of the good things about this country is the elasticity of America. America's Constitution is not a document that is not allowed to grow. It is a document that has been allowed to evolve.

I know this is not a bill that is very important to most of you, but to me it is very important, and I would appreciate just a little bit of your time this morning to discuss this issue. This is just the first of many bills and constitutional amendments that some of my colleagues would put forth so that we could continue to debate on race in America. Affirmative action revolves around the idea of race in America. The beauty of America is the evolution of its Constitution and the fact that in the evolution of the Constitution, we have evolved from the beginning of this country, which has historically excluded people, to a point where we recognize that for America to be strong, America must include all of its citizens. For America to be strong, America must give equal rights to its women and to its minorities, and I do think that this is part of the strength of this country. I think it holds the promise for the entire world. This country has been blessed in many ways, and with those blessings come responsibility. We can have a blind eye to the responsibility of this country, and we can continue to allow rule only by majority without any recognition of minorities and those who do not make up the majority. But, I think, with that limited narrow view, we will not fulfill America's promise.

If you want to look at a country that wanted to promote racial superiority, you have no further to look in history than Nazi Germany. We were in a historic battle with Nazi Germany, and we were in that battle for a reason. We were trying to preserve this world and preserve it in a way that which recognizes the uniqueness of all of the individuals that make it up. Should any group through gender or race, because of their gender, race, or religion be allowed to predominate, and if so, what type of world would we end up with? That has never been the promise of this country. It has never been the purpose of this country, but at least in terms of the evolution of this country, I think that we have grown beyond accepting discrimination as an integral part of America's fabric.

Now, anytime you come to the issue of race, and race is a pivotal issue in this country, at least from my perspective, being a black American race is pivotal because the history of what blacks have endured in America. Fifty years ago I would not have been on this floor, and no one that looked like me would have been on this floor with the honor of being able to address you and discuss any issue.

I have prayed over this moment here. I have prayed that God would give me the ability to try to get you to have an understanding of what it is to be a minority in America. And I have prayed that He would give me the strength to try

to give me the words so that you could understand as best as I could explain it to you or other of my colleagues on this floor, and I'm quite sure that I'm not the only one, to try to talk about the question of race in America. I understand where the good Senator is coming from, and there is nothing wrong with this debate, Senator. There really isn't, and maybe it's a good thing. I understand that my viewpoint is not the only viewpoint that carries the day on such a momentous issue as race, and the bills that you put forth are bills that probably the majority of Michigianians may very well be able to support because on the race norming issue, the federal government already has outlawed race norming, and I'm told that is a practice that is not conductive within the universities of this state—that may be true or that may not be true. On this particular bill which says that affirmative action plans are no longer necessary unless there is a specific act of discrimination that can be shown through administrative act or court act, I can understand these are put in a way where they are the first ones on the table to deal with this issue, so they're put out there in a way that is not very alarming so as not to raise concern. But my concern, Senator, is like everything else—as you open the door a little bit, the door becomes open wider and wider. The discussion of race in America needs to take place because a lot of white Americans feel that blacks are equal or at least have had affirmative action over the last 30 years, and therefore, it's not necessary anymore. I would beg to differ. And I would beg to differ because discrimination in this country against blacks runs very deep and has very strong roots. And, if you want to take the position that affirmative action is no longer necessary, then you must be saying that there is no further discrimination in this country and there is no reason to try to address historical discrimination.

From 1776 at the start of this country, until 1863 or 1865, when Abraham Lincoln issued his Emancipation Proclamation, slavery was legal. Now what is slavery? To most of us this is something that happened way in the past, and "I didn't do it." So why do I have to think about it? I know you don't want to think about it. Thinking about others besides yourself is not an easy thing to do. Most people only think about themselves; they think about their families, and they think about what's close to them. They don't want to think about negative things because negative things mean there's a problem, and you have to come up with some sort of conclusion to try to address the problem even if you feel it is a problem. Many people in this country feel that blacks should be discriminated against. Many people in this country feel that they do not associate with blacks. If the whole pattern of how our cities have developed, of how our suburbs have developed has all emanated around the concept of having that sense of security for a family and maybe since the thought of being around blacks would be dangerous, or the thought of being around blacks would somehow detract from your family because of how we have been shown in this country.

How do you bring to bear, how do you bring to someone's mindset a historical discrimination where they might be able to understand it? Is it the character of a black woman with a babushka, smiling red lips, and that big happy grin on her face, like is on the Allegra syrup bottle—you know, the happy mama figure whose only purpose in life was to raise other people's children besides her own? Who was supposed to represent that happy face of black people enjoying discrimination and prejudice and discrimination? If you could have some of the feelings that I've had, as I think about race and think about discrimination and think about just where my family has come from. I watched—and I'm a relatively young man, I watched how as blacks were drawn out of the South after the Civil War and as the industrial North began to grow, they needed more workers, and we were finally attracted up here. We were still forced to live in ghetto-ized areas; we weren't allowed to go into white areas; I remember that myself. I remember growing up in my neighborhood where I was not allowed to go on the other side of Seven-mile. Now Seven-mile is an area that is maybe four blocks from my house from where I was born and raised up. Seven-mile was the dividing line when I was growing up. Pershing High School was about 70 percent white—I went to Pershing. It was about 30 percent black, and the blacks lived over on the south side of Seven-mile, and the whites lived north of Seven-mile. That was the dividing line where I grew up. But I'm quite sure that most of you, when you think about it, there was a dividing line in your community, too. You can probably remember where it was, and you can probably remember why it was there. Why have we been divided? Well, we have historically been divided. Black people have been painted in the worse ways in this country. We have had characters about us, the happy Negro enjoying his enslavement, happy to serve his master, happy to be "yes, sirs." Slavery was a degrading thing. After having being kidnaped from your own country, to have had to go across the Atlantic Ocean cramped into these little itty-bitty boats where if you got sick, if you became a problem, they threw you overboard. In the slave trade the numbers that I hear are absolutely astounding. Ten million Africans died in the Middle Passage, and so maybe half of them, perhaps 60 or 70 percent of them, did not make it. They were thrown overboard in the Atlantic, so the sharks could eat them. There were some, in order to escape slavery, would jump overboard because they did not want to live a life of enslavement. That practice went on this country, and it was an accepted practice.

This past weekend in Ann Arbor, we had vestiges of that same slavery mentality marching in the streets of Ann Arbor. In 1998 we are at the turn of the century, and we still have people walking around with white robes on their heads, with little pointy hats, with masks over their faces—they have to hide their faces, and their entire purpose is to discriminate against blacks. I guess they also throw in Jews and Christians. Apparently, their entire purpose was to intimidate blacks and help perpetuate the lunacy of slavery in this country. It was like a police force. It was part of the police force of this country. The Ku Klux Klan—they work with law enforcement; they were members of law enforcement; they had the same badge and authority of law enforcement. Can you imagine police officers standing by



your home as a mob descends on your house, breaks into your home, pillages and rapes every member of your family, steals everything out of your house, burns it down, and the police officers are standing there watching all of this go on? They don't try to stop anybody. In fact, they might even join in.

What kind of country is that? Is that the type of country we really want to express ourselves as Americans? I know that the good Senator is going to say, "Well, Virgil, I'm not talking about all of that." But Senator, yes, you are. If you want to bring up race in this country, then let's bring it up. Let's talk about it. If you want to say that there is no discrimination in this country and the historical discrimination in this country is passed, then let's debate it. I don't think that is the case; not when the Ku Klux Klan in 1998 is still marching in Ann Arbor, organizing in Ohio, and in the 1930's took over the state of Indiana. The Mississippi Sovereignty Commission has recently been forced to release their files. What is the Mississippi Sovereignty Commission? It is a commission started under the authority of the state of Mississippi funded with public dollars to perpetuate segregation because they felt segregation was the way that America should function, and they were willing to spend their tax dollars to protect that institution. What did the Sovereignty Commission do? They operated up until 1969, with public dollars, to harass, intimidate, even murder, or kill anyone who opposed the official policy of segregation for the state of Mississippi. The Governor at the time actively said—he didn't bite his tongue about what he felt; his argument was: What's wrong? Why, segregation is the way America should be. It should be separation of the races in this country—and that's the way we should function.

Well, maybe so. Maybe that is the way America is going to function, and maybe that will continue to be the future of America. I would only ask that you really think hard about this step. I don't think discrimination is ended, Senator, and I would hope that the idea of affirmative action would be one that America would tolerate for sometime into the future so that we can get closer to a country that recognizes the uniqueness of every individual within it. A hundred or three hundred years or four hundred years that slave trade went on, every civilized country in this world began to recognize that they could not build their foundation off of the degradation that slavery brought on, and they began to exclude it and eliminate it. But America held on. Even when we stopped participating in the slave trade, even when our military was finally at the point where they would stop slave ships and not allow those slave ships to come on our shore, we still tolerated the idea that separate, but unequal, is the law of the land, and that went on all the way up until 1954. From 1863 to 1954, another 101 years after slavery ended, we still tolerated the idea that the races could not live together—that they needed to be separated and the discrimination that came with it.

Blacks have not only been discriminated against in this country, they have been discriminated in every country in the world; even my brothers and sisters in Canada, who allowed blacks to come into their country to escape slavery in 1911, got tired of it. Even the blacks they allowed to come in, they felt the only thing that blacks could do when they came into Canada was work in manual labor. Even though they were allowed to come into Canada, they were still discriminated against and excluded from most aspects of society. That has been the case with race in America. We have been excluded—and why? Why is the question.

If you just look at the historical context, the time lines that were involved. Four hundred years of slavery, 101 years of segregation, and only four years of laws that outlaw segregation in this country. It was not outlawed by legislatures, like this body. Bodies that survive on public opinion would never have the strength to end segregation in this country because the public would not allow it. Any Senator in the U.S. Senate or any Congressman, white Congressman or white Senator who would have pushed segregation in the U.S. Congress would have been defeated in 1954 if they would have pushed that idea and if they represented a predominately white constituency. There are a lot of good people in this country, but unfortunately, they did not represent a majority. Even in 1954, the courts, because of the facts that were put in front of them, felt they had to react and respond in a way to change the direction of America. Earl Warren was not a friend of blacks. When Earl Warren first went to the U.S. Supreme Court, he was like most people. He accepted the idea of discrimination and prejudice. Only through his own experiences on that Court did he evolve and change. Earl Warren, appointed by a Republican president, and Republicans were different back then. Republicans, the party that ended slavery in America, who understood the need to have everyone on an equal footing in America—that's the history of the Republican Party, and it's a proud history. Blacks were loyal to the Republican Party up until the late 1930s and 1940s because your party at least understood our pain and understood that America could not base its future on segregation, discrimination, and slavery.

So after 400 years of slavery, 101 years of segregation in this country, and only 40 years, 1954-1998, 44 years ago, we began to evolve into a society that would not tolerate discrimination. It didn't occur overnight; it didn't occur all at once. It was a slow evolutionary process, and many people in this country would not accept it, and some in this country still will not accept it.

The only thing I can say to you is do not play to the lowest factor of America. The future of this country is too important for you to play to the lowest factor of America. You can play the race car; you can continue to play the race car, but you will not strengthen America by doing it, and you will not point America to its future. You will point it to its past, and its past is destructive, and if you follow that destructive path, then one day you may reap its true direction.

That's what this bill is about—the direction and flow in which this country will take into the future. That's what this bill is about. Senator, I'm saying to you that discrimination still exists. I'm saying to you that the vestiges of slavery and segregation are still heavy on the minds and hearts of America, and I'm saying to you that even though we've had

40 years of where the law has said separate but unequal is not equal; we didn't get affirmative action until 1961, when President John Kennedy issued his Executive Order. That only applied to the federal government; it did not apply to the 50 states—that had to evolve, as had the discrimination that existed in this country and every public accommodation had to slowly evolve where discrimination was stamped out under the color of law—under the protection of law, under the protection of government.

Even as a concept, affirmative action was not directly only attributable to blacks in this country. As the concept of affirmative action came in, there were many who were able to take advantage of it than we were—women, for one example. There have been more women that have been moved into the board rooms in the mainstream of America because of affirmative action than there will ever be in terms of blacks in this country. It was a tool that other minorities were able to use to move to their own fulfillment. Those who are handicapped in this country also recognized the value of that, too, because handicapped people have also been discriminated against in America. They were able to force accommodations in how public buildings were built. They were able to force accommodations as to how official public doctrine affected handicapped people, so they would not be discriminated against in America. We are still evolving, and we will continue to evolve. I believe that America still needs to be sensitive to bringing in blacks, women, and handicapped into the full mainstream of this country. There still is the need for affirmative action in order to accomplish that purpose.

The concept of affirmative action was not to give a leg-up for minorities—it was to give an equal footing to minorities, and even with that it was not equal footing, but at least it was a start. This is not the time to begin to roll back America's full participation by bringing all people in this country up to full, equal and political rights in this country and in this state.

Well, I guess I can say that the Creator didn't bless me today and didn't give me the words that I needed to try to bring a better understanding of race in America. I will only pray that He will do better by me in the future. I would hope that on Senate Bill No. 610 that this bill would be sent back to committee. I'm not going to make that motion; I will only vote against this bill. I would hope that some of my colleagues on the other side of the aisle, who are in the party of Lincoln, who are in the party of the President who had the foresight and tenacity to issue the Emancipation Proclamation and end historical discrimination in this country, who understood when he did it, that he may very well tear apart and create what did, indeed, occur, which was the Civil War in this country. I would only hope that you would give this concept and this idea more time for work. I would only hope that you would not go down this path today of ending affirmative action. I know my colleagues on the other side of the aisle have many eloquent arguments as to why discrimination no longer exists and as to why there is no further need for affirmative action. I'm telling you that he's wrong. He is wrong, and most of you if you look into your hearts, if you think about where you live, if you think about your neighbors and your communities, you will know that discrimination is alive and well in Michigan as well as it is in this great land. Instead of putting policies on this floor that lead us to the past, that you might put policies on this floor which lead us to its future. That's the future and the view that I hope this country has, and that, I think, is a future that holds some promise. The world is changing. American is changing. America can best relate to the world through the peoples of the world that live in this country. We are a melting pot of people in this country. We have Hungarians, Poles, we have Ethiopians, we have Nigerians, we have Chaldeans, we have Yemeni's, we have Arabs and Jews, we have Catholics and Protestants. This country is made up like the world. It is not a homogenous society, like Japan, where everyone that lives in it is Japanese.

It's easy for the Japanese because they are all, in their viewpoint, family. But what the Japanese don't realize is I am as much their brother as you are.

Until we in this world and in this country realize that we are our brother's keeper, that we all need to make sure that as a people we move together rather than continue to divide and fight among one another and continue to tear down, we will be, in my view, lost. We will still be wandering in the wilderness looking for a place to go and looking for proper direction.

Senator Young's statement is as follows:

In listening to the discussion with regards to this piece of legislation, and I myself having a few concerns about the direction in which it's going because it's not only a step backwards, but what we're really talking about here is we're not even talking about monitoring, reviewing, or regarding plans. We're not even talking about measuring whether or not we, in fact, are providing the types of policies which provide for everyone to participate in a society. As I hear some of the comments, some of the thoughts, and some of those who are acting like they are not paying attention due to the fact that they want to play it down, and act like it's not that important. It keeps coming back, over and over and over, that we're only talking about it from a political prospective. We're not talking about it from an education prospective. We're not talking about it from a perspective of allowing everyone the opportunity to participate because it makes us better. We're saying that, yes, everyone's involved, but only a few, in fact, are going to be prepared to contribute to a system that is supposed to be for each and every one. The only way to begin to measure that is to begin to look at, by way of the eyes of monitoring or requiring information, so that we can actually, in fact, see if we're performance-based policymakers. I realize, in fact, that hasn't been the goal around here. We seem to have just entered

into a pre term-limit Legislature in which we're just going to, quite frankly, do something anytime we get ready regardless of what the impact may be, because no one will know what is going on. That, in fact, what we're going to be doing is just become a Mr. and Mrs. Fix-it Legislature, because we won't be looking at how we're repairing the finger at the expense of breaking the whole arm.

In fact, that's what's taking place here. Now, I think all of us have some personal experiences about which we can share, and I'm no different. I'll start by saying that fortunately enough I came out of a household where both my mom and dad were high achievers. They, in fact, expected us to be high achievers. At the same time, they said that we had to be fair and there had to be principles by which we ran our lives. It was very quickly that I was thrown into a school situation and out in life that I would come back home and say, "They're not playing fair. They, in fact, are not playing fair, so dad and mom why am I being asked to be fair?" I was told over and over that because someone is ignorant and because someone is stupid, that you don't emulate that behavior. You don't act like them, and if you ever get the ability to reach a position in which you can help, you certainly don't act like them, just because it's your turn and what they did to you when it was their turn. I would take all that in, and of course, it was still a long way from home to school as all of these things came up that I would have to deal with because I knew that when I went back home, my parents were asking that question: Have I been fair? Did I share? Did I care?

So then, of course, my life went on, and I became somewhat successful in sports. I wanted to be a baseball pitcher. Even though I averaged 13 to 14 strike outs a game in the eighth grade, by the time I reached ninth grade and high school, I was told I could only be a second baseman or a center fielder. Now as a youngster, that broke my heart. Do I cry over that now? No, but I say that to say this: It's fortunate enough but a generation later I have a son who pitches for U of M. Yes, we're very proud of him, but I think he would have been very proud of his own family as people ask him who in his family is a pitcher? How did he become a pitcher? if he was able to say, "My dad was a pitcher as well."

Why do we have to wait so many years later? It wasn't, in fact, that I wouldn't contribute to the team, that they would have won more because I was a top pitcher. But, in fact, it came down to strictly and simply who I was and what color I was. So, of course, having the support from home, and my parents saying to me, "Well, now, why do you think that happened?" I was always taught I was as good, if not better, than anybody who walks the face of the earth, and I do believe that. But why do you believe that, in fact, happened? So I got to Michigan State, and that second big thing I remember is I had to do a major report. I heard the name of President Abraham Lincoln. Well, quite frankly, when I was growing up, he was not a hero in my house, and I don't know anybody who hasn't distorted history who thinks he was a hero. Because, in fact, at the same time he was contemplating the Emancipation Proclamation, he was also building ships to send Black people back to Africa after, in fact, he had used them to win the Civil War. Now those are the facts. So by the time I got to Michigan State having already known that, of course, I wrote my paper on Abraham Lincoln. Well, this was a very good paper that I wrote. The reason I say that is because I took it to other writers who were paid lots of money to review it, because I wanted to make sure it was right. I got used to the fact that I was going to be ignored for what I believed in, and I would be nit picked at grammar, sentence structure, tried to be embarrassed so that no one, in fact, would listen to what the experience was. Well, after intervening myself, that professor thought it was great of him to take that paper from a 0.0 to a 3.5. Now at the time at Michigan State, it was a 4.5 system. Was that enough? Oh, no, no! because I knew it was a 4.5 paper. So I went back to get my 4.5. Again, though, why does it take all that time to intervene? Again, in another situation, where nobody was asking anything other than what they were due. That's all. Either it was an excellent paper or it wasn't. Either it was well written or it wasn't. It had nothing to do with whether or not you didn't want people to believe, in fact, how different ways history is recorded and how it's fed to people. How they, in fact, grow up ignorant if they don't know all the angles, and at the same time, come to believe in something that they don't know anything else about. So they're either ignorant or stupid.

Again, those are recorded things at which someone can look. I say again, why so long before, in fact, it's corrected? It's an addition, an enhancement, an improvement, and it makes the whole total system better. But no again, simply because of who you are, what your color is, whether you have one leg missing, whether you can't see out of both eyes, whether you're too short, whether you're too fat, whether someone thinks you're a midget, or whether someone thinks you're a Watusi. Those are the ridiculous, ignorant, stupid decisions we want to make that are going to cost our children, grandchildren, and great-grandchildren who, in fact, are going to be living in a world of color very soon. So, what are we saying to them then, because it was done to you then, as soon as you get the ability to be in control, then you do the same thing to others that was done to you. Ignorant, stupid. But again I say to you, how else do we measure all of this, other than looking at the gathering of the information to make sure that we are performance-based policy makers? What we do here, in fact, positively impacts the residents of the state of Michigan not negatively. But do we really care about that? No. We've come to the floor with something that looks like it's for the greater of the whole when, in fact, I remember being here 20 years ago when we had to fight hard just to get some language that I didn't think meant anything as a young man in a bill which spoke to affirmative action. When, in fact, if anybody had the courage around here, you'd change it to a fair action plan and make sure that every resident who wants to participate in a contract in the state of Michigan would be given that level playing field and the services that provide it. People participating. Maybe then we'd reach more of a situation where people can enjoy all of the benefits here in the state of

Michigan. But no, we want to set us way back, and say not only don't we want to make sure there aren't affirmative action programs, but we don't even want to see whether or not anybody's going to do one on their own. We don't even want to look at the best and model it throughout the whole state to assist everyone. What we want to say is that we know, in fact, we have illegally discriminated against people here in the state of Michigan, and we no longer want to be on record, because somebody may be smart enough to do the research, go to the library, talk to the census bureau, and find out that you're talking out of both sides of your mouth, your nose, your ears, and your toes.

You know, the other message that we're sending, which I think is very, very incorrect, is that we're also saying to young people that you don't have to work within the system. We want anger, and we want frustration. We want all of this to take place because, after all, don't worry, it's only going to take us a little lag time to build some more prisons. So when you go to school, when you do everything you're supposed to do, you work hard, you involve yourself, you're structured, you don't get in trouble, you go to college for 12-16 years, you come out. Everything that your parents tried to instill in you for you to contribute to a system you, in fact, believe in, and you knock on that first door, and you find out that what your friends have been telling you, who haven't gone to college, who always stayed in trouble, who didn't do anything worthwhile, that you aren't going to get anywhere. How do you think that young person feels? And if that young person has any sense, I believe, they would, in fact, have what I call an angry action plan. That is, that they want to make sure that they get a piece of the pie, and the only thing we're teaching is that they will do it in any way that they can, and I say that does not help us in the system. To me that's what we're talking about. We're talking about not even having the fortitude to laundry list, and make sure that people who are using, by the way, other people's money should, in fact, be using that money in a way that benefits everyone that they take it from. You can say what you want to say about all kinds of folks, but there are a lot poor people who pay taxes too whose money you take, and then you don't allow them to participate in the system. But on the other hand, there are a lot of rich people who don't pay any taxes, and you allow them to have a hand in the system. Don't you think young people, and the thing about it that gets me is that it does not matter what color, because it's all beginning to hit home. One thing about this country, and I guess maybe that's why the pin in the bubble has always worked, is that we always have a pendulum that goes too far to the right, or one that goes too far to the left, but we never have one that balances and provides a level playing field for people to know what the actual game in town is. So, if we are bent on establishing a society by which only a few are prepared to run that society, then believe me the future is in trouble. Because as I have mentioned, the world is going to be about two-thirds colored very, very soon. I would think that we would be better off in creaming, allowing everyone who has the ability to participate, and make this system better, rather than continuing to have whoever is on top discriminate those on the bottom. I, quite frankly, would hope that this legislation would just see a big dust bunny. I don't mind if you want to look at it and make yourself happy, but I wish it would die. I hope you do not pass the legislation.

The following bill was read a third time:

**Senate Bill No. 615, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 202 and 203 (MCL 37.2202 and 37.2203), section 202 as amended by 1991 PA 11.

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. 284**

**Yeas—23**

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	Miller	Shugars
Bullard	Gast	North	Steil
Cisky	Geake	Posthumus	Stille
DeBeaussaert	Gougeon	Rogers	Van Regenmorter
DeGrow	Jaye	Schuette	

**Nays—14**

Berryman	Dingell	O'Brien	Smith, V.
Byrum	Hart	Peters	Vaughn
Cherry	Hoffman	Smith, A.	Young
Conroy	Koivisto		

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

### **Protests**

Senators A. Smith, Berryman, Peters and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 615.

Senator A. Smith's statement, in which Senators Berryman, Peters and Young concurred, is as follows:

I voted "no" on the last bill. I am sure that many of my colleagues are convinced that we already outlaw in this country race-norming on tests. So, what is the point? It just puts in Michigan statute that which is already outlawed. That's true.

Since it is already outlawed and we're only putting in Michigan statute what exists, the purpose of this bill is primarily political. It is the opportunity to state that we are protecting a majority against a minority. But we are using something that doesn't exist—that isn't necessary—to make a statement to the general public that, in fact, maybe it does happen and maybe it is allowed. Therefore, we are taking care of your interests.

It is a misstatement to the general public. It is a political bill, and I voted "no."

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

**Senate Bill No. 610**

**Senate Bill No. 615**

The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 71**

**Senate Resolution No. 178**

The motion prevailed.

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

**Senate Resolution No. 186**

The resolution consent calendar was adopted.

Senators Schuette, Van Regenmorter, Dunaskiss, Schwarz, Rogers, Jaye, Bullard and Hoffman offered the following resolution:

**Senate Resolution No. 186.**

A resolution to commemorate Corporal Duane Edgar Dewey's courage and dedication to his country.

Whereas, Duane Edgar Dewey served in the Korean War as a corporal of Company E, 2nd Battalion, 5th Marines, 1st Marine Division. Representing our nation with gallantry and honor, Duane has been recognized throughout his community for his extraordinary accomplishments; and

Whereas, While serving as a Marine in the Korean War, Duane took it upon himself to smother an exploding enemy grenade with his own wounded body to save those of his comrades. Because of Duane's heroic actions, the lives of his battalion allies were spared; and

Whereas, Corporal Dewey was awarded with the first Congressional Medal of Honor by President Dwight Eisenhower on April 16, 1952. Duane continues to reside in Irons, Michigan, where his community feels privileged to know and live with him; now, therefore, be it

Resolved by the Senate, That we express our esteem and admiration to Corporal Duane Edgar Dewey for his outstanding bravery and patriotism. May he continue to hold true the ideals of our American heritage; and be it further

Resolved, That a copy of this resolution be transmitted to Corporal Dewey as evidence of our reverence.

**Senate Resolution No. 177.**

A resolution to call on the Michigan Jobs Commission to maintain and improve the quality of employment services for veterans.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators DeBeaussaert and O'Brien were named co-sponsors of the resolution.

**Senate Resolution No. 172.**

A resolution to memorialize the Congress of the United States to increase funding to the Equal Employment Opportunity Commission to handle the backlog of individual cases.

The question being on the adoption of the resolution,

The resolution was adopted.

**House Concurrent Resolution No. 42.**

A concurrent resolution to urge the United States Department of Agriculture to take strong steps to halt all discrimination against Black farmers, to settle pending claims, and to memorialize the Congress of the United States to enact legislation to waive the statute of limitations for discrimination cases.

(For text of substitute, see Senate Journal No. 38, p. 749.)

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

Substitute (S-1).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

**House Concurrent Resolution No. 60.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to create a moratorium on new national, state, and local taxes on the Internet.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

**Senate Resolution No. 169.**

A resolution to memorialize the Congress of the United States to refrain from imposing any special taxes on sport utility vehicles.

The question being on the adoption of the resolution,

The resolution was adopted.

**Senate Concurrent Resolution No. 79.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Michigan College relative to the Lake Michigan College South Campus Center.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 285****Yeas—34**

Bennett  
Berryman  
Bouchard  
Bullard

DeGrow  
Dunaskiss  
Emmons  
Gast

McManus  
Miller  
North  
O'Brien

Schwarz  
Shugars  
Smith, A.  
Smith, V.

Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert

Geake  
Gougeon  
Hart  
Hoffman  
Koivisto

Peters  
Posthumus  
Rogers  
Schuette

Steil  
Stille  
Van Regenmorter  
Vaughn

**Nays—2**

Dingell

Jaye

**Excused—0****Not Voting—1**

Young

In The Chair: Schwarz

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

**Senate Concurrent Resolution No. 80.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Delta College relative to the Delta College Science and Learning Center.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 286****Yeas—34**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Cherry  
Cisky  
Conroy  
DeBeaussaert

DeGrow  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Koivisto

McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

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

**Nays—2**

Dingell

Jaye

**Excused—1**

Young

**Not Voting—0**

In The Chair: Schwarz

**Senate Concurrent Resolution No. 81.**

A concurrent resolution to change the scope of the Michigan State Police Crime Lab project.  
The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted.

**Senate Concurrent Resolution No. 82.**

A concurrent resolution approving an amended conveyance of property to the State Building Authority and amending the lease relative to the Mid Michigan Community College Instructional Classrooms, Laboratories, and Student Facilities Harrison Campus.

The Assistant Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

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

**Roll Call No. 287****Yeas—34**

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

**Nays—2**

Dingell

Jaye

**Excused—1**

Young

**Not Voting—0**

In The Chair: Schwarz



**Senate Concurrent Resolution No. 83.**

A concurrent resolution to change the scope of the South County Extension Center project at Southwestern Michigan College.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted.

**Senate Concurrent Resolution No. 84.**

A concurrent resolution to change the scope of the Renovation of Building 12 project at the Michigan Biologic Products Institute.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted.

**Introduction and Referral of Bills**

Senators Van Regenmorter, McManus, Dingell, Gast, Posthumus, Cherry, DeGrow and Peters introduced

**Senate Joint Resolution R, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 1, 11, 12, 13, 18, 19, 22, 23, 24, 27, and 30 of article VI; adding section 31 to article VI; and repealing sections 15 and 16 of article VI, to allow the merger of the probate court and the circuit court and to make related amendments regarding the judicial branch.

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

Senators Berryman and Gast introduced

**Senate Bill No. 1127, entitled**

A bill to drug test certain state employees and officials; and to prescribe the powers and duties of certain state employees and officials.

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

Senator McManus introduced

**Senate Bill No. 1128, entitled**

A bill to amend 1941 PA 250, entitled "Urban redevelopment corporations law," by amending section 12 (MCL 125.912) and by adding sections 12a and 12b.

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

**House Bill No. 4257, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), sections 102 and 103 as amended by 1992 PA 124 and section 202 as amended by 1991 PA 11.

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 Human Resources, Labor and Veterans Affairs.

**House Bill No. 5638, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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 Finance.

**House Bill No. 5659, entitled**

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26

of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

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

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

**House Bill No. 5662, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA 65.

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

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

**Statements**

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:

Last week in this chamber we spent hours discussing and debating tax cuts that would take effect in the new millennium. Today, I'll be introducing a bill to help ensure that Michigan motorists get the \$1.2 billion that they deserve returned to them as quickly as possible. I'll be introducing a bill that would require that the insurance refund of \$1.2 billion from the Michigan Catastrophic Claims Association be returned to them by cash or by check no later than 60 days after it's received by the insurance companies. Unlike the debate about tax cuts, there's no question about whether we can afford it. That decision was made in March, when the surplus of \$1.2 billion was returned to the insurance companies by June. That amounts to \$180 per vehicle.

Unfortunately, as of this date, not all insurance companies are following suit in the proposal made by the Insurance Commissioner that those rebates be made quickly, in timely fashion, to the rate payers by direct cash rebates. Unfortunately, most of the consumers don't know what their insurance companies plan to do with those dollars. In fact, some of them have suggested that it's their intention to hold onto those dollars and to parcel it out as credits against the rate payers policy over a period of time.

It seems to me that anything short of an immediate return of those dollars is unfair to the rate payers, who have created this surplus. The people of Michigan paid those dollars in excess of what is necessary. It would be wrong for us to allow insurance companies to reap an unjust and unwarranted windfall on the investments that were made if those dollars are not returned in an immediate fashion. Even more unfair, it seems to me, is the opportunity it would create for insurance companies to hold the rate payers as some sort of economic hostages over a longer period of time, as rate payers may be concerned about dropping or changing their insurance policies before they get that full \$180 refund.

So, I'll be introducing the bill today, and I would invite my colleagues to co-sponsor the bill. I would hope that very quickly we'll be able to have some consideration and debate of this proposal. We've debated, and we've discussed tax cuts for the new millennium. It's time that we act today and in the near future to make sure that rate payers get the dollars back that they deserve.

**Committee Reports**

The Committee on Appropriations reported

**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.

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.

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 4897, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43c, 85, 104a, and 108 (MCL 38.1343c, 38.1385, 38.1404a, and 38.1408), sections 43c and 104a as amended by 1989 PA 194, section 85 as amended by 1991 PA 47, and section 108 as amended by 1995 PA 177.

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.

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 4943, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1994 PA 272, and by adding section 43d.

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.

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, McManus, Schwarz, Steil, North, Conroy, Koivisto, A. Smith, Young, Vaughn and DeBeaussaert

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 879, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, and 520e (MCL 750.520a, 750.520b, 750.520c, 750.520d, and 750.520e), sections 520a, 520b, and 520c as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155.

With the recommendation that the bill be referred to the Committee on Judiciary.

Joel Gougeon  
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard and Geake

Nays: None

The bill was referred to the Committee on Judiciary.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Thursday, May 7, 1998, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Gougeon (C), Bouchard, Geake and Peters

Excused: Senator V. Smith

The Committee on Financial Services reported

**Senate Bill No. 1056, entitled**

A bill to amend 1975 PA 148, entitled "Debt management act," by amending sections 2, 5, 6, 8, 13, 14, 15, 16, and 18 (MCL 451.412, 451.415, 451.416, 451.418, 451.423, 451.424, 451.425, 451.426, and 451.428); and to repeal acts and parts of acts.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Michael J. Bouchard  
Chairperson

## To Report Out:

Yeas: Senators Bouchard, Bennett and Miller

Nays: None

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

The Committee on Financial Services reported

**House Bill No. 5282, entitled**

A bill to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," (MCL 565.351 to 565.355) by adding sections 6, 7, 8, 9, 10, and 11; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Michael J. Bouchard  
Chairperson

## To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

**House Bill No. 5535, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4038 (MCL 500.4038), as added by 1993 PA 349.

With the recommendation that the bill pass.

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

Michael J. Bouchard  
Chairperson

## To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

**House Bill No. 5608, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 224, 476a, and 5256 (MCL 500.224, 500.476a, and 500.5256), section 224 as amended by 1994 PA 228 and sections 476a and 5256 as amended by 1990 PA 256.

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.

Michael J. Bouchard  
Chairperson

## To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard and Miller

Nays: None

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

The Committee on Financial Services reported

**House Bill No. 5216, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 1 (MCL 445.111), as amended by 1980 PA 108.

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.

Michael J. Bouchard  
Chairperson

## To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard, Berryman and Miller

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 Financial Services submits the following:

Meeting held on Wednesday, May 6, 1998, at 1:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Bennett, Bullard, Berryman and Miller

The Committee on Human Resources, Labor and Veterans Affairs reported

**Senate Bill No. 1109, entitled**

A bill to establish a vocational education enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

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.

Mike Rogers

Chairperson

To Report Out:

Yeas: Senators Rogers, Steil and Stille

Nays: Senators DeBeaussaert and O'Brien

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

The Committee on Human Resources, Labor and Veterans Affairs reported

**Senate Bill No. 1110, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 502 (MCL 380.502), as amended by 1995 PA 289.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Mike Rogers

Chairperson

To Report Out:

Yeas: Senators Rogers, Steil and Stille

Nays: Senators DeBeaussaert and O'Brien

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

The Committee on Human Resources, Labor and Veterans Affairs reported

**Senate Bill No. 1111, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 1997 PA 142.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Mike Rogers

Chairperson

To Report Out:

Yeas: Senators Rogers, Steil and Stille

Nays: Senators DeBeaussaert and O'Brien

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Human Resources, Labor and Veterans Affairs submits the following:

Meeting held on Thursday, May 7, 1998, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Rogers (C), Steil, Stille, DeBeaussaert and O'Brien

## COMMITTEE ATTENDANCE REPORT

The Conference Committees on Senate Bill Nos. 796, 797, 798, 799 and 803 submit the following:

Meeting held on Tuesday, May 5, 1998, at 8:50 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Geake (C), Cisky and Peters

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Tuesday, May 5, 1998, at 3:00 p.m., Senate Appropriations Room, Capitol Building  
Present: Senators McManus (C), Gast and Koivisto

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Regulatory submits the following:

Meeting held on Wednesday, May 6, 1998, at 1:00 p.m., Senate Appropriations Room, Capitol Building  
Present: Senators Steil (C), Geake and Young

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submits the following:

Public hearing held on Monday, May 6, 1998, at 3:00 p.m., Senate Appropriations Room, Capitol Building  
Present: Senators Geake (C), Steil and Conroy

**Scheduled Meetings**

Families, Mental Health and Human Services Committee - Thursday, May 14, at 1:00 p.m., Room 100, Farnum Building (3-1777).

Transportation Appropriations Subcommittee - Wednesday, May 13, at 2:00 p.m., Room 110, Farnum Building (3-2426).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 12:17 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, May 13, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.