

No. 51
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 3, 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
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator George Z. Hart of the 6th District offered the following invocation:

“My country, 'tis of thee, sweet land of liberty, of thee I sing.
Land where my fathers died, land of the pilgrims' pride,
From ev'ry mountainside, let freedom ring.
Our fathers' God, to Thee, Author of liberty, to Thee we sing:
Long may our land be bright with freedom's holy light;
Protect us by Thy might, Great God, our King.”

Motions and Communications

Senators Young and Hoffman entered the Senate Chamber.

Senator Van Regenmorter moved that Senators DeGrow, Emmons and Jaye be temporarily excused from today's session. The motion prevailed.

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

The following communication was received:

Department of Consumer and Industry Services

May 28, 1998

Pursuant to Section 328 of P.A. 104 of 1997, we are enclosing a copy of the Interim Approval Evaluation #CA09039 conducted at Parmenter House, 706 Fifth Street, Bay City, Michigan 48706. This investigative report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions.

If you have any questions regarding this information, please feel free to contact Don Reichle at 335-1954.

Sincerely,
John R. Suckow, Director
Finance and Administrative Services

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, June 2:

House Bill Nos. 4471 5069 5078 5221 5312 5843 5851

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, June 3:

House Bill No. 5866

The Secretary announced the printing and placement in the members' files on Tuesday, June 2 of:

Senate Bill No. 1173

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 Rogers 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 a substitute therefor, the following bill:

House Bill No. 4694, entitled

A bill to amend 1913 PA 206, entitled “An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates,” by amending section 25 (MCL 484.125), as added by 1980 PA 47.

Substitute (S-1).

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

1. Amend page 2, line 5, after "to" by striking out the balance of the line through "DELIVER" on line 6 and inserting "deliver".
2. Amend page 2, line 9, by striking out "(i)" and inserting "(a)".
3. Amend page 2, line 12, by striking out "(ii)" and inserting "(b)".
4. Amend page 2, line 14, by striking out all of subdivision (B).
5. Amend page 2, line 20, after "subsection" by striking out "(2)(A)(i)" and inserting "(2)(a)".

The Senate agreed to the substitute, as amended, 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. 106, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266. Substitute (S-5).

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

1. Amend page 6, line 7, after the first "THE" by inserting "ADMINISTRATIVE".
2. Amend page 9, line 22, after "RESOURCE," by striking out the balance of the line through "DETERMINED" on line 25 and inserting "THE STATE EQUALIZED VALUATION OF ONLY THAT PORTION OF THE PROPERTY SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR FOR THE LOCAL TAX COLLECTING UNIT IN WHICH THE HISTORIC RESOURCE IS LOCATED DETERMINES THE STATE EQUALIZED VALUATION OF THAT PORTION, THAT ASSESSOR'S DETERMINATION SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR DOES NOT DETERMINE THAT STATE EQUALIZED VALUATION OF THAT PORTION".

The Senate agreed to the substitute, as amended, 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. 105, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39b. Substitute (S-4).

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

1. Amend page 6, line 7, after the first "THE" by inserting "ADMINISTRATIVE".
2. Amend page 9, line 22, after "RESOURCE," by striking out the balance of the line through "DETERMINED" on line 25 and inserting "THE STATE EQUALIZED VALUATION OF ONLY THAT PORTION OF THE PROPERTY SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR FOR THE LOCAL TAX COLLECTING UNIT IN WHICH THE HISTORIC RESOURCE IS LOCATED DETERMINES THE STATE EQUALIZED VALUATION OF THAT PORTION, THAT ASSESSOR'S DETERMINATION SHALL BE USED FOR PURPOSES OF THIS SUBDIVISION. IF THE ASSESSOR DOES NOT DETERMINE THAT STATE EQUALIZED VALUATION OF THAT PORTION".

The Senate agreed to the substitute, as amended, 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:

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.

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:

House Bill No. 4444, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 387, and 535 (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.387, and 750.535), sections 356c and 356d as added by 1988 PA 20.

Substitute (S-1).

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

1. Amend page 4, line 24, after "tire," by inserting "AIRBAG,".

The Senate agreed to the substitute, as amended, 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:

House Bill No. 4445, entitled

A bill to amend 1931 PA 328, entitled "Michigan penal code," by amending sections 131, 157s, 157w, 174, 177, 178, 181, and 218 (MCL 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, and 750.218), section 131 as amended by 1984 PA 277 and section 157s as amended and section 157w as added by 1987 PA 276.

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:

House Bill No. 4446, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2952 and 2953 (MCL 600.2952 and 600.2953), section 2952 as added by 1984 PA 276 and section 2953 as added by 1988 PA 50.

Substitute (S-1).

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

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

"Sec. 821. (1) The following probate judges shall not engage in the practice of law other than as a judge and shall receive, subject to subsection (7), an annual salary provided in this section:

(a) A probate judge of a county that is not part of a proposed probate court district described in section 807.

(b) The probate judge in each probate court district in which a majority of the electors voting on the question in each county of probate court district has approved or approves creation of the district.

(c) A probate judge in a county having a population of 15,000 or more ACCORDING TO THE 1990 FEDERAL DECENNIAL CENSUS, if the county is not part of a probate court district created pursuant to law.

(2) Until the salary of a justice of the supreme court exceeds \$128,538.00, each probate judge shall receive an annual salary of \$109,257.00 determined as follows:

(a) A minimum annual salary of \$63,533.00.

(b) An additional salary of \$45,724.00 paid by the county or by the counties comprising a probate court district. If a probate judge receives a total additional salary of \$45,724.00 from the county, or from the counties comprising a probate court district, and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(3) If the salary of a justice of the supreme court exceeds \$128,538.00, each probate judge shall receive an annual salary determined as follows:

(a) A minimum annual salary of the difference between 85% of the salary of a justice of the supreme court and \$45,724.00.

(b) An additional salary of \$45,724.00 paid by the county or by the counties comprising a probate court district. If a probate judge receives a total additional salary of \$45,724.00 from the county, or from the counties comprising a probate court district, and does not receive less than or more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(4) Six thousand dollars of the minimum annual salary provided in subsection (2), (3), or (4) shall be paid by the county, or by the counties comprising a probate court district, and the balance of that minimum annual salary shall be paid by the state as a grant to the county or the counties comprising the probate court district. The county, or the counties comprising the probate court district, shall in turn pay that amount to the probate judge. Beginning January 1, 1997, the state shall annually reimburse the county or counties \$6,000.00 for each probate judge to offset the cost of the county or counties required by this section.

(5) The salary provided in this section shall be IS full compensation for all services performed by a probate judge, except as otherwise provided by law. In a probate court district, each county of the district shall contribute to the salary in the same proportion as the population of the county bears to the population of the district.

(6) An additional salary determined by the county board of commissioners may be increased during a term of office but shall not be decreased except to the extent of a general salary reduction in all other branches of government in the county. In a county where an additional salary is granted, it shall be paid at the same rate to all probate judges regularly holding court in the county.

(7) An increase in the amount of salary payable to a judge under subsection (1) caused by an increase in the salary payable to a justice of the supreme court resulting from the operation of ~~Act No. 357 of the Public Acts of 1968, being~~

~~sections 15.211 to 15.218 of the Michigan Compiled Laws 1968 PA 357, MCL 15.211 TO 15.218, shall IS not be~~ effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective. If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective, the increase ~~shall be IS~~ retroactive to January 1 of that year.

Sec. 822. (1) The probate judge of a county having a population of less than 15,000 ACCORDING TO THE 1990 FEDERAL DECENNIAL CENSUS and comprising part of a proposed probate court district in which the electors of 1 or more counties ~~thereof~~ OF THE PROBATE COURT DISTRICT did not approve the ~~same~~ PROBATE COURT DISTRICT shall receive an annual salary of \$20,000.00. Six thousand dollars of the minimum annual salary provided by this subsection shall be paid by the county and the balance of the minimum annual salary shall be paid by the state as a grant to the county. The county shall, in turn, pay that amount to the probate judge.

(2) The annual salary provided in subsection (1) may be increased but shall not be decreased during the term for which the probate judge has been elected or appointed. This salary ~~shall be IS~~ in full compensation for all services performed by the person as probate judge, except as otherwise provided by law. A probate judge whose annual salary is provided in subsection (1) shall not represent a party in a contested proceeding in the probate court of this state.

(3) In addition to the salary provided in subsection (1), a probate judge may receive from the county in which he or she regularly holds court an additional salary of not more than \$43,000.00, as determined by the county board of commissioners. The additional salary may be increased during a term of office but shall not be decreased except to the extent of a general salary reduction in all other branches of government in the county.

(4) The total annual salary of a probate judge, including the salary provided in subsection (1) and any additional salary granted by the county under subsection (3), shall not exceed \$63,000.00.

(5) From funds appropriated to the judiciary, the state shall pay to a county described in subsection (1) a state salary standardization payment of \$5,750.00 for each probate judge and an additional payment of \$6,000.00 for each probate judge to offset the portion of minimum annual salary paid by the county.”

2. Amend page 3, line 9, after “WITHIN” by striking out “4 DAYS” and inserting “7 DAYS, EXCLUDING WEEKENDS AND HOLIDAYS,”.

3. Amend page 4, line 7, after “WITHIN” by striking out “4 DAYS” and inserting “7 DAYS, EXCLUDING WEEKENDS AND HOLIDAYS,”.

4. Amend page 9, line 6, after the first “THAN” by striking out “\$75.00” and inserting “\$50.00”.

5. Amend page 10, line 8, after “THAN” by striking out “\$75.00” and inserting “\$50.00”.

6. Amend page 11, following line 24, by inserting:

“Enacting section 2. Section 222 of the revised judicature act of 1961, 1961 PA 236, MCL 600.222, is repealed effective January 1, 1999.” and renumbering the remaining enacting section.

The Senate agreed to the substitute, as amended, 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. 888, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17016 and 17516 (MCL 333.17016 and 333.17516), as added by 1996 PA 273.

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.

During the Committee of the Whole, Senators Miller, Emmons, Jaye, DeGrow and Koivisto entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

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. 4875

House Bill No. 4884

House Bill No. 4886

House Bill No. 5006

The motion prevailed.

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

House Bill No. 5594

Senate Bill No. 1156

Senate Bill No. 928

The motion prevailed.

The following bill was read a third time:

House Bill No. 5594, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 1999; to provide for the imposition of fees; to create certain work groups and committees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, local units of government, committees, and work groups; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Young offered the following amendments:

1. Amend page 7, line 26, by striking out "\$942,130,562" and inserting "\$942,658,412".
2. Amend page 8, line 6, by striking out "549,634,762" and inserting "550,162,612".
3. Amend page 8, line 7, by striking out "306,446,016" and inserting "306,740,316".
4. Amend page 9, line 17, by striking out "2,500,000" and inserting "1,000,000".
5. Amend page 10, line 7, by striking out "\$152,134,000" and inserting "\$152,284,000" and adjusting the subtotals, totals and section 201 accordingly.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 395

Yeas—17

Berryman	Dingell	Koivisto	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hart	O'Brien	Vaughn
Conroy	Jaye	Peters	Young
DeBeaussaert			

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 28, following line 8, by inserting:

"Sec. 332. (1) If the department contracts for the maintenance, repair, or resurfacing of a highway in this State over which the State transportation department has jurisdiction, the State transportation department shall not prevent a

county road commission in this State from bidding on that contract. For purposes of this section, maintenance, repair, or resurfacing does not include reconstruction.

(2) A county road commission receiving funds from the Michigan Transportation Fund for performing highway maintenance, repair, or resurfacing work is considered prequalified to bid on contracts described in subsection (1).

(3) As a condition of bidding on a contract described in subsection (1), a county road commission shall declare in writing that any other county road commission in this state is eligible to bid on any road project offered by that county road commission.

(4) As a condition of bidding on a contract described in subsection (1), the county road commission shall certify in writing that they shall not bid less than their incremental costs for the work being contracted.”.

The question being on the adoption of the amendment,

Senator Young requested the yeas and nays.

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

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

Roll Call No. 396

Yeas—15

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendments:

1. Amend page 7, line 26, by striking out “\$942,130,562” and inserting “\$906,230,562”.
2. Amend page 8, line 1, by striking out “180,000,000” and inserting “155,000,000”.
3. Amend page 8, line 6, by striking out “549,634,762” and inserting “588,734,762”.
4. Amend page 8, line 7, by striking out “306,446,016” and inserting “328,246,016”.
5. Amend page 28, line 24, by striking out all of section 402 and inserting:

“Sec. 402. (1) From the \$781,250,000.00 DOT-FHWA highway research, planning, and construction federal funds appropriated in section 110, \$90,000,000.00 of the funds is allocated for distribution to the state trunkline fund, county road commissions, and cities and villages according to the formula defined in section 10(1)(h) of 1951 PA 51, MCL 247.660.

(2) Twenty-three to twenty-seven percent of the remaining DOT-FHWA highway research, planning, and construction federal funds appropriated in section 110 shall be allocated to programs administered by local jurisdictions after deduction of the following:

- (a) The \$90,000,000.00 allocated in subsection (1).
- (b) Funds that are specifically allocated at the federal level to the state or local jurisdictions.
- (c) Funds allocated by the department to the state and to local jurisdictions through a competitive process.

(3) Federal aid excluded from the calculation of funding allocated to programs administered by local jurisdictions in subsection (2) includes, but is not limited to, congestion mitigation and air quality funds, federal bridge funds,

transportation enhancement funds, funds distributed at the discretion of the United States secretary of transportation, and congressionally designated funds.

(4) The funds shall be distributed to eligible local agencies for transportation purposes in a manner consistent with state and federal law.

(5) Cities and villages that do not have federal aid eligible roads shall submit by October 15, 1998, a list of streets located within their jurisdiction for certification by the department as federal aid eligible. Federal funds distributed by this subsection to cities and villages that have applied for federal aid certification of streets located within their jurisdiction, shall be held for not more than 1 year beginning October 1, 1998 or until it has been determined whether those streets are federal aid eligible, whichever is earlier.

(6) If a city or village is ineligible for federal aid, funds that would be allocated to that city or village shall be redistributed to the eligible cities and villages based upon their ratio of federal aid eligible road miles to the total number of federal aid eligible road miles located within all cities and villages.

(7) It is the intent of the legislature that federal aid to highways allocated to local jurisdictions in subsection (2) be distributed in a manner that produces a 25% average allocation of applicable funds to programs for local jurisdictions in each fiscal year through the fiscal year ending September 30, 2005. Beginning in the fiscal year ending September 30, 1999, the average allocation of applicable federal aid to highway funds to programs for local jurisdictions shall be the average of the amount distributed to local jurisdictions under subsection (2) and similarly calculated distributions in each succeeding fiscal year.”.

The question being on the adoption of the amendments,

Senator Young requested the yeas and nays.

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

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

Roll Call No. 397

Yeas—15

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 28, following line 8, following section 332, by inserting:

“Sec. 333. (1) Any new initiative to privatize state services shall not commence until a pilot program is completed with a duration of not less than 12 months or greater than 36 months. At least 30 days before beginning any privatization pilot program, the department shall submit a complete project plan to house and senate appropriations transportation subcommittees and the house and senate fiscal agencies. The privatization pilot program plan submission shall contain a complete set of baseline data for comparative evaluation of the pilot program at the end of the program term. Administrative costs of the contract shall be included in the privatization pilot program evaluation.

(2) A contract for privatized services shall not be continued beyond the original privatization pilot program term unless the program has conclusively demonstrated a cost savings of at least 5% and improved quality of service.”.

The question being on the adoption of the amendment,

Senator Young requested the yeas and nays.

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

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

Roll Call No. 398**Yeas—15**

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

Nays—22

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Dingell offered the following amendment:

1. Amend page 37, following line 23, by inserting:

“Sec. 618. From the amounts appropriated in section 110 for state trunkline projects, no new road or bridge construction shall be funded until all current roads under the state’s jurisdiction are repaired to federally accepted standards.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 399**Yeas—7**

Berryman	Hart	Smith, V.	Young
Dingell	O'Brien	Vaughn	

Nays—30

Bennett	DeGrow	Koivisto	Schuette
Bouchard	Dunaskiss	McManus	Schwarz
Bullard	Emmons	Miller	Shugars
Byrum	Gast	North	Smith, A.
Cherry	Geake	Peters	Steil

Cisky
Conroy
DeBeaussaert

Gougeon
Hoffman
Jaye

Posthumus
Rogers

Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendments:

1. Amend page 10, line 7, by striking out "\$152,134,000" and inserting "\$162,134,000".
2. Amend page 10, line 15, by striking out "152,134,000" and inserting "162,134,000".
3. Amend page 10, line 26, by striking out "1,810,460" and inserting "1,455,230".
4. Amend page 11, line 13, by striking out "18,889,560" and inserting "18,534,330".
5. Amend page 11, line 18, by striking out "31,200,250" and inserting "31,555,480".
6. Amend page 12, line 8, by striking out "25,017,250" and inserting "25,372,480" and adjusting all subtotals, totals and section 201 accordingly.
7. Amend page 54, following line 25, by inserting:

"Sec. 725. Of the amount appropriated in section 117 for bus capital, \$2,155,480.00 shall be distributed for 100% capital projects for eligible authorities and eligible government agencies that are not eligible to receive federal capital formula funds under section 5307 of the federal intermodal surface transportation efficiency act, Public Law 102-240, or any successor act."

The question being on the adoption of the amendments,

Senator Young requested the yeas and nays.

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

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

Roll Call No. 400

Yeas—17

Bennett
Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Gougeon
Hart

Koivisto
Miller
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—20

Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Hoffman
Jaye

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendments:

1. Amend page 48, line 10, after "of" by striking out "up to".
2. Amend page 48, line 14, after "of" by striking out "up to".

The question being on the adoption of the amendments,

Senator Young requested the yeas and nays.

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

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

Roll Call No. 401

Yeas—15

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 28, following line 8, following section 332, by inserting:

"Sec. 333. (1) The department of transportation shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all sole source contracts and personal service contracts awarded that month without competitive bidding, pricing, or rate setting. The monthly report shall include at least all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(2) At least quarterly, the appointing authority of each principal executive department and agency receiving funds under this act shall transmit to the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the department of management and budget a report including all of the following for each personal service contract awarded that quarter:

- (a) A description of the personal service contract.
- (b) A copy of the approved CS-138 form.
- (c) The purpose and type of service to be provided.
- (d) The name of the person or entity that was awarded the contract.
- (e) The estimated cost or financial obligation for the contract.

(f) The cost savings to the state from awarding the contract. This cost savings shall be calculated as the difference between the cost of the personal service contract and the estimated cost of the contract if that product or service were provided through the classified civil service by permanent civil service employees.

(3) The internal auditor of each principal executive department and agency receiving funds under this act shall prepare an annual report concerning personal service contracts that explicitly identifies exceptions between the authorized purpose and level of expenditures and the actual product or service and level of expenditures. This report shall be submitted to the legislative auditor general, the senate and house fiscal agencies, and the department of management and budget not later than 90 days after the books are closed at the conclusion of the fiscal year.

(4) Each principal executive department and agency receiving funds under this act shall provide to the department of management and budget a monthly listing of all bid requests or requests for proposal that were issued for personal service contracts during that month. The department of management and budget shall provide this monthly listing to the senate and house of representatives standing committees on appropriations and senate and house fiscal agencies.

(5) Each principal executive department and agency receiving funds under this act shall provide to the department of management and budget a monthly summary listing that identifies any authorizations for personal service contracts that are provided to the department of civil service pursuant to delegated authority granted to each principal executive department and agency related to personal service contracts. The department of management and budget shall provide this monthly listing to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 402

Yeas—17

Berryman	Dingell	Koivisto	Smith, A.
Byrum	Gougeon	Miller	Smith, V.
Cherry	Hart	O’Brien	Vaughn
Conroy	Jaye	Peters	Young
DeBeaussaert			

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 28, following line 8, following section 332, by inserting:

“Sec. 333. The department of transportation shall competitively bid all sole source contracts and personal service contracts.”.

The question being on the adoption of the amendment,

Senator Hoffman requested the yeas and nays.

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

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

Roll Call No. 403**Yeas—18**

Bennett	DeBeaussaert	Koivisto	Smith, A.
Berryman	Dingell	Miller	Smith, V.
Byrum	Gougeon	O'Brien	Vaughn
Cherry	Hart	Peters	Young
Conroy	Jaye		

Nays—18

Bullard	Gast	Posthumus	Shugars
Cisky	Geake	Rogers	Steil
DeGrow	Hoffman	Schuette	Stille
Dunaskiss	McManus	Schwarz	Van Regenmorter
Emmons	North		

Excused—0**Not Voting—1**

Bouchard

In The Chair: President

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. 404**Yeas—34**

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

Nays—3

Dingell	Jaye	Koivisto
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Excused—0**Not Voting—0**

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.

Protest

Senator Dingell, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5594 and moved that the statements he made during the discussion of the amendments he offered be printed as his reasons for voting "no."

The motion prevailed.

Senator Dingell's first statement is as follows:

I'm a little old fashioned in a lot of things I do. I believe in fixing the things before I go out and buy new ones. Apparently, MDOT doesn't believe in that. They're going out this year, and they're buying a lot of land so they can build a couple new roads around the state.

You know, it's interesting to note that the place they want to build the roads is in gas tax donee areas. They don't want to do anything like that in areas of the state such as I live in—southeastern Michigan, which is a gas tax donor area. We get back less in terms of services than we pay in. Instead, they're going to build new roads in areas that get back more in terms of services than they pay in gas taxes. All this tells me, is that the Legislature ought to establish as a public policy for the state, that perhaps MDOT ought to do something old fashioned; that is, fix what they have before they go out and build a new road.

With the absolutely sky-high costs of land acquisition and other things involved in building an entirely new road, this is just absolutely beyond belief for the average citizen of the area I represent. Therefore, I'm offering an amendment that says no new road and bridge construction shall be funded until all current roads under the state's jurisdiction are up to snuff. I recommend this amendment to my colleagues. It's only common sense. I wish MDOT had some of it.

Senator Dingell's second statement is as follows:

In view of the comments of my good friend and colleague from the 19th District, a little bit of clarification is necessary. This amendment doesn't say that ongoing projects will stop. It doesn't interfere with repair or expansion of existing roads. All it says is no new roads, no new bridge projects will be funded. It doesn't say anything about ongoing projects. It doesn't say anything about road expansions. All it's dealing with, is the absolutely reprehensible idea of building absolutely new roads where none are now, while our current roads are no where near up to snuff.

Senator Dingell's third statement is as follows:

We have seen an increasing practice inside MDOT of bizarre practices such as not competitively bidding contracts and other practices which waste an extraordinary amount of money. Plus we see an increasing disparity in southeastern Michigan of the amount of gas tax we're paying—a difference in the amount we're paying and what we're getting back in terms of services. Therefore, I could not vote for the bill.

The following bill was read a third time:

Senate Bill No. 1156, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public

transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 1997 PA 79.

The question being on the passage of the bill,

Senator Koivisto offered the following amendments:

1. Amend page 3, line 17, after "September 30," by striking out "1999" and inserting "2000".
2. Amend page 5, line 7, after "September 30," by striking out "1999" and inserting "2000".
3. Amend page 5, line 11, by striking out all of subdivision (a) and relettering the remaining subdivisions.
4. Amend page 6, line 22, after "September 30," by striking out "1999" and inserting "2000".

The question being on the adoption of the amendments,

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

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 405

Yeas—18

Berryman	Dingell	Miller	Smith, A.
Byrum	Gougeon	North	Smith, V.
Cherry	Hart	O'Brien	Vaughn
Conroy	Koivisto	Peters	Young
DeBeaussaert	McManus		

Nays—19

Bennett	Dunaskiss	Jaye	Shugars
Bouchard	Emmons	Posthumus	Steil
Bullard	Gast	Rogers	Stille
Cisky	Geake	Schuette	Van Regenmorter
DeGrow	Hoffman	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Hart offered the following amendments:

1. Amend page 4, line 6, after "207.102," by inserting "IN THE FOLLOWING MANNER:
(i) 0.5 CENT".
2. Amend page 4, following line 7, by inserting:
“(i) 0.5 CENT TO THE CRITICAL BRIDGE FUND FOR REPAIR OF LOCAL BRIDGES UNDER SECTION 11B.”.

The question being on the adoption of the amendments,

Senator Hoffman requested the yeas and nays.

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

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

Roll Call No. 406**Yeas—17**

Berryman	DeBeaussaert	Koivisto	Smith, A.
Byrum	Dingell	Miller	Smith, V.
Cherry	Hart	O'Brien	Vaughn
Cisky	Jaye	Peters	Young
Conroy			

Nays—20

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator O'Brien offered the following amendment :

1. Amend page 4, line 8, by striking out all of subdivision (e) and relettering the remaining subdivisions.

The question being on the adoption of the amendment,

Senator O'Brien requested the yeas and nays.

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

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

Roll Call No. 407**Yeas—15**

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

Nays—22

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

Excused—0**Not Voting—0**

In The Chair: Schwarz

Senator Jaye offered the following amendment:

1. Amend page 7, following line 20, by inserting:

“(7) FUNDS SHALL NOT BE EXPENDED FROM THE MICHIGAN TRANSPORTATION FUND BY THE STATE, COUNTIES, CITIES, OR VILLAGES FOR ENVIRONMENTAL CLEANUP PURPOSES RESULTING FROM CONTAMINATION CAUSED BY A BUSINESS IN THIS STATE.”.

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

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

The question being on the passage of the bill,

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

Roll Call No. 408

Yeas—30

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

Nays—7

Berryman	Dingell	Koivisto	Smith, A.
Byrum	Jaye	Miller	

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Berryman and Koivisto, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1156 and moved that the statements they made during the discussion of the amendment offered by Senator Koivisto be printed as their reasons for voting “no.”

The motion prevailed.

Senator Berryman’s statement is as follows:

I rise to support the Koivisto amendment. I think the two years makes an awful lot of sense. When the good subcommittee chair says, “put it next year” when there’s no election of the Senate or the House, if you think that’s not going to take politics out of this, you know, you’re in the wrong chamber. I don’t care when you do this. It’s always going to be a political fight.

I think two years makes an awful lot sense in extending Public Act No. 51, because in these huge building seasons of this year and next year, local units of government, the breakdown that we have of cities and villages in the counties, will have some dependability of funding. Right now, if we pass this, and it’s only one year, we’re right back into can we plan because we don’t know what’s going to happen in September of 1999? At least let’s get by this huge construction period and have some dependability of cost.

I do agree, Madam President, I think there does need to be a more comprehensive approach to funding and accountability on behalf of the state. In fact, I’m the one in this body who sued the Governor on the needs study.

He hasn't ever appointed members to that needs study. The former Governor didn't appoint a needs study committee. We went to court, and the judge said that he was violating the law, but the court could not force him to abide by the law. We were told after that, that this was going to be taken care of. They were going to push it on to the director, a needs study would be done, and we would involve the people this Legislature thought ought to be involved. A year and a half later, still nothing has been done.

So, do I think there ought to be more accountability? Absolutely, Madam Governor. I really do. I think there ought to be a comprehensive approach to this. But pushing it off to one year is just going to keep this in flux for another year, not having any idea about what's going to happen with funding. Counties and cities and villages will have no idea what percentage they're going to be able to deal with. How can you plan for any road reconstruction or any work when you don't know what funding you're going to have come October 1 of 1999? So the Koivisto amendment makes a lot of sense. It says at least for two years, we can plan something. We can plan something this year that we can complete next year. So I would wish that we would look at the Koivisto amendment and give our local units of government a little bit of time to do the work that the people are demanding they do.

Senator Koivisto's first statement is as follows:

This is the issue that we spent a great deal of time talking about yesterday, and that was for how long Public Act No. 51 should be extended. What my amendment would do would be to extend it to two years as we had done in Appropriations. I think it provides stability for road commissions. It's another key ingredient in making the roads better in the state, and time is of importance to road commissions in their planning process, engineering and everything else that they do. This two years is a very significant time frame.

A lot of people have said it's going to be extended in conference. Well, if that's the case, why don't we do what's right right now and extend it for two years? Some have talked for as high as five years, which would also be fine with me, but two years should be the minimum, and I would hope that we would support extending Public Act No. 51 for a two-year time period.

Senator Koivisto's second statement is as follows:

I would hope that we would want to put this issue at rest before fall, and I think it's a big mistake not to do so.

When the debate was going on about increasing the gas tax by four cents, a lot of people said at that time, time and time again, to back off from the jurisdiction issue and back off on the distribution question and stick to putting money in the roads, and that's the way it ended up—but only temporarily. It was not solved on a permanent nature.

If you want to go into the fall elections with this hanging over you head, then you can take the blame by voting "no" on this amendment because it's in your hands right now. If you want to vote "no" on the extension, you're saying chaos is ok. If you don't think it's going to happen in a political year, you're wrong. This is going to go into the fall, and it's going to be unresolved. If you think somehow miracles are going to happen in conference and this is going to get ironed out, then you're wrong, and you can take the blame for it because this is the amendment, right now, where you have the opportunity to say you want it extended at least two years. If you don't, then go ahead and vote "no," and we'll have chaos in the fall.

All those who have supported this amendment can say you wanted more time. You wanted time to deal with the funding question. You wanted to look at the needs. You wanted a study conducted in a decent manner and not in a haphazard manner, and you wanted this issue put to rest so roads could be built and money and time, and effort could be put into that, not arguing over what changes were going to be in the formula, and that's what going to take place. So, here's your opportunity, and you can answer to people in the fall what you decide.

The following bill was read a third time:

Senate Bill No. 928, entitled

A bill to supplement and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 1997 and September 30, 1998; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Hart offered the following amendments:

1. Amend page 56, following line 20, by inserting:

"Sec. 110a. DEPARTMENT OF EDUCATION

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$ 3,000,000
Federal revenues:	
Total federal revenues	0
Special revenue funds:	
Total local revenues	0
Total private revenues	0
Total other state restricted revenue	0
State general fund/general purpose	\$ 3,000,000

(2) SCHOOL DISTRICT GRANTS

Safe haven grants	\$	3,000,000
GROSS APPROPRIATION	\$	3,000,000
Appropriated from:		
State general fund/general purpose	\$	3,000,000"

and adjusting all subtotals, totals and section 201 accordingly.

2. Amend page 113, following line 7, by inserting:

“DEPARTMENT OF EDUCATION

Sec. 801. The funds appropriated in section 110a for safe haven grants shall be used by the department to make grants during 1997-98 to applicant school districts, to be used for the 1998-99 school year to extend by 3 hours per school day the time the schools of the school district are open. School districts shall apply for the grants in the form and manner prescribed by the department. The amount of the grant to each school district shall be an amount per pupil based on the number of grants awarded and the available funds. The grants shall be used to provide 1 or more of the following nonathletic programs during the extra 3 hours per school day:

- (a) Academic games.
- (b) Computer literacy programs.
- (c) Peer mediation.
- (d) Conflict resolution programs.
- (e) Tutorial programs.
- (f) Literacy programs.”.

The question being on the adoption of the amendments, Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 409

Yeas—15

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O’Brien	Vaughn
Cherry	Hart	Peters	Young
Conroy	Koivisto	Smith, A.	

Nays—22

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	North	Shugars
Bullard	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Stille
DeGrow	Hoffman	Schuetz	Van Regenmorter
Dunaskiss	Jaye		

Excused—0

Not Voting—0

In The Chair: Schwarz

Senators Stille and Berryman offered the following amendments:

1. Amend page 98, following line 17, by inserting:

“(6) EMERGENCY MANAGEMENT

Grants for disaster assistance.....	\$	10,000,000
GROSS APPROPRIATION.....	\$	10,000,000
Appropriated from:		
State general fund/general purpose	\$	10,000,000"

and adjusting all subtotals, totals and section 201 accordingly.

2. Amend page 113, following line 7, by inserting:

“Sec. 704. The appropriations in section 123a for grants for disaster assistance shall be for distribution to townships, cities and villages in Michigan declared disaster areas by the Governor as a result of storms.”.

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

Senator DeGrow moved that rule 2.106 be suspended to allow the Legislative Retirement Board of Trustees to meet during Senate session.

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

Senator Young offered the following amendments:

1. Amend page 102, line 3, by striking out “\$4,406,500” and inserting “\$4,868,000”.

2. Amend page 102, following line 3, by inserting:

“County road commissions.....	461,500
Cities and villages.....	257,350”.

3. Amend page 102, following line 6, by inserting:

“Michigan transportation fund.....	718,850”.
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4. Amend page 102, line 7, by striking out “4,406,500” and inserting “4,868,000”.

5. Amend page 103, following line 4, by inserting:

“(13) BUS TRANSIT DIVISION; STATUTORY OPERATING

Local bus operating.....	\$	362,750
GROSS APPROPRIATION.....	\$	362,750

Appropriated from:

Comprehensive transportation fund.....		362,750
State general fund/general purpose.....	\$	0”

and adjusting all subtotals, totals and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Young requested the yeas and nays.

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

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

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

Roll Call No. 410

Yeas—15

Berryman	DeBeaussaert	Miller	Smith, V.
Byrum	Dingell	O’Brien	Vaughn
Cherry	Hart	Peters	Young
Conroy	Koivisto	Smith, A.	

Nays—22

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

Excused—0

Not Voting—0

In The Chair: Hoffman

Senators Emmons and Cisky offered the following amendments:

1. Amend page 35, line 18, by striking out "\$6,000,000" and inserting "\$4,000,000".
2. Amend page 36, line 1, by striking out "\$6,000,000" and inserting "\$4,000,000".
3. Amend page 36, line 3, by striking out "\$6,000,000" and inserting "\$4,000,000".
4. Amend page 36, line 4, by striking out "\$6,000,000" and inserting "\$4,000,000".
5. Amend page 36, line 6, by striking out "\$6,000,000" and inserting "\$4,000,000" and adjusting all subtotals, totals and section 201 accordingly.

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

Senator DeGrow offered the following amendments:

1. Amend page 69, line 11, by striking out "\$48,678,200" and inserting "\$50,146,400".
2. Amend page 69, line 13, by striking out "\$48,678,200" and inserting "\$50,146,400".
3. Amend page 69, line 17, by striking out "\$41,400,000" and inserting "\$42,868,200".
4. Amend page 70, following line 5, by inserting:

“(4) CHILD AND FAMILY SERVICES

Family preservation and prevention services	\$ 1,468,200
GROSS APPROPRIATION	\$ 1,468,200

Appropriated from:

State general fund/general purpose	\$ 1,468,200”
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and adjusting all subtotals, totals and section 201 accordingly.

5. Amend page 111, following line 7, following section 501, by inserting:

“Sec. 502. (1) From the funds appropriated in section 113a(2) for family preservation and prevention services, the family independence agency shall contract to provide youth day treatment services with the St. Clair county day treatment night watch program for \$500,000.00, with Corcoran house/boysville of Michigan in Genesee county for \$537,000.00, and with the Kent county juvenile day treatment program for \$431,200.00.

(2) The amounts appropriated pursuant to subsection (1) are designated as work projects and shall not lapse at the end of the fiscal year and shall be available for expenditure in fiscal year 1998-99.”

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

Senator Jaye offered the following amendments:

1. Amend page 107, line 13, by striking out all of subsection (9) and adjusting all subtotals, totals and section 201 accordingly.

2. Amend page 113, following line 7, by inserting:

“DEPARTMENT OF TREASURY

Sec. 801. The Michigan department of treasury shall utilize excess FY 1997-98 appropriations for general obligation bond debt service to pay down the principal on bonds currently outstanding.”

The question being on the adoption of the amendments,

Senator Jaye requested the yeas and nays.

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

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

Roll Call No. 411

Yeas—14

Berryman	DeBeaussaert	O’Brien	Smith, V.
Byrum	Dingell	Peters	Vaughn
Cherry	Jaye	Smith, A.	Young
Conroy	Koivisto		

Nays—23

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

Excused—0

Not Voting—0

In The Chair: Hoffman

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

Roll Call No. 412

Yeas—34

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

Nays—3

DeBeaussaert	Dingell	Jaye
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Excused—0

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protest

Senator DeBeaussaert, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 928.

Senator DeBeaussaert's statement is as follows:

While there are a number of important programs that I do support in Senate Bill No. 928. I voted "no" on the bill to reflect a concern that I do have about one of the proposals in the Natural Resources Trust Fund projects, namely the Prolow state acquisition. I've had and will continue to have discussions with the department about that proposal and the impact it has on the community.

As the bill goes forward to the House, I hope those discussions with the department and the community will continue in a positive way, to address the concerns, and that before the bill comes back before us, those questions will have been addressed, and that's why I voted "no" on the bill.

The following bill was read a third time:

Senate Bill No. 479, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 5, line 4, after "MEETS" by striking out "ALL" and inserting "EITHER".

2. Amend page 5, line 6, after "(i)" by inserting "A PHYSICIAN WHO MEETS ALL OF THE FOLLOWING CRITERIA: (A)".
3. Amend page 5, line 8, by striking out "(ii)" and inserting "(B)".
4. Amend page 5, line 9, by striking out "(iii)" and inserting "(C)".
5. Amend page 5, following line 10, by inserting:

"(i) ANY OTHER PHYSICIAN IF 50% OF HIS OR HER PRACTICE CONSISTS OF MEDICAID ELIGIBLE PATIENTS."

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

Senator A. Smith offered the following amendment:

1. Amend page 4, line 12, after "LICENSED" by inserting "ALLOPATHIC OR".

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

Senator A. Smith offered the following amendments:

1. Amend page 3, line 13, after "AREA" by inserting "AFTER THE SIXTH MONTH OF THE TAX YEAR".
2. Amend page 3, line 14, after "SECTION" by inserting "FOR THAT TAX YEAR BUT FOR NO SUCCEEDING TAX YEAR FOR WHICH THE QUALIFIED TAXPAYER MAY OTHERWISE BE ELIGIBLE".

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

Senator A. Smith offered the following amendments:

1. Amend page 1, line 3, after "PRIMARY" by striking out "CARE MEDICAL" and inserting "HEALTH CARE".
2. Amend page 1, line 6, after "PRIMARY" by striking out "CARE MEDICAL" and inserting "HEALTH CARE".
3. Amend page 1, line 9, after "PRIMARY" by striking out "CARE MEDICAL" and inserting "HEALTH CARE".
4. Amend page 2, line 15, after "PRIMARY" by striking out "CARE MEDICAL" and inserting "HEALTH CARE".
5. Amend page 3, line 1, after "PHYSICIAN" by inserting a comma and "NURSE PRACTITIONER, OR NURSE MIDWIFE".
6. Amend page 3, line 2, by striking out "CARE MEDICAL" and inserting "HEALTH CARE".
7. Amend page 3, line 21, after "PHYSICIANS" by inserting a comma and "NURSE PRACTITIONERS, AND NURSE MIDWIVES".
8. Amend page 4, line 4, after "PRIMARY" by striking out the balance of the line through "CERTIFIED" on line 6 and inserting "'HEALTH CARE PRACTICE" MEANS A HEALTH CARE PRACTICE OF 40 HOURS OR MORE PER WEEK BY A PHYSICIAN, NURSE PRACTITIONER, OR NURSE MIDWIFE WHO PRACTICES".
9. Amend page 4, following line 18, by inserting:
 "(F) "NURSE PRACTITIONER" AND "NURSE MIDWIFE" MEAN THOSE TERMS AS DESCRIBED IN SECTION 17210 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17210." and relettering the remaining subdivisions.
10. Amend page 4, line 19, after "PRIMARY" by striking out the balance of the line through "CERTIFIED" on line 21 and inserting "'HEALTH CARE PRACTICE" MEANS A HEALTH CARE PRACTICE OF LESS THAN 40 HOURS PER WEEK BY A PHYSICIAN, NURSE PRACTITIONER, OR NURSE MIDWIFE WHO PRACTICES".
11. Amend page 5, line 4, after "PRACTITIONER" by striking out "AND MIDWIFE" and inserting a comma and "OR NURSE MIDWIFE".
12. Amend page 5, line 6, after "PRIMARY" by striking out "CARE MEDICAL" and inserting "HEALTH CARE".

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

Recess

Senator Hoffman moved that the Senate recess subject to the call of the President.
 The motion prevailed, the time being 1:40 p.m.

1:44 p.m.

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

Senator Stille offered the following amendments:

1. Amend page 3, following line 25, by inserting:
 "(A) "ABORTION" AND "MEDICAL EMERGENCY" MEAN THOSE TERMS AS DEFINED IN SECTION 17015 OF THE PUBLIC HEALTH CODE, 1978 PA 268, MCL 333.17015." and relettering the remaining subdivisions.
2. Amend page 5, following line 10, by inserting:
 "(iii) IS A PHYSICIAN WHO DOES NOT PERFORM ABORTIONS EXCEPT IN CASES OF MEDICAL EMERGENCY."

The question being on the adoption of the amendments,

Senator Peters offered the following amendment to the amendments:

1. Amend Senator Stille's Amendment No. 2, page 5, following line 10, after "EMERGENCY" by inserting a comma and "WHICH INCLUDES AN ABORTION PERFORMED TO PROTECT THE LIFE OR THE HEALTH OF A PREGNANT WOMAN".

The question being on the adoption of the amendment,

Senator Stille requested the yeas and nays.

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

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

Roll Call No. 413

Yeas—10

Berryman	Conroy	Smith, A.	Vaughn
Byrum	DeBeaussaert	Smith, V.	Young
Cherry	Peters		

Nays—27

Bennett	Emmons	Koivisto	Schuette
Bouchard	Gast	McManus	Schwarz
Bullard	Geake	Miller	Shugars
Cisky	Gougeon	North	Steil
DeGrow	Hart	O'Brien	Stille
Dingell	Hoffman	Posthumus	Van Regenmorter
Dunaskiss	Jaye	Rogers	

Excused—0

Not Voting—0

In The Chair: Hoffman

The question being on the adoption of the amendment offered by Senator Stille,

Senator Stille requested the yeas and nays.

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

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

Roll Call No. 414

Yeas—26

Bennett	Gast	McManus	Schuette
Bouchard	Geake	Miller	Schwarz
Cisky	Gougeon	North	Shugars
DeGrow	Hart	O'Brien	Steil
Dingell	Hoffman	Posthumus	Stille
Dunaskiss	Jaye	Rogers	Van Regenmorter
Emmons	Koivisto		

Nays—10

Berryman	Conroy	Smith, A.	Vaughn
Byrum	DeBeaussaert	Smith, V.	Young
Cherry	Peters		

Excused—0

Not Voting—1

Bullard

In The Chair: Hoffman

Protests

Senators Peters, A. Smith, Byrum, Berryman, Young and Conroy, under their constitutional right of protest (Art. 4, Sec. 18), protested against the amendment offered by Senator Stille to Senate Bill No. 479.

Senator Peters moved that the statements he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement, in which Senators A. Smith, Byrum, Berryman, Young and Conroy concurred, is as follows:

Well, I have to agree with the previous speaker. This is not paying for abortions by not supporting this amendment. The patient who goes to that physician is still going to pay for those services. The physician is still going to charge for those services. All the tax credit does is give an additional incentive for a physician to move and to locate in an area where the quality of life issues may be different, and there needs to be an additional incentive for that physician to locate in that geographic area. But the patients that go for the services are going to pay 100 percent for those services, and I would be shocked if any physician that receives a tax credit under this bill is going to reduce any of their fees to any of their patients in those areas. They’re not. They’re still going to pay every single penny for those fees. The taxpayers are not paying for these services. That is not an accurate statement whatsoever. It’s a complete misstatement of the truth.

What this bill is about is access to medical treatment, to legal medical treatment. If you vote for this particular amendment, you’re saying that women in this state should not have access to the full range of medical services that are fully legal in the state of Michigan, that the Legislature is going to pick and choose what legal medical procedures those doctors can provide, and I believe that goes counter to the intent of this amendment, which is to provide the full range of medical services to under-served populations throughout the state of Michigan. I believe we need a “no” vote on this amendment.

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. 415

Yeas—34

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

Nays—3

Geake	Jaye	Posthumus
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Excused—0

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

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

Senate Bill No. 1097, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 675a and 675b (MCL 257.675a and 257.675b), as amended by 1980 PA 518.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Berryman offered the following amendment:

1. Amend page 2, following line 26, by inserting:

"(4) THE REGISTERED OWNER SHALL BE RESPONSIBLE FOR NO MORE THAN THE ORIGINAL AMOUNT THAT WAS DUE PURSUANT TO THE LOCAL ORDINANCE OR STATE STATUTE ON THE DAY THE CITATION, COMPLAINT OR WARRANT WAS ISSUED." and renumber the remaining subsections.

The question being on the adoption of the amendment,

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

Senator Berryman requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

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

The question being on the passage of the bill,

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

Roll Call No. 416**Yeas—32**

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

Nays—4

Berryman	Cherry	Smith, A.	Smith, V.
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Excused—0**Not Voting—1**

Vaughn

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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 pro tempore, Senator Schwarz, designated Senator Rogers as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1149, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 725 (MCL 339.725), as added by 1997 PA 10.

Substitute (S-1).

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

1. Amend page 2, line 14, after "(3)" by striking out "An" and inserting "UNTIL JULY 1, 2003, AN".
2. Amend page 2, line 16, after "(2)" by inserting "(A)".

The Senate agreed to the substitute, as amended, 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:

House Bill No. 4738, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248 (MCL 257.248), as amended by 1993 PA 300, and by adding sections 1d, 1e, and 4c.

Substitute (S-6).

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:

House Bill No. 4740, entitled

A bill to amend 1981 PA 118, entitled "An act to regulate motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate dealings between manufacturers and distributors or wholesalers and their dealers; to regulate dealings between manufacturers, distributors, wholesalers, dealers, and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 13 and 14 (MCL 445.1573 and 445.1574).

Substitute (S-3).

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
Messages from the House

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

Senate Bill No. 554, entitled

A bill to regulate the transportation of certain hazardous materials; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

(This bill was returned from the House with amendment on May 28, amendment concurred in and the motion for immediate effect postponed. See Senate Journal No. 50, p. 1070.)

The question being on the motion to give the bill immediate effect,

The motion prevailed, 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. 729, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11104, 11126, 11130, 11133, 11138, 11144, 11146, 11147, and 11148 (MCL 324.11104, 324.11126, 324.11130, 324.11133, 324.11138, 324.11144, 324.11146, 324.11147, and 324.11148) and by adding section 11132a; and to repeal acts and parts of acts.

(This bill was returned from the House with amendments on May 28, amendments concurred in and the motion for immediate effect postponed. See Senate Journal No. 50, p. 1071.)

The question being on the motion to give the bill immediate effect,
 The motion prevailed, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 730, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 12101, 12102, 12103, 12105, 12106, 12107, 12109, 12114, and 12116 (MCL 324.12101, 324.12102, 324.12103, 324.12105, 324.12106, 324.12107, 324.12109, 324.12114, and 324.12116), sections 12101 and 12102 as amended by 1995 PA 61; and to repeal acts and parts of acts.

(This bill was returned from the House with amendments on May 28, amendments concurred in and the motion for immediate effect postponed. See Senate Journal No. 50, p. 1072.)

The question being on the motion to give the bill immediate effect,
 The motion prevailed, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Resolutions

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

Senate Resolution No. 204

The resolution consent calendar was adopted.

Senators DeGrow, Emmons, Schwarz and Gast offered the following resolution:

Senate Resolution No. 204.

A resolution in memory of James M. Brown.

Whereas, It is with a profound sense of sadness for the deep loss to his family, our state and our community that we offer this tribute to the life of James M. Brown. As Burtchville Township Supervisor for 28 years, Mr. Brown was a community leader who gained the trust and confidence of the public through hard work and honesty. His passing will be deeply mourned; and

Whereas, Born November 3, 1911, in Lakeport, Michigan, Mr. Brown excelled in many endeavors throughout his life. He dedicated 23 years of service to the Ankerholt Company before his retirement. In addition to his duties as Township Supervisor, Mr. Brown also was a lifetime member of the Michigan Townships Association, the North Lakeport Wesleyan Church and the International Association of Machinists. Through his work and associations, Mr. Brown helped forge a strong community for many generations to come; and

Whereas, A loving husband and father, James M. Brown undoubtedly will be remembered by his family as a dynamic and vibrant man, dear to their hearts. Surely, his many friends will always treasure their memories of him and of wonderful times together, for he greatly valued their love and friendship and cared deeply for each of them; and

Whereas, The passing of Mr. Brown leaves an unfillable void. His family can be justifiably proud of his legacy of civic leadership, hope and caring that will long remind us of his contributions on behalf of others; now, therefore, be it

Resolved by the Senate, That this document be signed and dedicated to honor the memory of James M. Brown; and be it further

Resolved, That a copy of this resolution be transmitted to his wife, Mary Elizabeth, as evidence of our respect and admiration.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:
 Office of the Senate Majority Leader

June 3, 1998

Pursuant to Senate Rule 1.105, I hereby appoint the members below to the following Conference Committees:

HB 5588 - Agriculture	Senator George McManus
	Senator Harry Gast
	Senator Don Koivisto

HB 5589 - DEQ	Senator George McManus Senator Harry Gast Senator Alma Smith
HB 5590 - FIA	Senator Bob Geake Senator Glenn Steil Senator Joe Conroy
HB 5591 - DNR	Senator George McManus Senator Harry Gast Senator Don Koivisto
HB 5592 - Regulatory	Senator Glenn Steil Senator Bob Geake Senator Joe Young
HB 5595 - General Government	Senator Dan DeGrow Senator Glenn Steil Senator Alma Smith
HB 5596 - Judiciary	Senator Dan DeGrow Senator Glenn Steil Senator Alma Smith
HB 5597 - Military Affairs	Senator Jon Cisky Senator Phil Hoffman Senator Jackie Vaughn III

Sincerely,
Dick Posthumus
Senate Majority Leader

The communication was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Peters, Cherry, O'Brien, DeBeaussaert, Byrum, Hart, Conroy, Berryman, Miller, Koivisto, Vaughn, Young, A. Smith and V. Smith introduced

Senate Bill No. 1175, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 52 (MCL 169.252), as amended by 1996 PA 590.

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

Senators Peters, Cherry, O'Brien, DeBeaussaert, Byrum, Hart, Conroy, Berryman, Miller, Koivisto, Vaughn, Young, A. Smith and V. Smith introduced

Senate Bill No. 1176, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 52 (MCL 169.252), as amended by 1996 PA 590.

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

Senators Peters, Cherry, O'Brien, Byrum, Hart, Conroy, Miller, Koivisto, Vaughn, Young, A. Smith and V. Smith introduced

Senate Bill No. 1177, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 262a.

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

Senators Peters, Cherry, O'Brien, DeBeaussaert, Byrum, Hart, Conroy, Miller, Koivisto, Vaughn, Young, A. Smith and V. Smith introduced

Senate Bill No. 1178, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," (MCL 207.801 to 207.810) by adding section 8a.

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

Senator Stille introduced

Senate Bill No. 1179, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11715 (MCL 324.11715).

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator Stille introduced

Senate Bill No. 1180, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 23 (MCL 78.23), as amended by 1982 PA 373.

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

House Bill No. 4471, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3109a (MCL 500.3109a). 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 Financial Services.

House Bill No. 5069, entitled

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to that property; and to provide for disposition of the revenue derived from the conveyance.

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5078, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 200 and 643 (MCL 168.200 and 168.643).

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

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

House Bill No. 5221, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 21035a, 21051a, 21051b, and 21051c.

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 Health Policy and Senior Citizens.

House Bill No. 5312, entitled

A bill to protect certain trade secrets; to prohibit disclosure of trade secrets; to provide for remedies; 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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5843, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending sections 6, 8, 9, 14, 15, and 17 (MCL 287.266, 287.268, 287.269, 287.274, 287.275, and 287.277).

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 Farming, Agribusiness and Food Systems.

House Bill No. 5851, entitled

A bill to designate highway M-6 in Kent and Ottawa counties as the Paul B. Henry freeway; and to prescribe the duties of the state transportation department.

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 Transportation and Tourism.

House Bill No. 5866, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8501 and 8511 (MCL 324.8501 and 324.8511), as added by 1995 PA 60, and by adding section 8517.

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 Farming, Agribusiness and Food Systems.

Statements

Senators Young, Hoffman, Jaye and Emmons asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

The transportation budget approved today does not do enough for local roads. Majority Republicans defeated many Democratic amendments that would ensure local governments get the money they desperately need for road maintenance and repair. It's about time that our local communities get their fair share of state dollars. Many of our local roads are in disrepair, and the state is not providing the money to fix them though the money is available.

Our amendments, if adopted, would have provided the funding needed, and those Democratic amendments, if adopted, would have one, ensure local governments get the money they deserve for road maintenance and repair; two, if adopted, would have provided for more federal road aid to local governments; three, if adopted, would have increased funding for public transportation; four, if adopted, would have allowed counties to bid on state contracts for maintenance—road and state highway; fifth, if adopted, would have made state agencies more accountable to taxpayers by notifying the Legislature of how money is spent on personal service contracts.

Local communities take care more than 90 percent of the roads in this state. Michigan drivers use their local roads more than they do state highways, yet the Engler Administration insists on short changing our communities. Our amendments, if adopted, would have ensured that these roads get the proper maintenance.

Senator Hoffman's statement is as follows:

Earlier today under General Orders, I introduced my son Jacob to the chamber and asked that my remarks at that time would be printed; unfortunately, under the rules of the Senate, it was not possible to have my comments printed under General Orders since there's no statements or recording of General Orders proceedings. So, at this time, I'd like to again reintroduce to the body my son Jacob, who is a graduating senior from Lumen Christy High School in Jackson.

My wife and I are especially proud of him in light of the fact that he has attended 12 years without ever having had missed a day of school—kindergarten through 12th grade. There were opportunities where he had missed chances to meet President Bush in Detroit, and he turned it down in order to be here. I remember a time when he broke his arm with wrestling, and despite the break, he still made it in time to attend class. Never having missed a day of school, my wife and I are proud to have a son who graduated cum laude, a member of the National Honor Society and this past December was an Eagle Scout.

So I view the future as very positive for him, and he just received a Presidential Scholarship from Jackson Community College, and again, I think it's a parental right to be bragging about your children. Let your children be the humble ones, and let the parents do the bragging. My wife and I are extremely proud of Jacob and wish him well.

Senator Jaye's statement is as follows:

I voted "no" on the committee substitute to Senate Bill No. 1149 due to the restraint of trade on limiting the number of new CPAs by imposing a new requirement of a fifth year on all new CPAs after July 1, 2003. The current rules are four years of undergraduate work, two years of work experience, and there's no way in the world that another year of undergraduate studies—and only half of those have to be in business—will ever replace a year's worth of practical, business, on-the-job training.

This is my tenth year as a legislator, and I have yet to receive a call from a student asking, "Please, I have to have this new licensure requirement to force me to take a fifth year, or I'll lose a job opportunity in another state?" Not one. I dare say not a single Senate or House member received a call like that. Now we are going to force, we're going to force these students to take that fifth year, and the Senate rejected my amendment to require that fifth year for the existing CPAs.

What are the costs to the taxpayers? The average annual cost to the taxpayers will be \$9.2 million. Talk about unintended consequences. How have we arrived at \$9.2 million? Because the average cost to the taxpayers for a year's worth of undergraduate schooling is approximately \$6,000 a year. You multiply that times the 1,541 students who were scheduled to take the CPA exam in November of 1997, and you get the cost to the taxpayers of \$9,264,000.

In addition to that, the cost to the average student for tuition and board and personal expenses and fees is \$11,000 a year. Multiply that times the 1,541 students; the cost then to the students will be \$60,990,000 a year.

What is the cost, then, to this restraintive trade legislation to the people of the state of Michigan? That cost is over \$69 million a year both in direct costs and opportunity costs when they could have been earning a living for themselves and their family.

I believe we should very, very infrequently impose regulatory rules and licensure rules on individuals—only when the overriding health and safety of the public is at stake. This was not one of those. I have not received a call regarding an individual who has had an inappropriate result of financial management or mismanagement, and there is no documentation in the states that have a four year versus five years that there's any higher incidence of misappropriation of funds or licensure discipline.

This is pure and simply a restraint of trade issue to artificially limit the number of CPAs so that the existing number of CPAs can charge higher fees. My campaign treasurer is a CPA. I admire the CPAs. My father taught accounting classes. The profession is honorable, and it helps us as individuals, helps us as government officials manage our money matters. However, basic economics says whenever you reduce the supply, you increase the cost, and you limit the choices and increase the opportunity cost to the individual by not allowing them to practice their trade.

Finally, the Senate today rejected my attempt to take the \$41.4 million in savings from refinancing our general obligation debt, and instead of applying that to our existing principal, we decided to spend it, to spend it instead of paying down our debt. Why? Because oh, there might be some unfunded programs later in the year. Hogwash! We're going to have lapse funding, a budget surplus this year alone of probably of over \$200 million. I believe when there's a windfall in the state, and it comes because of refinancing a debt, that we should not turn our backs on the future generation of Michigan residents and taxpayers, but rather show a little self restraint and fiscal discipline.

Senator Emmons' statement is as follow:

Charles Black is from Cape Town South Africa, where he runs a five star hotel. He is visiting his cousin Travis Carr, who is a resident of Montcalm County, the 23rd District. We just want to make sure that Charlie takes a big welcome back from the Senate and from the state of Michigan. If we ever get to Cape Town, we sure will be going to visit Charlie.

Committee Reports

The Committee on Economic Development, International Trade and Regulatory Affairs reported
Senate Bill No. 235, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 1995 PA 126, and by adding section 16350 and part 189.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Resolution No. 170.

A resolution urging Governor Engler to instruct the Michigan Environmental Science Board to review and analyze hydrogen sulfide emissions into the atmosphere as a result of oil and natural gas exploration and production.

(For text of resolution, see Senate Journal No. 33, p. 630.)

With the recommendation that the resolution be adopted.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Jaye and Peters

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4535, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 601 (MCL 339.601), as amended by 1994 PA 400.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5346, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in cities and incorporated villages of this state, having a population of more than 3,000," by amending section 5 (MCL 446.205).

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.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Jaye and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5399, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501, 61524, and 61525 (MCL 324.61501, 324.61524, and 324.61525), as added by 1995 PA 57, and by adding sections 61506a, 61525a, and 61525b.

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.

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 5487, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2001 (MCL 339.2001), as amended by 1997 PA 122.

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Wednesday, May 27, 1998, at 3:10 p.m., Room 210, Farnum Building

Present: Senators Schuette (C), Shugars, Jaye and Peters

Excused: Senator O'Brien

Scheduled Meeting

Capital Outlay Joint Subcommittee - Thursday, June 11, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960)

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 3:30 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, June 4, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.