

No. 49
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 27, 1999.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—excused
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

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

Reverend Robert Lewis of Lapeer Church of the Nazarene of Lapeer offered the following invocation:

Precious Heavenly Father, we thank You for greeting us this day with the beautiful sunrise; a reminder that You are the Creator of all things. As we enter into this workday, we enter into it realizing that life is a gift for us, and we thank you for it. As we enter into this workday, we realize, Lord, that You have asked us to be hard workers, good workers and that what we do You will reward and bless us. We thank You for that. I pray that, Lord, Your Holy Spirit will be the leader in this house today. Guide us in matters that in every step wisdom and knowledge will go before us.

I pray that today, Father, throughout our state and throughout our nation that there will be safety and peace in our schools and that our children will be able to attend today and know, Lord, that there will be peace in their hearts and that Your hand will be upon them. I pray today, Lord, that Your safety will be upon our soldiers who are in the field today and who are at their business; that Your peace will be upon them and Your protection. We pray, Father, that their task will be completed soon and that they will come home.

Let us remember that You are our God and that all that we do is for You and held accountable to You. In Your precious name we pray. Amen.

Motions and Communications

Senators Cherry, Emerson, Miller, Hart, Vaughn, Schuette, Jaye, Bullard, Hammerstrom, DeGrow and Sikkema entered the Senate Chamber.

Senator Rogers moved that rule 3.902 be suspended to allow the guests of the Senate members admittance to the Senate floor.

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

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:04 a.m.

10:53 a.m.

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

During the recess, Senator Rogers conducted a Memorial Day Ceremony in honor of the military who have served during wartime. The ceremony was accompanied by the Kalamazoo Pipe Band and vocalists, Maryann Goschka and Sarah Ferden. A dramatic reading of a letter from Viet Nam was rendered by Sarah Rabbers.

Senator Rogers introduced Captain Michael Schaar, United States Air Force Reserves and recipient of the Aviator Valor Award, who addressed the Senate, and PFC Frederick E. Lynch, United States Marine Corps and Bronze Star recipient.

Senator Rogers introduced Representative Rick Johnson, who spoke in memory of Marine Corporal Bobby J. Lawrence.

The following communication was received:
Livingston County Michigan Works! Agency

May 21, 1999

Enclosed is the summary of the PY 1999 JTPA Title III Economic Dislocation and Worker Adjustment Assistance Act Local Biennial Job Training Plan for the Livingston County Michigan Works! Agency (MWA).

This summary is being forwarded in accordance with the provisions of the Job Training Partnership Act requiring that a copy of the plan, or plan summary be submitted to the appropriate persons in the State Legislature.

The summary identifies the proposed activities, budget and planned number to be served. Copies of the complete plan are available for review and may be requested.

In accordance with the Americans with Disabilities Act (ADA) of 1990 (Public Law 101-336), the final plan summary will be available in large print or audio tape upon request.

You are invited to submit comments of the plan summary to:

Michigan Works! Livingston County Job Training Services
828 East Grand River Avenue
Howell, MI 48843

Sincerely,
William S. Sleight
Director

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Rogers moved that Senator Hoffman be excused from today's session.

The motion prevailed.

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

House Bill No. 4300, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Rogers offered the following amendments:

1. Amend page 52, line 13, after "Sec. 806." by inserting "(1)".
2. Amend page 52, following line 20, by inserting:

"(2) The funds appropriated in section 110 for community corrections comprehensive plans and services, probation residential centers, and funds allocated in work project accounts for local facility expansion may not be expended for the construction or operation of a probation residential center located in a county unless 1 of the following conditions is met:

(a) A probation residential center commencing operation after January 1999 is located beyond 2,640 feet of a school, day care, property zoned as residential, or a property that is used for a residential purpose.

(b) The location and operation of a probation residential center commencing operation after January 1999 which is located within 2,640 feet of a school, day care, property zoned as residential, or a property that is used for a residential purpose has been approved by a unanimous resolution passed by the board of commissioners of the county referred to in subsection (2).

(3) For the purposes of subsection (2), "county" is defined according to the population data of the 1990 United States Census Data published by the United States bureau of census, department of commerce, as a county with a population greater than 281,000 but less than 282,000 and includes within its borders a city with a population greater than 50,000 but less than 51,000."

3. Amend page 64, following line 10, by inserting:

"Sec. 1502. (1) The funds appropriated in section 110 of 1998 PA 321 for community corrections comprehensive plans and services, probation residential centers, and funds allocated in work project accounts for local facility expansion may not be expended for the construction or operation of a probation residential center located in a county unless 1 of the following conditions is met:

(a) A probation residential center commencing operation after January 1999 is located beyond 2,640 feet of a school, day care, property zoned as residential, or a property that is used for a residential purpose.

(b) The location and operation of a probation residential center commencing operation after January 1999 which is located within 2,640 feet of a school, day care, property zoned as residential, or a property that is used for a residential purpose has been approved by a unanimous resolution passed by the board of commissioners of the county referred to in this section.

(2) For the purposes of this section, "county" is defined according to the population data of the 1990 United States Census Data published by the United States bureau of census, department of commerce, as a county with a population greater than 281,000 but less than 282,000 and includes within its borders a city with a population greater than 50,000 but less than 51,000."

The question being on the adoption of the amendments,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4301, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The question being on the passage of the bill,

Senator Bennett offered the following amendments:

1. Amend page 6, following line 15, by inserting:

“Study of teacher preparation..... \$ 250,000”.

2. Amend page 6, line 23, by striking out “2,767,500” and inserting “3,017,500” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 25, following line 6, by inserting:

“Sec. 506. The funds provided in part 1 for a study of teacher preparation shall be used by the department to assess the satisfaction of employing school districts and new teachers with the preparation they received prior to teaching. The study shall focus on teachers newly hired to their first teaching job within the past 5 years. It shall be designed to learn from both those hired and their current employing principal about the quality of preparation the individuals received. Assessment of quality shall include, but not be limited to, skills in classroom management and daily lesson planning, understanding of child development and learning processes, mastery of subject content, ability to engage in teamwork with other teachers, and ability to work with parents and other responsible adults.”.

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

Senator Bennett offered the following amendment:

1. Amend page 25, following line 6, by inserting:

“Sec. 506. The department shall establish provisions that ensure programs resulting in certification of teachers shall count hours of substitute teaching toward the hours of internship or practice teaching required.”.

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

Senator A. Smith offered the following amendment:

1. Amend page 21, following line 3, by inserting:

“(3) If a school board expels a pupil, the school board shall report all of the following to the office for safe schools within the department:

(a) The date of and reason for the expulsion.

(b) The educational placement of the expelled individual during the expulsion.

(c) The disposition of any reinstatement proceedings.

(d) The age, sex, race, and ethnicity of the expelled individual.

(4) At least annually, the office for safe schools shall submit to the legislature a report on expulsions, educational placements, and reinstatements, as described in subsection (3), with the data disaggregated by age, sex, race, and ethnicity.”.

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

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. 294

Yeas—17

Byrum
Cherry
DeBeaussiaert
Dingell
Emerson

Goschka
Hammerstrom
Hart
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—20

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Gougeon
Jaye
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—1

Hoffman

Not Voting—0

In The Chair: Schwarz

Senators DeBeaussaert offered the following amendments:

1. Amend page 11, line 20, by striking out “6,728,000” and inserting “8,820,000”.
2. Amend page 13, line 11, by striking out “19,812,000” and inserting “21,904,000” 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. 295**Yeas—17**

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

Nays—20

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

Excused—1

Hoffman

Not Voting—0

In The Chair: Schwarz

Protests

Senators Emmons, McCotter and Shugars, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator DeBeaussaert to House Bill No. 4300.

Senator Emmons' statement is as follows:

I voted “no” on this amendment because we already have an initiative, but more importantly, I believe that we need to quit dictating to schools what they ought to do. There are many programs that my schools have put into place, along with class size, that are very good. And I think we ought to give the schools the ability to have extra money that they believe will help them achieve success for their kids.

Senators McCotter and Shugars moved that the statements they made during the discussion of the amendments be printed as their reasons for voting “no.”

The motion prevailed.

Senator McCotter’s statement is as follows:

First, I would just like to thank the Senator from the 29th District for recognizing the commitment to children and education of the Republican United States Congress. I think that that was very charitable, and I appreciate that. But I agree with Senator Stille that there are other ways we can address this issue and down the road we will. I know everyone in this chamber is committed to children, committed to improving the quality of education, and I know we will work in a bipartisan fashion to accomplish that goal.

Senator Shugars’ statement is as follows:

I rise in opposition to this amendment but not specifically because of the amendment. If we’re talking about all this money that we’re going to spend in the near future, I want everybody to remember some very important people out there who don’t have health insurance who are working, and they kind of fall in between the cracks. We are working on a package of bills that will provide a tax credit so those people can get health insurance.

Let’s not forget the people in the nursing homes and the frail seniors who we all have concern about. We want to beat the nursing homes up, but we don’t want to give any new money to them. We don’t want to give any new money to assisted living or help people to stay at home longer before they get into an assisted living area.

Also I think it’s ridiculous that we tax businesses to provide health insurance to their employees, and that’s the SBT add-back. We need to change that policy also. There’s on and on and on.

I just want to make sure that as we go through the budget that we balance the new money into everything that’s important because I believe that health care is probably the most important policy and issue. Senator Gougeon is going to be talking about the need for more money for Medicaid and for nursing homes and individuals in nursing homes, so I want my colleagues to be mindful of all the other budgets that are going to be coming down.

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. 296

Yeas—36

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

Nays—1

Jaye

Excused—1

Hoffman

Not Voting—0

In The Chair: Schwarz

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.

Senators Cherry, V. Smith, A. Smith, Emerson and DeBeaussaert asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's first statement is as follows:

I rise to support the DeBeaussaert amendment and to challenge, as well, the assertion by the Senator from the 8th District that this is squandering of money. It is probably true that there are a number of districts in which the student population is growing. But oftentimes, particularly in those districts where the students are most at risk, student populations are actually declining and that, in fact, there are classrooms available to deal with lower class size.

Let's go back a bit. What I often find when you talk about reducing class size is that it's a lot of assertions that fly, basically, so that we are not inclined to commit ourselves to reduce class size because it becomes administratively inconvenient for those who are responsible for running our school districts. I can recall when Senator Conroy first put this amendment forward, attempted to do a fairly broad class size reduction and initially met a great deal of support within this body. We initially contemplated investing significant dollars in class size reduction. But if you were here then, as I was, we saw during that debate the phones began to ring here on the Senate floor as the superintendents across the state called people and encouraged them not to reduce class size because, quite frankly, it was inconvenient for them to administer. It was a little bit of a wrinkle in their plans, and they just didn't want to deal with it. But what we wound up doing, really, is then reducing the class size reduction program to two school districts in the state of Michigan; one in Senator Conroy's district, the Flint system, one in my district, the Beecher system.

After several years of experience, what we've found is exactly what we expected that there were increases in scores. In fact, the learning environment in the classroom was much stronger because ultimately when we're talking about these kindergarten through third graders, they need the very direct attention that a teacher can provide when the class size is reduced. For these students, to put a personal face on it, this class size reduction may mean the difference between academic success or failure.

The Senator from the 8th District suggested that there is really no immediacy in dealing with this question. But I would suggest to you, in spite of our debate yesterday on CCW, guns and violence, that it is factors like how much time a teacher or a parent or the school district can pay attention to a young student, particularly those who are at risk giving them encouragement, and building up their confidence that will do more to reduce violence and disruptive activity and behavior in school districts across the state.

We have an opportunity this year because of the revenue that we're seeing increase month by month as the economy performs better and better. We have this opportunity to begin investing in the children of this state. And this is what this really is. This is not a squandering of money. This is an investment in our children. It's an investment in their future. And by investing in their future, we're investing in our future, and we're investing in the future of this state. There can be, I think, quite frankly, Mr. President, nothing more important that we can do on behalf of our children than to approve this amendment to expand the opportunities in this state to reduce class size. Clearly, in every discussion, poll and debate within local school districts about what parents would like to see, reduce class size comes to the forefront.

So, Mr. President, when you understand the importance of class size in the minds of the local school district, when you understand the importance of reduced class size and the future of these young people, and when you understand the importance of class size and the future of this state, you can ill afford to call it a squandering of money.

It is an investment, a good investment, a sound investment, an investment we can afford to make this year, and if we fail to do it, shame on us. I would urge adoption of the amendment.

Senator Cherry's second statement is as follows:

I, personally, very deeply believe that this is not throwing money at a problem. This is an approach that works. It's worked here in this state. It's not someone's speculative dream. It's not someone's speculative concept. It's been done and it works. We're not throwing money at a problem.

The good subcommittee chair says we need a plan. Well, this was first done in this state in 1994—five years ago. What have we been doing during those five years? We had a good program. It works. Why, if it works, haven't we had a plan? Instead, I think really what the good chairman is doing is trying to find a way to push us off. If a plan was that important after five years of practice, there'd be a plan in place.

We have a program that works, Mr. President. It seems to me that we're not throwing money at a problem. We're not squandering money. We're making an investment, and as my colleague, the good senator from Detroit says, "We're making an investment that will reduce other costs."

I know that, a lot of times when I go home, I have constituents who are very concerned about the money we spend in corrections. They say maybe we shouldn't spend it there; we should spend it in education. This debate about whether to spend money in corrections or education is a debate about false choices. You really have to do both. You have to take care of the problem you face today, but you have to make an investment that reduces that problem in the future.

Reduced class sizes reduces the costs that we spend on remediation five years from now, ten years from now, twenty years from now, and that's a plan. Spending money—making an investment today—that reduces your costs tomorrow improves the future of a young person tomorrow. That's a plan and it's a plan that works. Rather than just simply ride the coattails of the federal government, rather than shirk our responsibility, we ought to step up today when we have money in our coffers.

The economy is performing in an outstanding fashion. It has given us revenue that we could invest. We need to step up to that responsibility. Make those investments. Approve this amendment. Give our young people a future. Reduce our future costs on remediation, and do something that makes common sense. That's what this amendment is all about—just plain common sense. When something works, you ought to rely on it. I would urge adoption of the amendment.

Senator V. Smith's first statement is as follows:

I rise to support the DeBeaussaert amendment.

One of the things that this Legislature is very concerned about, and has proven so in the past, has been education. We've tackled many tough educational issues in this state, from Proposal A to the reform of the Detroit School District. So, if we're going to go after the tough problems of education, why don't we learn from our own experience?

Our own experience is that in the past, we've put a pilot program in place for small class size reduction in a number of districts in this state, and they worked. So, if they worked, if we're in the best economic climate that Michigan's ever been in, and if we see some \$3 billion on the table in tobacco money that possibly is being wasted in these scholarships, why can't we commit another \$35 million to small class size reduction when we know it's a proven winner?

I think that it's unwise for this Legislature not to pass this amendment. I don't understand why the subcommittee chair is opposed to it. I don't understand why the Governor is not back on his heels pushing for small class size when we've proven, or at least the pilot programs that this state has embarked upon have proven to be winners. So, if it's a winner, why don't we learn from it? Why don't we grow from it rather than grappling around with these nickels and dimes that the subcommittee has put into this program? Why, at the same time, we're falling hand over foot to spend some \$3 billion in merit scholarships?

It makes no sense. It's penny wise and pound foolish to throw away all of these young people. We could redirect and save the dollars in the health care budget, the corrections budget, the public health budget, and the mental health budget. We're messing around with a lousy \$35 million when we are throwing all the rest of this money at all these perceived political concerns and political gains that are put forth by the administration. Thirty-five million dollars is not a lot. It needs to be put on the table. It needs to be put on now, and this body needs to pass it.

Senator V. Smith's second statement is as follows:

Well, we're fiddling while Rome burns. I hear the subcommittee chair, and I hear his concerns. But he's still not willing to deal with the problem of failing students in many of our school districts, and a proven remedy—a proven remedy.

I can appreciate the scholarship program that the Governor has put on the table, but does it need to hold \$2.5 billion? Can we slide \$35 million out of that \$2.5 billion that he's proposing, and do it for a real program that's going to have an impact on young people in this state?

We need to address the needs of young people who are being miseducated in these school systems throughout this state because of too many kids in the classroom. And we need to do it now. This planning that the subcommittee chair is talking about, when is it going on and when does it end? We've already planned on it. It's time to act.

Senator A. Smith's statement is as follows:

I rise to support the DeBeaussaert amendment. This amendment is dealing with dollars from what we would assume to be the School Aid Fund. It can be from the General Fund. We have the resources within either of those funds to do a \$50-million match to the federal government dollars that they will be putting into the school system of Michigan.

Smaller class size, as has already been pointed out here on the floor, has repercussions throughout society. It does, in fact, help children learn better because there is a smaller teacher-to-student ratio. We're talking about the addition, with the federal dollars, of about 1,000 teachers. We have 555 school districts in the state of Michigan and 139 charter schools. That's going to work out to be about one and three-quarters teacher per district. This isn't going to require a wholesale renovation of infrastructure. This is going to require adjustments within teaching space that already exists.

The consequences of that small adjustment per district are enormous. We give children in the first, second and third grades an opportunity to be in a class that is 20, 21, or 22 students instead of 30 or 35. We give a teacher an opportunity to relate more closely with a student who may be having trouble reading or a student who is at risk of having other behavior problems because he or she can't keep up with his or her classmates. When a child falls behind in the early grades, they stay behind, and they drop out. They become discipline problems in the classroom. We have an opportunity to take state dollars that are in abundance and address a program that the Governor of Michigan said in his State of the State address in 1996, I believe, is so critically important to the education process here in the state of Michigan.

Asking for matching funds to improve opportunity for the children of Michigan is not squandering. It is not wasteful. It is not a huge impingement on local districts to find space to allocate a teacher to allow us to incur a smaller class size in the district. Districts can accommodate the extra need through this budget appropriation.

We're talking, then, about doubling what the federal government makes possible for the school districts in the state of Michigan—doubling the possibility that students will, in fact, learn to read because their class size is smaller. Having learned to read, they will be able to do math problems better because they will understand the story problems. Being able to read gives them a power that people are telling us now that kids lack because they don't comprehend what they're reading.

This is an amendment that goes to the very heart of what education is, and it is the amendment which deserves to be adopted by this chamber. I urge your support for the amendment.

Senator Emerson's statement is as follows:

I rise to support the DeBeaussiaert amendment, and I agree with much of what the last speaker had to say, except that I don't agree with his conclusion.

Every time we come up with solutions to problems that people don't want to spend money that we have on, they claim it's throwing money at it. If the chair of the subcommittee really believes this is squandering money, why would he be squandering the \$50 million of federal dollars that are in here that came from taxpayers in Michigan? If we really don't believe in this program, why are we spending the \$50 million of federal money? It seems to me that here in Michigan we ought to have the same commitment to our children that the federal government has for our children.

Every study shows that you have to make a difference by the third grade. The Governor has come out and said he wants to have a program to ensure the kids can read by the third grade. The Governor came out and signed a bill several years ago that Senator DeGrow and I put together that had a grant program in there for districts to reduce class size because we relied on studies from Tennessee where the entire state, the children of that state in K-3 have class sizes of no more than 17 to 1. The state of California bit the bullet, and the entire state of California is moving to low class size. The entire state of Nevada is doing this. This is a movement that is occurring across the country. The federal government recognized it. They put \$50 million in there.

The argument that this is one-time revenues is fallacious. The revenue estimating conference said that our base revenues have gone up substantially. We have nearly a half a billion dollars that we have to decide as a Senate what our priority is. Are our children our priority? Do we want to ensure the kids at the lower elementary levels learn and learn right? Why, I think we help that program if we have reduced class size and teachers can provide attention to individual students on a one-to-one basis more frequently with that low class size.

I encourage a "yes" vote on the DeBeaussiaert amendment.

Senator DeBeaussiaert's statement is as follows:

The bill that's before us includes some \$50 million in federal money available for class size reduction grants. This is an issue that has been debated for many years in this chamber, Senator Joe Conroy sort of leading that charge while he was a member. But I think that probably everyone in this chamber has come to realize the benefits of reducing class size in the early years, and this Legislature has made some movement in this area. The federal government's \$50 million takes us significantly beyond where we have been before. But it seems to me that if the state is serious about this issue, we should match the federal commitment in this budget. So my amendment would match the federal \$50,275,000 with an equal amount from the state General Fund so that we can expand and increase our commitment to reducing class size across this state. I think that it's an appropriate way, given our current economic situation to move us forward in a more rapid fashion towards what I think we all believe to be the goal. We have heard that kind of rhetoric from both sides of the aisle, and the Governor has indicated his commitment to that in the past as well. So I would hope we would adopt this amendment and move us forward to the goal of reducing class size in a rapid fashion and match the federal commitment that has been made in this area. And I'd ask for your support.

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

House Bill No. 4300, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 837.)

The question being on the adoption of the amendments offered by Senator Rogers,

Senator Dingell offered the following amendments to the amendments:

1. Amend Senator Rogers' Amendment No. 2, page 52, following line 20, by striking out all of subsection (3).
2. Amend Senator Rogers' Amendment No. 3, page 64, following line 10, by striking out all of subsection (2).

The question being on the adoption of the amendments to the amendments,

Senator Dingell requested the yeas and nays.

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

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

Roll Call No. 297

Yeas—18

Byrum
Cherry

Hart
Jaye

Murphy
Peters

Smith, V.
Van Regenmorter

DeBeaussaert
Dingell
Emerson

Koivisto
Leland
Miller

Rogers
Smith, A.

Vaughn
Young

Nays—19

Bennett
Bullard
DeGrow
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Johnson

McCotter
McManus
North
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille

Excused—1

Hoffman

Not Voting—0

In The Chair: Schwarz

Senator Dingell offered the following amendments to the amendments:

1. Amend Senator Rogers' Amendment No. 2, page 52, following line 20, subdivision (b), after "by a" by striking out "unanimous" and inserting "two-thirds majority in a".

2. Amend Senator Rogers' Amendment No. 3, page 64, following line 10, subdivision (b), after "by a" by striking out "unanimous" and inserting "two-thirds majority in a".

The amendments to the amendments were not adopted.

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

Senator Rogers 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. 298

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Jaye
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

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

Nays—0

Excused—1

Hoffman

Not Voting—0

In The Chair: Schwarz

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

Roll Call No. 299**Yeas—35**

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

Nays—1

Jaye

Excused—1

Hoffman

Not Voting—1

Smith, V.

In The Chair: Schwarz

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.

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

Senator V. Smith entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4298, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

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. 300**Yeas—36**

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

Nays—1

Jaye

Excused—1

Hoffman

Not Voting—0

In The Chair: Schwarz

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.

Senator Gast offered to amend the title to read as follows:

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal years ending September 30, 1999, and September 30, 2000; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The Associate President pro tempore, Senator Vaughn, assumed the Chair.

The following bill was read a third time:

House Bill No. 4302, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

1. Amend page 3, line 9, by striking out "299,976,465" and inserting "302,876,465".
2. Amend page 3, line 10, by striking out "300,226,465" and inserting "303,126,465".
3. Amend page 3, line 12, by striking out "300,226,465" and inserting "303,126,465" and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Byrum offered the following amendments:

1. Amend page 3, line 9, by striking out "299,976,465" and inserting "300,976,465".
2. Amend page 3, line 10, by striking out "300,226,465" and inserting "301,226,465".

3. Amend page 3, line 12, by striking out “300,226,465” and inserting “301,226,465” 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. 301**Yeas—12**

Byrum
DeBeaussaert
Emerson

Goschka
Koivisto
Miller

Murphy
Peters
Rogers

Smith, V.
Stille
Young

Nays—25

Bennett
Bullard
Cherry
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Gougeon
Hammerstrom
Hart
Jaye
Johnson

Leland
McCotter
McManus
North
Schuette
Schwarz

Shugars
Sikkema
Smith, A.
Steil
Van Regenmorter
Vaughn

Excused—1

Hoffman

Not Voting—0

In The Chair: Vaughn

Senator Emmons offered the following amendment:

1. Amend page 23, line 6, after “activities.” by inserting “It is the intent of the legislature to request an opinion from the state attorney general regarding the legal constraints of state audits of activities of public universities.”.

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

The question being on the passage of the bill,

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

Roll Call No. 302**Yeas—35**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland
McCotter

McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz
Shugars

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

Nays—2

Emerson

Jaye

Excused—1

Hoffman

Not Voting—0

In The Chair: Vaughn

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. Senator Schwarz offered to amend the title to read as follows:

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal years ending September 30, 1999, and September 30, 2000; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Shugars' statement is as follows:

I rise in support of this bill, and I just want to make a few comments. I want to compliment Senator Schwarz with putting this bill together and I feel doing one of the best jobs for higher education since I've been up here for the last nine years.

As you know, I represent Western Michigan University. I've been critical in the past many times with my university, but the new president, Elson Floyd, has made a remarkable change in the community as far as the relationship with the community at-large and the new engineering school, and the ability to work in partnership with the community and the research capabilities.

I appreciate higher education's recognition of Western's capabilities and then the aviation program that they changed into a college last year. I applaud Elson's support of listening to the Legislature, listening to the Governor and listening to everyone in the community. He's going to hold tuition down—rather than 9.5 a year ago, down below three percent—so the children who go to Western and the parents, the ones who do pay and the children who pay the tuition, will truly appreciate this higher education budget. So I urge my colleagues' support.

Senator Rogers moved that Senators Gast and DeGrow be excused from the balance of today's session.

The motion prevailed.

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

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

The motion prevailed.

Senator Emerson's statement is as follows:

Today is the last session day for Marlon Chatman, who is a Page here in the Senate. He's been with us the last eight months, and I believe the end of week he'll be through here in the Senate. He was originally sponsored by Senator Conroy, my predecessor. He has served here for eight and one-half months. I wish the Senate would acknowledge his service and thank him on behalf of Senator Conroy.

The following bill was read a third time:

House Bill No. 4299, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2000; to provide for the

expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Emerson offered the following amendments:

1. Amend page 2, line 7, by striking out “7,925,497,400” and inserting “7,997,497,400”.
2. Amend page 2, line 11, by striking out “7,854,845,500” and inserting “7,926,845,500”.
3. Amend page 2, line 17, by striking out “377,022,200” and inserting “449,022,200”.
4. Amend page 16, line 8, by striking out “56,000,000” and inserting “128,000,000”.
5. Amend page 16, line 18, by striking out “3,972,279,700” and inserting “4,044,279,700”.
6. Amend page 16, line 23, by striking out “5,033,870,200” and inserting “5,105,870,200”.
7. Amend page 17, line 4, by striking out “30,000,000” and inserting “102,000,000”.
8. Amend page 20, line 10, after “at” by striking out “\$2,926,267,200.00” and inserting “\$2,998,267,200.00” and adjusting the subtotals, totals, and section 201 accordingly.
9. Amend page 90, line 16, after “below” by striking out “200%” and inserting “300%”.
10. Amend page 90, line 20, after “is” by striking out “200%” and inserting “300%”.
11. Amend page 90, line 21, after “is” by striking out “100%” and inserting “200%”.

The question being on the adoption of the amendments,

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 303

Yeas—17

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

Nays—18

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

Excused—3

DeGrow	Gast	Hoffman
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Not Voting—0

In The Chair: Schwarz

Protests

Senators Gougeon and Rogers, under their constitutional right of protest (Art. 4, Sec. 18), protested against the of adoption of the amendments offered by Senator Byrum to House Bill No. 4299.

Senator Gougeon moved that the statement he made during the discussion of the amendments be printed as his reasons for voting “no.”

The motion prevailed.

Senator Gougeon's statement, in which Senator Rogers concurred, is as follows:

Hopefully for the last time, I rise to oppose this amendment. Now, I had heard the distinguished gentleman from the 28th District somehow saying that my agreement was I was pleading poverty, and nothing, in fact, could be further from the truth.

Understand, colleagues, that we are currently spending \$20 million on pharmaceuticals; the EPIC program would spend \$56 million. So we're talking about a \$36 million increase—a \$36-million increase—more than doubling the amount of money that we're spending on pharmaceuticals. That is a way of saying thank you to the senior citizens. I couldn't agree more with the gentleman from the 28th when he applauds those senior citizens who helped to build this country, and we look at this program as a way, in fact, of doing it. But, colleagues, giving somebody up to 300 percent of the poverty line free prescriptions means somebody who's making \$32,000 a year gets all the prescriptions free—free. I mean that isn't fair to the poor and those who need help. That takes a pot of money that we could use to help the truly needy and spreads it out, so that we can't really help the truly needy as much as we want, to those who don't need it. That's why we need to turn this amendment down.

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

The motion prevailed.

Senator Cherry's statement is as follows:

I rise in support of the Emerson amendment. Mr. President, I have listened to the debate here on this amendment and earlier on the amendment offered on class size reduction by Senator DeBeaussaert. What I'm hearing, quite frankly, in opposition to these amendments is what we've always heard—a plea of poverty, a plea for patience and a statement of good intention. There is a major difference this year than all those previous years when this plea of poverty, plea for patience and offering of intentions carried the day. The difference this year is that there is money. There is substantially more revenues because of the performance of the economy than there is tobacco money in the mix. It just seems to me, Mr. President, that when we receive this—our fiscal house is in such better shape than what it's been in the past—we ought to quit pleading poverty, quit asking for patience and quit expressing good intentions. We ought to do what is needed to be done. And, it seems to me, Mr. President, that our older citizens have by and large spent their lives building this state; we are the beneficiaries of the very hard work that they put in over the years. At this point, it seems, I think, inappropriate for us to not thank them and simply plead poverty, plead patience and offer good intentions. We ought to reward the fine job that they did on our behalf. We ought to reward them for the fine job they did in building this state. We ought to provide them some assistance in their older years in meeting these financial obligations. And, in doing so, we not only help them, but we help their extended family because often times it's the family that steps in and fills the cracks that we've created. This year is our opportunity to now act. We can't plead poverty anymore, we have no need to ask for more patience, and if we do the right thing, we don't have to express good intentions. Let's just do what is right today. I would urge adoption of the amendment.

Senator Byrum offered the following amendments:

1. Amend page 2, line 7, by striking out "7,925,497,400" and inserting "7,945,497,400".
2. Amend page 2, line 11, by striking out "7,854,845,500" and inserting "7,874,845,500".
3. Amend page 2, line 13, by striking out "4,067,568,800" and inserting "4,078,590,800".
4. Amend page 2, line 17, by striking out "377,022,200" and inserting "386,000,200".
5. Amend page 16, line 6, by striking out "53,758,000" and inserting "73,758,000".
6. Amend page 16, line 18, by striking out "3,972,279,700" and inserting "3,992,279,700".
7. Amend page 16, line 23, by striking out "5,033,870,200" and inserting "5,053,870,200".
8. Amend page 16, line 26, by striking out "2,888,941,300" and inserting "2,899,963,300".
9. Amend page 17, line 4, by striking out "30,000,000" and inserting "38,978,000".
10. Amend page 20, line 10, after "at" by striking out "\$2,926,267,200.00" and inserting "\$2,935,245,200.00" and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Byrum 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. 304

Yeas—16

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

Nays—19

Bennett	Hammerstrom	North	Sikkema
Bullard	Jaye	Rogers	Steil
Dunaskiss	Johnson	Schuetten	Stille
Emmons	McCotter	Schwarz	Van Regenmorter
Gougeon	McManus	Shugars	

Excused—3

DeGrow	Gast	Hoffman
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Not Voting—0

In The Chair: Schwarz

Senator Koivisto offered the following amendments:

1. Amend page 2, line 7, by striking out “7,925,497,400” and inserting “7,935,497,400”.
2. Amend page 2, line 11, by striking out “7,854,845,500” and inserting “7,864,845,500”.
3. Amend page 2, line 18, by striking out “2,549,245,000” and inserting “2,559,245,000”.
4. Amend page 5, line 2, by striking out “83,740,400” and inserting “93,740,400”.
5. Amend page 5, line 3, by striking out “1,741,743,300” and inserting “1,751,743,300”.
6. Amend page 5, line 9, by striking out “1,022,176,600” and inserting “1,032,176,600”.
7. Amend page 20, line 10, after “at” by striking out “\$2,926,267,200.00” and inserting “\$2,936,267,200.00” and adjusting the subtotals, totals, and section 201 accordingly.
8. Amend page 43, following line 12, by inserting:
“Sec. 427. It is the intent of the legislature that the \$10,000,000.00 increase in funding in the community substance abuse prevention, education and treatment programs line be used to expand both residential and community based substance abuse services for children and adolescents.”.

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

Senator Koivisto requested the yeas and nays.

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

Senator A. Smith offered the following amendments:

1. Amend page 2, line 7, by striking out “7,925,497,400” and inserting “7,927,497,400”.
2. Amend page 2, line 11, by striking out “7,854,845,500” and inserting “7,856,845,500”.
3. Amend page 2, line 13, by striking out “4,067,568,800” and inserting “4,068,671,000”.
4. Amend page 2, line 18, by striking out “2,549,245,000” and inserting “2,550,142,800”.
5. Amend page 16, line 4, by striking out “35,320,000” and inserting “37,320,000”.
6. Amend page 16, line 18, by striking out “3,972,279,700” and inserting “3,974,279,700”.
7. Amend page 16, line 23, by striking out “5,033,870,200” and inserting “5,035,870,200”.
8. Amend page 16, line 26, by striking out “2,888,941,300” and inserting “2,890,043,500”.
9. Amend page 17, line 6, by striking out “1,220,100,600” and inserting “1,220,998,400”.
10. Amend page 20, line 10, after “at” by striking out “\$2,926,267,200.00” and inserting “\$2,927,165,000.00” and adjusting the subtotals, totals, and section 201 accordingly.
11. Amend page 90, following line 26, by inserting:

“Sec. 1696. From the funds appropriated in part 1 for home health services, reimbursement rates for home health visits shall be increased by \$10.00 per visit.”.

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

Senator Emerson offered the following amendments:

1. Amend page 2, line 7, by striking out “7,925,497,400” and inserting “7,940,497,400”.
2. Amend page 2, line 11, by striking out “7,854,845,500” and inserting “7,869,845,500”.

3. Amend page 2, line 13, by striking out “4,067,568,800” and inserting “4,075,835,300”.
4. Amend page 2, line 18, by striking out “2,549,245,000” and inserting “2,555,978,500”.
5. Amend page 16, line 7, by striking out “1,007,364,700” and inserting “1,022,364,700”.
6. Amend page 16, line 18, by striking out “3,972,279,700” and inserting “3,987,279,700”.
7. Amend page 16, line 23, by striking out “5,033,870,200” and inserting “5,048,870,200”.
8. Amend page 16, line 26, by striking out “2,888,941,300” and inserting “2,897,207,800”.
9. Amend page 17, line 6, by striking out “1,220,100,600” and inserting “1,226,834,100”.
10. Amend page 20, line 10, after “at” by striking out “\$2,926,267,200.00” and inserting “\$2,933,000,700.00” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Emerson requested the yeas and nays.

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

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

Roll Call No. 305

Yeas—18

Byrum	Goschka	Leland	Smith, A.
Cherry	Hammerstrom	Miller	Smith, V.
DeBeaussiaert	Hart	Murphy	Vaughn
Dingell	Johnson	Peters	Young
Emerson	Koivisto		

Nays—17

Bennett	Jaye	Rogers	Sikkema
Bullard	McCotter	Schuetz	Steil
Dunaskiss	McManus	Schwarz	Stille
Emmons	North	Shugars	Van Regenmorter
Gougeon			

Excused—3

DeGrow	Gast	Hoffman
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Not Voting—0

In The Chair: Schwarz

Senator A. Smith offered the following amendments:

1. Amend page 2, line 7, by striking out “7,925,497,400” and inserting “7,935,497,400”.
2. Amend page 2, line 11, by striking out “7,854,845,500” and inserting “7,864,845,500”.
3. Amend page 2, line 18, by striking out “2,549,245,000” and inserting “2,559,245,000”.
4. Amend page 5, line 2, by striking out “83,740,400” and inserting “93,740,400”.
5. Amend page 5, line 3, by striking out “1,741,743,300” and inserting “1,751,743,300”.
6. Amend page 5, line 9, by striking out “1,022,176,600” and inserting “1,032,176,600”.
7. Amend page 20, line 10, after “at” by striking out “\$2,926,267,200.00” and inserting “\$2,936,267,200.00” and adjusting the subtotals, totals, and section 201 accordingly.
8. Amend page 43, following line 12, by inserting:

“Sec. 427. It is the intent of the legislature that the \$10,000,000.00 increase in funding in the community substance abuse prevention, education and treatment programs line be used to expand both residential and community based substance abuse services for children and adolescents.”.

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

Senator A. Smith offered the following amendments:

1. Amend page 2, line 7, by striking out “7,925,497,400” and inserting “7,925,697,400”.
2. Amend page 2, line 11, by striking out “7,854,845,500” and inserting “7,855,045,500”.
3. Amend page 2, line 18, by striking out “2,549,245,000” and inserting “2,549,445,000”.
4. Amend page 14, line 23, by striking out “3,600,000” and inserting “3,800,000”.
5. Amend page 14, line 24, by striking out “77,786,000” and inserting “77,986,000”.
6. Amend page 15, line 5, by striking out “27,768,100” and inserting “27,968,100”.
7. Amend page 20, line 10, after “at” by striking out “\$2,926,267,200.00” and inserting “\$2,926,467,200.00” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Emerson offered the following amendments:

1. Amend page 14, line 16, by striking out “26,823,400” and inserting “26,823,300”.
2. Amend page 14, line 19, by striking out “1,140,700” and inserting “1,140,800” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Shugars offered the following amendments:

1. Amend page 55, following line 26, by inserting:
“(2) Coalitions, organizations, and programs that do not provide contraceptives to adolescents without parental consent and demonstrate efforts to include parental involvement as a means of reducing the risk of teens becoming pregnant shall be given priority in the allocations of funds.” and renumbering the remaining subsection.
2. Amend page 56, line 2, after “(1)” by inserting “and criteria of subsection (2)”.

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

Senator Shugars 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. 306

Yeas—20

Bennett	Gougeon	McManus	Shugars
Bullard	Hammerstrom	Miller	Sikkema
Dunaskiss	Jaye	North	Steil
Emmons	Koivisto	Rogers	Stille
Goschka	McCotter	Schuette	Van Regenmorter

Nays—15

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

Excused—3

DeGrow	Gast	Hoffman
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Not Voting—0

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. 307**Yeas—34**

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

Nays—1

Jaye

Excused—3

DeGrow

Gast

Hoffman

Not Voting—0

In The Chair: Schwarz

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.
Senator Gast offered to amend the title to read as follows:

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal years ending September 30, 1999, September 30, 2000, and September 30, 2001; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; to provide for disposition of fees and other income received by the various state agencies; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate proceeded to the order of

Resolutions**Senate Concurrent Resolution No. 8.**

A concurrent resolution to memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

Senate Resolution No. 59

The resolution consent calendar was adopted.

Senator Rogers offered the following resolution:

Senate Resolution No. 59.

A resolution of tribute to acknowledge the efforts of the Paralyzed Veterans of America, Michigan Chapter.

Whereas, The Paralyzed Veterans of America (PVA), Michigan Chapter, is part of a national nonprofit organization dedicated to serve former members of the United States of America Armed Forces who have suffered catastrophic paralysis as a result of spinal cord injury or disease; and

Whereas, The mission of PVA is to take action necessary to restore the bodies and life potential of paralyzed veterans. The PVA fulfills its mission by coordinated efforts across America; and

Whereas, This group of men and women dedicate their time and energy for countless hours each year with key objectives of advocating for the delivery of high quality health care benefits and services; identifying and securing veterans benefits and other benefits for paralyzed veterans; promoting medical research to cure spinal cord dysfunction and other related problems; educating society about the attitudinal, physical, and legal barriers that confront persons with disabilities; providing information and opportunities for health promotion; recreation, employment, sports, services, and camaraderie for paralyzed veterans; and seeking support of other groups and individuals that share PVA's objectives; and

Whereas, Michigan residents have benefitted from the work of the PVA, Michigan Chapter, for almost four decades. The group has been recognized by many elected and appointed officials for its many accomplishments for veterans and deep impact on numerous pieces of state and federal legislation; now, therefore, be it

Resolved by the Senate, That we join in recognizing the Paralyzed Veterans of America, Michigan Chapter, for their diligence, commitment, and success in supporting fellow veterans; and be it further

Resolved, That the Michigan Senate presents this resolution to the Paralyzed Veterans of America, Michigan Chapter, as a token of the high esteem in which this organization is held. The continued efforts of this organization are appreciated by all.

House Concurrent Resolution No. 35.

A concurrent resolution to memorialize the Congress of the United States to enact the World War II Memorial Completion Act.

Whereas, Public Law 103-32, signed in 1993, authorized the establishment of a memorial to the valor of World War II veterans. The men and women who fought and who died during the century's darkest hours to secure the freedoms we enjoy today command our lasting gratitude. Their supreme sacrifices continue to touch every American. The World War II Memorial is a small but important step in repaying the immeasurable debt we owe these individuals. Many of these men and women have continued serving their country in community service organizations, such as the Veterans of Foreign Wars and the American Legion. This legislation set in motion a long process of securing support, establishing a site and design, and working with the American Battle Monuments Commission and the National Park Service to bring this project to completion; and

Whereas, In an effort to expedite the establishment of this memorial and to ensure adequate funding for its repair and maintenance in perpetuity, Congress has before it H.R. 1247, the World War II Memorial Completion Act. This bill addresses a variety of issues, especially refining powers and purposes of the fund created to handle the collection and disbursement of money, including the authority to borrow, as well as the protection of intellectual property and licensing rights related to the memorial; and

Whereas, The World War II Memorial, which is to be located on the National Mall in Washington, is an important expression of the nation's debt to a remarkable generation. The World War II Memorial Completion Act will play a vital role in ensuring the success of this venture to perpetuate for future generations the memory of valor and sacrifices that must never be forgotten; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact the World War II Memorial Completion Act. We urge all parties involved to work cooperatively toward the completion of this important piece of our country's history; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The House of Representatives has adopted the concurrent resolution.

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

Senator Rogers moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Rogers, North, Young, McCotter, Van Regenmorter, Miller, Goschka and McManus were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Rogers moved that rule 2.106 be suspended to allow the Committee on Judiciary to meet during Senate session.

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

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Cherry's statement is as follows:

It's interesting what a difference a day makes. Yesterday, in the course of our debate on important legislation, one very important focus of this body was the need to protect our citizens from the fear of crime and the problems associated with society when a few begin to victimize the many.

Today, we were given the opportunity to perhaps prevent some of that. We stepped aside from that responsibility on a number of occasions in failing to appropriate, I believe, official dollars that would impact the education of our children, health care of our children, and, Mr. President, ultimately a more effective strategy in the long run because ultimately we know that it's the children who have been disturbed during their educational experience, during their adolescence, who have been engaging in some of the activities that shock us today.

Now I supported the legislation yesterday because I do believe that law-abiding citizens have the right to possess weapons and carry them in a concealed fashion, but I think, more importantly, there is an obligation that we have as well to prevent crime by getting at its source. A number of amendments were offered to a variety of budget bills that, I think, would have had a significant long-term impact at getting to the source of crime by addressing a number of ills that confront us in a number of aspects of our social life. We failed to adopt those amendments.

I was also struck as well yesterday about the reverence we expressed for our Constitution and the need to assure that those constitutional rights were accorded to the citizens of the state. And I believe that I shared those expressions yesterday. But today, I also recall that our Constitution puts first and foremost as this state's responsibility the obligation to provide our children with a free and public education. It seemed to me, Mr. President, that in offering amendments to reduce class size, we were contributing in a very significant way for the future opportunity of many schoolchildren in the state of Michigan to have that constitutional gift accorded to them. I would have hoped that our obligations to provide a free and public education would be held in as much reverence as the rights to bear arms are held in the state.

Mr. President, I think we missed an opportunity today. I think that's unfortunate because I think it impacts the future of many. I would hope that as these bills progress to conference committee, that many of the concerns we raised on the floor today, as they pertain to education and health care and as they impact our children and older citizens, are dealt with. I think this is the year in which we are better able to afford to provide these opportunities for our citizens, and we ought to take advantage of that opportunity and not lose it.

Senator Vaughn's statement is as follows:

I just wanted to express my support for the community colleges budget because it provided important funding increases for more than 28 community colleges.

I also wanted to thank Senator Gast for his hard work in making this a very good budget proposal and to continue the support on behalf of Michigan's community colleges.

Thank you for your support for this important budget bill. And the numbers were unanimously accepted.

Senator Rogers moved that when the Senate adjourns today, it stand adjourned until Tuesday, June 1, at 12:00 Noon. The motion prevailed.

Committee Reports

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 4532, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).

With a substitute (S-1) and without recommendation.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, Bullard, Hoffman, Byrum and Dingell

Nays: None

Pursuant to rule 2.204, the bill and the substitute recommended by the committee were laid on the table.

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 4534, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 239 (MCL 750.239).

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

1. Amend page 1, line 7, after "tive" by striking out the balance of the subsection and inserting a period and "AN ILLEGALLY ALTERED PISTOL, WEAPON, OR DEVICE SHALL BE DISPOSED OF IN A MANNER PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE. A LEGAL PISTOL, WEAPON, OR DEVICE SHALL BE FORWARDED TO THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET FOR AUCTION IN ACCORDANCE WITH LAW."

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, Bullard and Dingell

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 4543, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 227, 233, [234a,] 234d, 234e, 234f, 235, 237, and 237a (MCL 750.227, 750.233, [750.234a,] 750.234d, 750.234e, 750.234f, 750.235, 750.237, and 750.237a), section 227 as amended by 1986 PA 8, [section 234a as amended by 1996 PA 163,] section 234d as amended and section 237a as added by 1994 PA 158, section 234e as added by 1990 PA 321, and section 234f as amended by 1996 PA 80.

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

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, Bullard and Dingell

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Tuesday, May 25, 1999, at 2:00 p.m., Room 110, Farnum Building

Present: Senators Jaye (C), Bullard, Hoffman, Dingell and Byrum

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, May 19, 1999, at 1:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon and Byrum

Excused: Senator Hart

COMMITTEE ATTENDANCE REPORT

The Task Force on Agriculture Preservation submits the following:

Meeting held on Friday, May 21, 1999, at 9:00 a.m., Lowell Township Hall, 2910 Alden Nash S.E., Lowell Township, Michigan

Present: Senators McManus (C), Emmons and Sikkema

Excused: Senators Byrum and Koivisto

COMMITTEE ATTENDANCE REPORT

The Task Force on Agriculture Preservation submits the following:

Meeting held on Monday, May 24, 1999, at 1:00 p.m, Oak Lane Golf Course, 800 N. Main, Webberville, Michigan

Present: Senators McManus (C) and Byrum

Excused: Senators Emmons, Sikkema and Koivisto

COMMITTEE ATTENDANCE REPORT

The Subcommittee on School Aid submits the following:

Meeting held on Monday, May 24, 1999, at 3:00 p.m., Traverse Bay Area Intermediate School District - Career Technical Center, Traverse City, Michigan

Present: Senators Stille (C) and Bennett

Excused: Senator DeBeaussiaert

Scheduled Meetings

Agriculture Preservation Task Force (SR 52) - Friday, June 18, at 1:00 p.m., Marlette Middle School Media Center, 6230 Euclid Street, Marlette; Saturday, June 19, at 9:00 a.m., Southwest Michigan Research and Extension Center, 1791 Hillandale, Benton Harbor; and Tuesday, June 29, at 11:00 a.m., Michigan State University Livestock Pavilion, East Lansing (3-1725).

Appropriations Committee - Wednesday, June 2, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Economic Development, International Trade and Regulatory Affairs Committee - Tuesday, June 1, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Legislative Retirement Board of Trustees - Wednesday, June 2, at 4:00 p.m., House Conference Room, 1st Floor, Capitol Building (3-0575).

Natural Resources and Environmental Affairs Committee - Tuesday, June 1, at 2:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 2:19 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, June 1, at 12:00 Noon.

CAROL MOREY VIVENTI
Secretary of the Senate.