

No. 55
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, June 11, 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—excused
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Pastor John Evans of Great Joy World Outreach Church of Muskegon offered the following invocation:

Heavenly Father, we come on this morning and we are so grateful and thankful for this time You have allotted us for this session. For it is uniqueness as we speak and as we pray on this morning, on behalf of our entire state of Michigan. But most of all, we pray for the success of our efforts to make decisions for our children to have a better way of life, equality, and an opportunity for their dreams to be reached. We pray on this morning, Lord, that we would not be selfish in our own ways and in our own thoughts. But God, as we come together as a people to make decisions for tomorrow, Lord, we pray on this morning an unselfish prayer, not necessarily for ourselves, but for those who have no voice and for those who cannot speak for themselves; like the elderly and the unborn. So we realize we are all someone's little girl or someone's little boy—we all abide by the rules in this great country we call America.

We pray that our cause for being here will not be forgotten if we are to establish and keep a godly principle to make our communities better. And Lord, we also pray that whether it be the Jaye amendment or the Young amendment, the tobacco bill or the missing children's task force, whether it be to fix our streets and our roads, that we think of others most of all. God, we ask for Your help as we declare this day and from now on and forever more be a time of gathering, making wisdom, knowledge and understanding our goal. We pray for state officials and Senators and governors and for the clergy—men and women who would have their steps ordered by the Lord. Where You lead, we are secure of the outcome.

Bless this session today and the days to come. And Father, we pray a special prayer, for those under the sound of our voice who are struggling with cancer, or tumors, or ulcers today, who come out weakly to help legislate the rules that would make our families and our communities better. And we thank You for this opportunity God, and we believe that You are going to answer our prayer. We thank You for the privilege to serve. So we pray today for Governor Engler and those on the staff in the name of Jesus. And everybody said Amen.

Motions and Communications

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

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

Senators Posthumus, Jaye, Dingell and Cherry entered the Senate Chamber.

Senator DeGrow moved that rule 3.901 be suspended to allow television filming from the Gallery and the west side of the Senate floor.

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

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

The motion prevailed.

Senator Emmons' statement is as follows:

I would like to introduce to the body an outstanding group of problem solvers—winners of the Odyssey of the Mind on the regional level in Big Rapids at Central Michigan University. They won the state level. This group went and was involved in the competition at the world finals in a wonderful place—Walt Disney World, where they placed 23rd out of 53 teams from all over the world. They are from Morley Elementary, and as I introduce them I would like them to individually rise. They are coached by Michelle Feindt, assistant Melissa Culver, Tony McLaughlin was one of the teams person; Zack Gilbert, Emily Bowman, Kelsey Thompson, Jessica Schultz, Tiffany Medler and Liz Lodden. These young people represented Mecosta and Osceola county.

We have been competing in the Odyssey of the Mind for the last 10 years and there has never been a state team from our area. We are immensely proud of these young people and their coaches and all of their parents. This community, if you ever go up through my county, is a very small community. They raised the money from businesses to be able to go to Florida. Because we are proud of them, I would like to have my colleagues welcome them.

Senator V. Smith moved that Senator Young be temporarily excused from today's session.

The motion prevailed.

Senator Young will be attending graduation ceremonies in his district.

Pursuant to rule 3.203, the Majority Leader made the following committee reassignments:

Senate Resolution No. 205

Senate Concurrent Resolution No. 88

The resolutions were referred to the Committee on Education.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 10:

House Bill Nos. 5386 5389 5512 5587 5704 5762 5786 5860

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 10, for his approval the following bills:

Enrolled Senate Bill No. 74 at 3:28 p.m.

Enrolled Senate Bill No. 75 at 3:30 p.m.

Enrolled Senate Bill No. 895 at 3:32 p.m.

Enrolled Senate Bill No. 896 at 3:34 p.m.

Messages from the House

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.

The House of Representatives has nonconcurred in the Senate substitute (S-6) and appointed Reps. Alley, Griffin and Rhead as conferees.

The message was referred to the Secretary for record.

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).

The House of Representatives has nonconcurred in the Senate substitute (S-3) and appointed Reps. Alley, Griffin and Rhead as conferees.

The message was referred to the Secretary for record.

Senator Bullard entered the Senate Chamber.

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 10, 1998

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

HB 4738 Senator Bill Schuette, Chair

Senator Jon Cisky

Senator Gary Peters

HB 4740 Senator Bill Schuette, Chair

Senator Jon Cisky

Senator Gary Peters

HB 5593 Senator Jon Cisky, Chair

Senator Philip Hoffman

Senator Jackie Vaughn

Please make this communication part of the official Senate record.

Sincerely,

Dick Posthumus

Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded 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.

The following bill was read a third time:

House Bill No. 5185, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," (MCL 436.1 to 436.58) by adding section 18b.

The question being on the passage of the bill,
Senator Bullard offered the following substitute:

Substitute (S-1).

The substitute 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. 557

Yeas—35

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

Nays—0

Excused—2

Schuette

Young

Not Voting—0

In The Chair: President

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

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic

liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," (MCL 436.1101 to 436.2303) by adding section 1101a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 1009, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 401, 403, 404, 405, 406, and 505 (MCL 484.1401, 484.1403, 484.1404, 484.1405, 484.1406, and 484.1505), sections 401, 403, and 405 as amended and section 406 as added by 1994 PA 29.

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. 558

Yeas—35

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

Nays—0

Excused—2

Schuette	Young
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1010, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 102, 303, 316, 601, 602, and 604 (MCL 484.1102, 484.1303, 484.1316, 484.1601, 484.1602, and 484.1604), section 102 as amended by 1996 PA 313, sections 303 and 602 as amended by 1994 PA 29, and section 601 as amended by 1989 PA 36, and by adding section 605.

The question being on the passage of the bill,
Senator Van Regenmorter offered the following amendment:

1. Amend page 9, line 15, after "utilized." by striking out the balance of the subdivision.

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. 559

Yeas—34

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

Nays—1

Peters

Excused—2

Schuette

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Peters, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1010 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Peters' statement is as follows:

Although I agree with the vast majority of what this bill is doing, and believe that it is very necessary; a problem came to my attention through the city of Southfield as we were debating this bill in committee. It appears that there is a significant problem in Southfield, and I believe it's a problem that communities across the state of Michigan are also faced with, and that is the verification of addresses that comes up when someone calls 911. Normally, there is an address that is provided to the public safety department where they know where that call originated. That is pretty important information, particularly in emergency situations. Someone may call 911 and then have to run to a choking child or a crime in progress, drops the phone, and that address appears on the screen. That allows public safety officials to send police or to send an ambulance to that address immediately.

However, there has been a significant problem in Southfield; where there has been improper verification of addresses, and many times, when a 911 call comes in, there is not an address shown on the screen and public safety officials cannot respond, because there isn't an address there.

This bill deals with the issue by forcing the company to verify their addresses as well as any suppliers. But unfortunately, there are no teeth, there no penalties, there are no fines that could be assessed to force compliance with the act; to force companies to make sure that that database is accurate and fully verified, so that when you call 911 you actually know what the address is. I attempted to put forward an amendment in committee that would have given some teeth to the regulations which would have forced companies to make sure that that database is 100 percent verified and that those addresses actually appear. I believe that is absolutely essential, to maintain the integrity of the 911 system. If we don't have those addresses and if they aren't verified by the companies, public safety officials cannot do their job in not responding to 911 calls. So, I see that as still a serious deficiency with this bill. I hope the House addresses that. Unfortunately, we weren't able to do it in the Judiciary or the Technology committee, but I would certainly urge my house colleagues to take a look at this very serious issue. The city of Southfield deals with this on a regular basis and has some serious reservations about this bill, and I know that this problem is not confined to the city of Southfield. It is really a problem the communities across the state are dealing with and are faced with, and there needs to be an amendment to the bill to that effect, before we could support this bill.

The following bill was read a third time:

Senate Bill No. 649, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding chapter 10A.

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. 560

Yeas—35

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

Nays—0

Excused—2

Schuette

Young

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Emmons, Van Regenmorter, Bouchard and V. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Emmons' statement is as follows:

I'm very pleased that today we made a statement that it needs to be harder to raise taxes in Michigan. Every other time when the state has gotten in trouble, they immediately said it was the taxpayers' fault because they're not paying enough, and have, in the past, raised taxes. With the passage of the bills today to make it more difficult to raise major taxes, we have said that we are going to look to the taxpayers last. We will look within ourselves first to see if there are any other ways to fund our programs without digging into the pockets of taxpayers when they're having trouble.

It's interesting to note that we have a bill on the books that was voted on by ten numbers in this body to require a super-majority to approve an emergency appropriation from the Budget Stabilization Fund. Those ten people today said no to the taxpayers and no to making it harder to raise taxes. Evidently, we want to make it harder to get into our savings accounts and to make it easier to get into the taxpayers' pockets.

We believe this is the correct direction for Michigan to take, and we hope that this bill is passed on the other side of the rotunda.

Senator Van Regenmorter's statement, in which Senator Jay concurred, is as follows:

Senate Bill No. 649 is the deadly predator bill. I know members here on the floor, as well as a significant number of people in the criminal justice community. And by my standards, most importantly, the victim community have a real interest in this bill. I first became acquainted with a problem that this bill addresses. Some years ago, Sue Young, a friend of my assistant, called to express concern regarding someone named Donald Miller, who was serving an indeterminate term which had a maximum sentence for killing four young women—one of whom was the wonderful daughter of Sue Young. He was up for parole and she called me expressing great concern, because experts inside and outside of the prison system said to them that this was a dangerous serial killer and if he was released, he would kill again. I believe that assessment was correct. Through the years, as he came up for parole, I'll admit I probably stepped outside a bit of my legislative authority and called the parole board. Finally, the parole board became sick of those calls and said look, "There is no way you'll be paroled." The trouble is, unless some other things occur, he will reach his maximum sentence in 1999. At which time, unless something else occurs, it will be no way to keep him in Michigan's prison system—the experts all agree he is very dangerous.

Sue Young, in spite of suffering this incredible tragedy; the loss of a wonderful daughter, has decided to transcend that tragedy and make her daughter's death have some meaning by making sure we have something in place, so that when these circumstances exist—that is; we have someone who is incredibly dangerous, who is in prison currently, but is going to reach the end of his maximum term and will be released because there is no other way to hold them. That is the kind of legislation we need. So, she has become a part of a group of which my office is a part, and we have been working for a couple of years now developing this legislation. Because we are dealing with some questions of constitutionally and so on, and yet we all agreed up front—what we need to do is to work carefully. But, we need a bill which will recognize that the safety of Michigan's citizens transcends the other concerns. Sue Young has been very involved in that working group, she's been very involved with my office lending her expertise and her strong support. She has become, on behalf of her daughter, a most powerful voice for victims. Sue Young is here with us today and I'd like to introduce her to my colleagues here on the senate floor. She is sitting in the east gallery.

Senate Bill No. 649, is the result of a couple of years of work by a lot of people. As I indicated, we had to be very careful that we did not trample on civil rights or constitutional rights. But we did put forward something that gives the system an opportunity, hopefully, in rare circumstances. And, what we used as a bit of our guide, was a U.S. Supreme Court case called "Hendricks v Kansas". Kansas has a law; it's a bit different than this, but there are a lot of similarities, so we used that to give us some guidance on the constitutional questions.

Essentially, Senate Bill No. 649 does this—it says, that persons currently serving sentences in Michigan prisons for very serious crimes; and those crimes are, first degree murder—a life without parole sentence, second degree murder, attempts to commit murder, solicitation to commit murder, other murder crimes and criminal sexual conduct in the first degree. Someone serving for those crimes currently, who has a maximum sentence, which means they are now serving a life sentence or a life without parole sentence, there will be a time at which their sentence will expire and a time after which the state will have no ability to control them.

What this bill does is say that if that's the first filter, the present crime, the crime for which they are serving their present sentence, if their criminal history includes murders, if those things exist together, those filters are met or surpassed, then the Department of Corrections notifies the Attorney General's office six months or more before the possible release at the end of the maximum sentence. The Attorney General would then review it and if the Attorney General felt that based upon all of the research and review they did, that this person fell into this deadly predator category—that is they would be a continuing and great danger to the Michigan public if released, the Attorney General could petition the court in a civil process. Remember up until now, this person has been serving in prison as a result of the criminal process. We now move over to the civil side of things and the Attorney General will represent the citizens of the state of Michigan before the court. The court would review using a preponderance standard. If the court determined that this person was that kind danger, because of a mental abnormality, they could be civilly committed. The definition of the civil commitment we use here, is they would be securely confined. They would be turned over to the Department of Community Health where they would be provided with certain community health alternatives. But most importantly, for the citizens of Michigan, they would be securely confined. There would be regular hearings on their confinement, but it offers finally, an opportunity for the state of Michigan to put in place a system that will be used. I hope rarely, but the system will be there when we need it. This is the kind of process we need for the Donald Millers and the others in Michigan, who fall into this category of being extremely dangerous, and for whatever reason they are not serving a life sentence—they will be released.

These people pose an incredible danger to Michigan citizens and it is important, I think, that we give the system the tools it needs. We've done some review; our concern was that if we didn't have some significant filters that we would find the numbers were very large. We have found that with the filters we have the numbers are very small. We have a fairly small universe within Michigan's prison system. Even within that universe those who qualify, based on these standards, not all of them would be petitioned. So, we believe we can control this process by two ways: First, this bill and second, a sentencing guidelines process which this body passed unanimously. It is languaging in the House right now, but we hope for its passage. If you are a member, that sentencing guidelines process recognizes up-front these kinds of factors. So, we hope that if the sentencing guidelines bill passes ultimately—which recognizes the criminal history on the extent of violence in each defendant coming before the court for sentencing, that in combination with this at the back end of the system, we will have in place an entire process that up-front recognizes and sentences appropriately. But, at the back-end for those rare circumstances where it's necessary, we impose a civil means of committing and confining these incredibly bone chilling dangerous people. I urge your support for this bill.

Senator Bouchard's statement, in which Senator Jaye concurred, is as follows:

I am happy to co-sponsor this. I think this in an issue that is overdue—it's important and I will say that for a variety of reasons. As many of you know, I sponsored a bill, Senate Bill No. 161 to do very similar things. The good chairman of this committee has refined this to a great degree and I think he should be applauded for that. To respond to a couple of points that have been raised about the nature of what we are doing, we talked about the constitutionality and constitutional questions. As was mentioned, the Supreme Court's already held on it constitutionally regardless of whether its razor thin or it's a super majority. Nonetheless, that is the law of the land—first point. Secondly, when we talk about the Constitution and you talk about what that document does to protect all of us, I think we have a very clear choice here. Do we give equal consideration to victims and potential future victims, that we give to convicted/not accused, violent predators. And I would argue under our Constitution, which guarantees the right to health, safety and all of those important parameters, that we have a duty to insure that individuals who could be the future victims of these proven predators, have a constitutional right to be protected from them. Statistically, they have shown how often they repeat. That's why we enacted the Sex Registry Offenders Act.

The average pedophile has over 100 victims in his or her career. We know the vast majority of sexual predators do not change their spots. Knowing that, we have a duty to protect the public from their future activities. I will tell you that in my twelve years as a police officer, the two cases I remember most vividly are individual predators: the Oakland County rapist and the Oakland County child killer. In both of those cases it's unbelievable the lengths these individuals will go to abuse and kill innocent lives and have no regard at all for anyone else's rights or future.

If we don't do something, and we know what individuals will be eligible to be released and have this kind of predictable violent behavior—an analogical situation to me would be having contained a radio active toxic waste and kept the public protected from it, and then at a date certain decided it was time to put it out on the playground knowing full well that there was a good possibility, a good probability, that people would be negatively and seriously impacted by that action—would we do that? I think the answer is clearly no, we wouldn't. That answer should be the same answer be the same answer in this situation.

The language that deals with their likely, predictable, ability to, in the future, believe that this person will engage in that violent predatory action, I think, moves us away from the question of *expos facto* because it's not a re-punishment for an existing crime, it is an examination in totality of their past crimes and the likelihood of a future crime occurring against innocent individuals.

Secondly, that same point would apply as it relates to double jeopardy. This is not a retrying of past crimes, this is in it's totality, if we examine the behavior of this person and the repetitive nature of that behavior, and the likelihood that behavior will play itself out against a totally innocent person, and we come to all of those conclusions and believe it's very likely that this person will go back out to kill or hurt again. How can we not in good conscience under the Constitution protect the public from that very real, tangible threat.

For all those reasons I think this is an important move and right move and I support it's passage.

Senator V. Smith's statement is as follows:

We are right on the edge of constitutional protection, because of the nature of the bill that is in front of us. The nature of the bill that is in front of us would allow an indefinite civil commitment of certain individuals that have a history of committing violent crimes, and it is proven that the individual is likely to engage in habitual predatory acts of violence in the future. The reason that conceptually that is so dangerous, is for the first time in Michigan's history, we would allow for a person to be civilly committed for an indefinite period of time. Civil commitment for an indefinite period of time that has associations with the mental illness process, could very well be used by a Third World dictator. It could be used as a way of keeping your political opponents out of the lime light and all of a sudden they disappear. It could be used in a way that historically steps away from the protections that America and the United States Constitution provides for all citizens. Our Constitution guarantees equal protection under the law. It guarantees that laws cannot be

expos facto; which means that we pass a law and it would apply to behavior that has already occurred. We can only pass laws prospectively. We can't say that because we think you jaywalked last week and that wasn't against the law. And now we're going to make it against the law and lock you up as a result of what you did last week. Those kinds of constitutional side steps can be very dangerous, because it puts our entire governmental structure in a process that could quite possibly negate the constitutional protects that every citizen in this country has a right to enjoy.

This bill also skirts the constitutional issue of double jeopardy, because in effect, we are going to punish you for a crime that you had already been punished for. Those are very important constitutional issues, and any time that you want to walk that line around those constitutional issues, it should be done in a very delicate and understanding, thoughtful and comprehensive fashion. With that said, I would like to compliment the chairman of the committee, because when he first put this bill on the table in committee, it made my hair stand on end. It's the type of bill that will allow this country to be taken over, and allow anyone who objects, to be incarcerated. It could be used in that fashion; it could be abused. So, he has structured this bill in a way that I'm willing to support. Because he structured it in a very narrow fashion—and he's tried to structure it in a way that is protective of the public's interest and recognizes the constitutional thin ice that we walk on as we discuss this type of legislation.

He has in this bill, placed requirements regarding past homicides. He has in this bill, required that this can only be initiated by our state Attorney General, and not by the 83 county prosecutors. He has narrowed the eligibility that this bill would open the door to in such a narrow and concise fashion, that I am willing to support it even though I know it is on the precipice of constitutional protection of both Michigan and the United States Constitution. So, I am supportive, but I do want the body to understand that when we step over the line and start allowing civil commitment on an indefinite basis, we have stepped over the line.

In this country, in order to be incarcerated you have to be found guilty of a crime. You have to be charged; you have all of the constitutional rights that every citizen in this country is entitled to when they are charged with a crime, and proven guilty of that crime. Therefore, they suffer the penalty. That's not going to be the case in this circumstance. In effect, these crimes have already been committed and we are trying to make sure that the public is protected. In a way where these crimes have been so horrendous and maybe the prosecutor or maybe somebody in the system didn't ensure that they would be locked up for the rest of their life, and there is still some glimmer of hope that they can get out. That's what the chairman is trying to make sure doesn't happen, that if that does occur, there is some way in the governmental structure to address that type of very delicate situation. I just wanted people to understand that we are skirting that constitutional line, and we are skirting on very basic constitutional principles and even when this issue was in front of the United State Supreme Court, it was only supported by a razor hair. So with all of that, I am willing to support the passage of Senate Bill No. 649 and I applaud the chairman on his hard work.

Senators Bouchard, Gougeon, Emmons, Hart, Rogers, Dunaskiss, Shugars, North, Hoffman, Miller, DeBeaussaert, Jaye, McManus, Stille and Gast moved that they be named co-sponsors of the following bill:

Senate Bill No. 649

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1163, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 84.

The question being on the passage of the bill,

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

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

Roll Call No. 561

Yeas—21

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

Nays—14

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

Excused—2

Schuette	Young
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Cherry, V. Smith, Schwarz, Miller, A. Smith and Byrum, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1163.

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

Senator Cherry's statement is as follows:

There are several ironies that seem to be running through this debate. I am joining several of my colleagues in opposition to the bill. But the one that I find extremely interesting is the discussion we just went through regarding the emergency appropriations act. What we often times think of really here on a day-to-day basis is how we appropriate money from the budget stabilization fund. It's interesting to note that during the history of this statutory provision, we have appropriated money from the stabilization fund on a number of occasions. Never using that two thirds vote provision. Somehow we've found some way to get around it. Quite frankly, it's not all that difficult here either. You simply include whatever tax increase that you seek to pass, a clause in the bill saying that provision notwithstanding. You simply, by clause, negate the two thirds vote. So the procedural obstacles and hurdles that were described as necessary to get to a tax increase, they're simply nonexistent. You simply put a little clause in there that says that that provision notwithstanding the tax rate will be such and such. I think that really explains to us, or really highlights to us, why this is more political theater than it is substantive police debate.

The other irony that really is extremely apparent here is that there was a requirement. There is a requirement in the constitution, for a super majority to adopt a constitutional amendment. Super majority slash consensus. The purpose of this super majority is to insure legislation that has public consensus for the action of the legislature. Well we failed to achieve that social consensus, that legislative consensus, that constitutional consensus a few weeks ago. So, what are we going to do? Well we're going to ignore the need for consensus. We're going to proceed with a simple majority of those elected and serving. The history of this provision of statute is that we will wind up ignoring it and simply proceed with a majority of those elected and serving.

The ironies really do tell us that what this is all about is an election year. That we want to make sure that people are put on record as to whether they believe taxes ought to be imposed with a two thirds majority. Well, this will be an opportunity for everybody to go on record. We'll all put this issue behind us and we can go on to some of the substantive issues that really impact the people of this state. The problems that they are facing on a day-in and day-out basis. I think I've heard a number of very good arguments, from both sides of the aisle, as to why this provision falls short; why, in fact, it's not workable, why, in fact, it really runs counter to the very basis of how we operate in a democracy.

But most importantly, I did note the remarks made by my colleague from the 24th District when he talked about how we denigrate the institution with such a statute. I think how that was very clearly brought to bear here was with the discussion about how we always turn to those outside state government to solve a problem before we turn to those inside state government.

During the sixteen years that I have served in the Legislature, throughout those sixteen years it has clearly been our practice to cut the budget before increasing taxes. That, when we've increased taxes, we've increased them by and large on a temporary basis. That has not been done by just Democrats or Republicans. Those have been bipartisan products by and large. But here we're willing, in the thrust of an election year debate, to really push aside that very fine bipartisan record to somehow create a revisionist's history that will underscore a debate on a piece of legislation. That's what I believe the Senator from the 24th District meant when he says that we denigrate ourselves and the institution. We wish to ignore the hard work, the facts surrounding those who have served, just simply to create a counter history that somehow says we are so terrible that we need to be corralled in this fashion.

In fact, I believe that by and large what's occurred over the 16 years I've served has been very responsible financial management. It has taken Michigan from bankruptcy to a position where at least we can argue about whether we have a surplus or not. I think that's a big change from what it was sixteen years ago. So I too share the concern of the Senator from the 24th District when he makes the point that what we're really doing is denigrating the work that we have done. Therefore, I would urge a "no" vote on this legislation.

Senator V. Smith's statement is as follows:

I rise to oppose Senate Bill No. 1163. I find it interesting that the caucus that provided 19 of the 20 votes for the last tax increase that was on this floor is now here pushing a super-majority in order to pass any tax increases in the future. I also think that these bills are unconstitutional. The Michigan Attorney General is preparing an opinion. That opinion has not been rendered as of yet, but these bills violate one of the more basic constitutional protections, and that is the protection of "one man, one vote."

The super-majority which this body wants to enact statutorily in order to have a tax increase dilutes the votes of my constituents. My constituents have an equal footing with every other constituent in the state of Michigan, and have their elected representative elected to this body by a majority vote. But to send me here and then place me in a body where majorities no longer matter, where only a super-majority matters, is to dilute their vote, and dilute their ability to have the "one man, one vote" constitutional protection.

There are no other statutory provisions in Michigan requiring an extraordinary majority vote by the legislature to enact legislation. This would be the first. All the other super-majorities that are allowed by law are based on the Michigan Constitution. Those super-majorities that are allowed within the Michigan Constitution do not affect taxes. It would have been within the framers' parameters at the time of the drafting of the Constitution, since they did allow for super-majorities in the enactment of bills that would effect a local unit of government, since they did allow super-majorities in amending constitutional changes, or banking legislation, but they did not do so.

They could have contained a super-majority for tax increases within the Michigan Constitution, but they did not do so. They specifically excluded them. Because of that exclusion, it is my belief that under the Michigan Constitution, these bills would be found unconstitutional.

This proposal conflicts with Article 9, Section 1 of the Michigan Constitution, which does not contain an extraordinary majority vote for tax bills. That section of the Michigan Constitution requires only a majority vote for the passage of tax legislation. That was what the framers of our constitution intended. The proper way to enact such a provision is through an amendment to the Michigan Constitution, not by a statute that requires fewer votes than the proposed law would require. These bills are unconstitutional and you pass them knowing full well they will be struck down.

Senator Schwarz's statement, in which Senators Miller, A. Smith and Byrum concurred, is as follows:

I rise to oppose this bill and the other two bills. They are faintly unconstitutional, they're ill-advised, they put the power of this chamber into the hands of 15 members, not 20 members as it should be on very serious questions having to do with tax policy. I can't think of a tax bill that I would vote in favor of right now, but that's not the point. I think we start to denigrate ourselves and denigrate the chamber and denigrate the history of majoritarian voting when we try to put through bills like this that require a super-majority. I would have to say as an issue the backers of this are impervious to the fact and blind to anything but their own election year machinations. The bills won't make it through the House of Representatives and we have now spent significant time and will spend significant more time on a gesture. This is a gesture and a unconstitutional gesture.

Senator Byrum's statement is as follows:

I must rise and speak in opposition to this as the first bill in a series of votes. I believe that currently the process by which we operate in terms of fiscal matters is one that we are frugal with tax dollars, we are very cautious in how

revenues are raised, and what we're really doing here is creating a phantom boogie man. A phantom because we are really just chasing our tails around in a circle because when it's all said and done the end result is going to be the majority will still rule, because it will just take a majority vote with concurrence of the Governor to change any statute.

What we're really trying to do here is we're to create the phantom boogie man of what life might be as we approach term limits in a term-limited legislature. Because as the previous speaker said, we're not afraid of what we know today, it's tomorrow that we're afraid of. It's the uncertainty of tomorrow given the term-limited legislature and now what was all sold on the citizen legislature of tomorrow, closer to the people, they're going to be doing just a short timeframe entering public life and then going back into the everyday working world of Michigan.

I say let's not create phantom fears. Most of you who are supporting the super-majority vote where the same individuals who supported term limits, wanting to get the legislature closer to the people, and yet, what we're really afraid of is what's going to happen once we have term limits and once that legislature is truly closer to the people. We all know the reality is if you're going to be looking at enhancing increasing revenues that the fact of the matter is it must be bipartisan. We do everything we can do to reach across the aisle and not polarize tax increases on one political party or the other and then it does take concurrence of the governor. Those votes are very, very, very difficult to put together; just ask Governor John Engler about the hours that he tried to negotiate and put together votes to increase the gas tax in the state of Michigan.

The following bill was read a third time:

Senate Bill No. 1164, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 3b.

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. 562

Yeas—21

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

Nays—14

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

Excused—2

Schuette	Young
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Berryman and Miller, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 1163 and 1164 and moved that the statements they made during the discussion of Senate Bill No. 1163 bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Berryman’s first statement is as follows:

I rise also to oppose the passage of this bill and the next two bills, I guess, they will deal with this three-fifths majority. You talk about political bills in a political year—you couldn’t get the three-fifths majority on a constitutional amendment, so you change it statutorily. Some on the other side were very upset they didn’t get the majority needed to pass that, which shows you how upset you were with minority rule.

There were a couple of other bills that you didn’t get that you needed a super-majority for immediate effect. You didn’t get it, and you were upset—upset once again that minority ruled. The law has always been in this country that majority rules, whether it’s in your election or on this floor. If you get the 50 percent plus one in an election, then you win. That’s always been the rule. What I don’t understand, Madam Governor, is that my good colleagues on the other side of the aisle have 22 votes. Out of the 37, you have 22. There isn’t a bill on this floor that can pass without your approval. You’re in the majority. What are you so concerned about? If you don’t want to see a single business tax bill increase—a tax increase—don’t vote for it. You control the floor, and you control what bills go out of here. You’re telling everyone, “Keep us in control.” We keep you in control. Do you find it difficult to go home and say, “We need a three-fifths majority to make sure that the work we’ve done will not be undone”?

First of all, I think that’s an arrogant statement to make that no future Legislature can do a better job than what we’ve done here. If you say this is not just a political bill and say, “Look, we got tough. We made it tougher to raise taxes. We made it tougher to raise your single business tax”—in this particular bill. You don’t need a three-fifths vote for that. You do it right now with your 20 votes. You can turn down any bill, tax increase, or any bill for whatever the subject is. It doesn’t go out of here without your stamp of approval. What are you so upset about other than they make pretty doggone good looking political ads in a political year?

I think it’s all politics at its worse. It takes majority rule away. Majority rule is 20 votes. You want to make it tougher just on a couple of things just so you can look good in some political ads. I think that’s horrible legislation. The law in this land, in this country, and in this state has always been simple majority. You want to do that for taxes. Why not add to this and say super-majority in all of your elections. You don’t get re-elected unless you have three-fifths vote. Then see how fast you want to support that kind of legislation.

Senator Berryman’s second statement is as follows:

You know, all my colleagues who voted for this. I’m sure they’re going to have press releases going out that we’ve now made it tougher to raise taxes in the state of Michigan. Your constituents should feel comfortable. Well, you know, there’s a higher standard that we didn’t talk about in immediate effect of two-thirds, not three-fifths—two thirds, a higher standard. You vote to suspend the Constitution every day. Every day on this floor you vote to suspend the Constitution and give bills immediate effect. I’ll vote for immediate effect on budget bills so they go into effect in October, but the framers of the Constitution put immediate effect in there because they thought that people ought to have a chance to see what the new legislation is and the laws that we pass before they go into effect. That’s what immediate effect is for. But yet, every day, vote after vote after vote, you suspend the Constitution and give bills immediate effect. Then when you don’t get the immediate effect vote, you get ticked-off.

So if you think people are going to feel comfortable that now we have to reach this great high standard of three-fifths, well, that’s three votes less than the two-thirds you need to suspend the Constitution to give a bill immediate effect. I don’t think that you’ve given them any level of comfortability.

Senator Miller’s statement is as follows:

Myself, I would not be voting for any tax increase.

The following bill was read a third time:

Senate Bill No. 1165, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 403.

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. 563

Yeas—22

Bennett
Bouchard

Dunaskiss
Emmons

Hoffman
Jaye

Rogers
Shugars

Bullard
Byrum
DeBeaussaert
DeGrow

Gast
Geake
Gougeon
Hart

McManus
North
Posthumus

Steil
Stille
Van Regenmorter

Nays—13

Berryman
Cherry
Cisky
Conroy

Dingell
Koivisto
Miller

O'Brien
Peters
Schwarz

Smith, A.
Smith, V.
Vaughn

Excused—2

Schuette

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1166, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 2b.

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. 564**Yeas—21**

Bennett
Bouchard
Bullard
DeBeaussaert
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hart

Hoffman
Jaye
McManus
North
Posthumus

Rogers
Shugars
Steil
Stille
Van Regenmorter

Nays—13

Byrum
Cherry
Cisky
Conroy

Dingell
Koivisto
Miller

O'Brien
Peters
Schwarz

Smith, A.
Smith, V.
Vaughn

Excused—2

Schuette

Young

Not Voting—1

Berryman

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Conroy, A. Smith, Byrum and Peters, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 1163, 1164, 1165 and 1166.

Senators Conroy and A. Smith moved that the statements they made during the discussion of Senate Bill No. 1163 be printed as their reasons for voting “no.”

The motion prevailed.

Senator Conroy’s statement is as follows:

Typically, I spend one hour a week in a school in my district. While it isn’t always elementary school kids, frequently it has been in the last couple of years. One of the things we discuss is how you pass a bill. You introduce it. It goes to committee. It comes out of committee with a majority vote. It gets sent to the Senate floor and on General Orders we vote on that bill—a majority of the people sitting on the Senate floor. We pass that bill to Third Reading and, then, on Third Reading we have a higher test. We have a test of the majority of those elected and serving in order to pass the bill. So, it is 20 votes in the Senate and 56 in the House of Representatives.

Now, comes along somebody who has got some great idea of changing things and apparently he wants to change my speech. And I don’t know what to tell him because I’m not that good at math in terms of three-fifths, I guess that’s 60 percent. But I don’t know how to explain that that is democracy in action. Because democracy in action has always been a majority—one more vote than 50/50.

So, I just think it is a bad idea. I think it is something that can’t be reasoned out intelligently unless you just can’t trust yourself—unless you don’t feel that the people that will follow you in this job are going to be responsible people like you have been. It is paranoia, I believe, at work. So, I think it is a bad bill, vote “no.”

Senator A. Smith’s statement, in which Senator Byrum concurred, is as follows:

I rise to oppose the bill and the subsequent bills in this package. The Senator from the 13th District asked why citizens should be more protected from immediate effect than they are against tax increases. I think the simple answer is that the constitution requires that they be more protected against immediate effect. The Constitution requires a two-thirds majority for immediate effect because we are suspending the Constitution.

The Senator from the 23rd District cited a statute that creates a super-majority dealing with appropriations issues. The statute first, has never been litigated for constitutionality, which doesn’t mean that it is unconstitutional, it just means that no one has brought the charge. Secondly, we could argue that the Constitution controls that issue by mandating that in dealing with special appropriations that affect local units of government, we do require a super-majority vote. Article 4, Section 26 of the Constitution, as the Senator from the 13th District pointed out, requires a majority of members elected and serving to pass legislation. He argues that this is a threshold not a ceiling. But in that same article the framers of the Constitution went ahead and created many exceptions on which laws would require super-majorities. Two-thirds for a constitutional amendment, three-quarters to amend an initiated law, two-thirds to amend the banking and the trust law, two-thirds for creating a new court of limited jurisdiction. It didn’t say two-thirds or any greater than a simple majority to do taxes and the framers of the Constitution had every opportunity to do that. Why didn’t they?

I think as the Senator from the 25th pointed out, it’s because it’s extraordinarily difficult to cobble together a majority vote for tax increases—particularly since many people have long memories of what happened in this chamber in the ‘80s when a tax increase did go through and the now-governor cobbled together recalls on two members of the Senate. Given that history, there are very few people who are cheerful about putting up a vote for a tax increase. As the Senator from the 25th District also pointed out, it took the Governor many weeks to put together the 20 votes in this chamber that the Republicans gave him 19 of to get a gas tax increase.

Is it constitutional? It’s arguable, and that’s what the courts are for. But it does seem that the Constitution has said a majority is what is required to pass legislation except in these given instances that we are hereby setting forth in the

Constitution. While we protect banking and trust laws with a super-majority vote, the Constitution did not deem it necessary to protect taxing laws.

I would urge your opposition to these bills.

Senator Peters' statement is as follows:

I voted "no" on the package because I believe that these bills do not give the taxpayers any additional protection. I think the comments made by the Majority Leader are somewhat disingenuous because the public needs to know that in order to override these bills all you need is a majority vote. In fact, if you can muster a majority to pass a tax increase, there will also be a section in that bill that says that this tax increase is not impacted by these three or four bills that have already passed.

So, it's simply going to take a majority vote to raise the taxes and in that bill there will be an exemption for that majority vote to override these four bills. So, I think it is very disingenuous to say the public is getting any additional protection than what they get now under majority rule. These truly are meaningless bills that will have no impact for future legislators.

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

The motion prevailed.

Senator Posthumus' statement is as follows:

I rise in support of this, along with the rest of the package, and congratulate the Senate for its work to pass this package. I do have to respectfully disagree with my Democratic counterpart, the leader of the Democrats, who argued that we wanted to get this out of the way so that we can get to more important business. I can think of very few things that we have done this year that is more important than protecting the pocketbooks of the taxpayers of this state.

Senator Berryman stated that had he been present when the vote was taken on the passage of the following bill, he would have voted "nay":

Senate Bill No. 1166

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

Senate Bill No. 837, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 506.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 565

Yeas—34

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

Nays—0

Excused—2

Schuette

Young

Not Voting—1

Hoffman

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator DeGrow moved that Senator Hoffman be excused from the balance of today's session.
The motion prevailed.

Senators DeBeaussaert, Peters, O'Brien, Emmons, Gougeon, North, McManus, Bouchard, Dunaskiss, Steil, Jaye, Stille, Bennett, Byrum, Dingell and Miller moved that they be named co-sponsors of the following bill:

Senate Bill No. 837

The motion prevailed.

The following bill was read a third time:

House Bill No. 5280, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by adding section 505.

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. 566**Yeas—34**

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

Nays—0**Excused—3**

Hoffman

Schuette

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

“An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date.”.

The Senate agreed to the full title.

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:

It is my intention to support House Bill No. 5280 even though yesterday I attempted to amend the bill on General Orders. In fact, still, I believe the only real enforceable way to prevent slamming is to require written authorization of a switch of long distance carriers. It is clear to me also, Mr. President, that we have a couple of things here. First of all, a bill that is pending before this body that is near the end of its legislative travels and will shortly be before the Governor. I would not want this bill waylaid or delayed simply because of an amendment that I am offering— even though I think perhaps it may present a better way to deal with it.

I do think this bill ought to proceed. I do want to say, in fact Mr. President, my colleagues, the Senator from the 16th Senatorial District and the Senator from the 25th Senatorial District have both worked very hard on this and have put before us language that by and large is much better than what we’ve seen in the past. They have succeeded in walking a very narrow line that accomplishes several things. First and foremost, the bill increases the protection for consumers against slamming, but does so in a way that seems to be fairly level as it pertains to all those who are competing out there for long distance service.

I would not want to denigrate the fine work that both these Senators have done on this bill simply for the purpose of putting forward an amendment. It is my intention to support the bill. Although I would like to say that should we find down the road that we have fallen short, we may need to come back and look more closely at limiting the opportunity to switch long distance carriers to written authorization. But this bill does have the nation’s highest penalties. It at least, according to the Public Service Commission, is enforceable. So, on that basis, Mr. President, I think we ought to proceed.

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

Senate Bill No. 1183, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 55, 115b, 116, 117a, and 117c (MCL 400.55, 400.115b, 400.116, 400.117a, and 400.117c), section 55 as amended by 1987 PA 266, sections 115b and 117a as amended by 1988 PA 75, and section 117c as amended by 1988 PA 223, and by adding sections 115o and 117g.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Geake offered the following amendments:

1. Amend page 20, line 18, after “BY” by striking out “THE MULTIPLIER” and inserting “BOTH OF THE MULTIPLIERS”.

2. Amend page 20, line 23, by striking out “MULTIPLIER” and inserting “MULTIPLIERS”.

3. Amend page 20, line 24, after “YEAR” by inserting a comma and “THE FOLLOWING MULTIPLIERS SHALL BE CALCULATED:

(A) THE PERCENTAGE CHANGE APPROPRIATED IN THAT STATE FISCAL YEAR TO CHANGE THE RATE OF PAYMENTS TO VENDORS PROVIDING PLACEMENTS FOR JUVENILES FOR THAT STATE FISCAL YEAR FROM THE PREVIOUS STATE FISCAL YEAR.

(B)”.

4. Amend page 21, line 6, after “BUREAU” by striking out “SHALL BE CALCULATED AS A MULTIPLIER”.

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

The question being on the passage of the bill,

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

Roll Call No. 567

Yeas—19

Bouchard
Bullard

Emmons
Gast

McManus
North

Shugars
Steil

Cisky
DeGrow
Dunaskiss

Geake
Gougeon
Jaye

Posthumus
Rogers
Schwarz

Stille
Van Regenmorter

Nays—15

Bennett
Berryman
Byrum
Cherry

Conroy
DeBeaussaert
Dingell
Hart

Koivisto
Miller
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn

Excused—3

Hoffman

Schuette

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1184, entitled

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending the title and sections 2, 3, 4, 5, 6, 6a, 7, 7a, and 8 (MCL 803.302, 803.303, 803.304, 803.305, 803.306, 803.306a, 803.307, 803.307a, and 803.308), the title as amended and section 7a as added by 1996 PA 512, sections 2, 5, and 7 as amended by 1996 PA 417, section 4 as amended by 1988 PA 76, and section 6a as added by 1996 PA 481, and by adding section 2a.

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. 568

Yeas—19

Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Jaye

McManus
North
Posthumus
Rogers
Schwarz

Shugars
Steil
Stille
Van Regenmorter

Nays—15

Bennett
Berryman
Byrum
Cherry

Conroy
DeBeaussaert
Dingell
Hart

Koivisto
Miller
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn

Excused—3

Hoffman

Schuette

Young

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1185, entitled

A bill to allow counties to authorize acceptance of certain juveniles committed to their care and responsibility; to prescribe the procedure and effect of that authorization; and to prescribe powers, duties, and obligations of those counties.

The question being on the passage of the bill,

Senator Young entered the Senate Chamber.

Senator Geake offered the following amendment:

1. Amend page 3, following line 5, subsection (4), after “improvements” by inserting “initiated and approved by the county”.

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. 569**Yeas—19**

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

Nays—16

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1186, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1998 PA 34, and by adding section 5b.

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. 570

Yeas—19

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

Nays—16

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1187, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 1, 2, 2d, 8, 16, 18, 18a, 18k, 25, and 28 of chapter XHIA (MCL 712A.1, 712A.2, 712A.2d, 712A.8, 712A.16, 712A.18, 712A.18a, 712A.18k, 712A.25, and 712A.28), sections 1, 2, 8, 16, and 28 as amended by 1996 PA 409, section 2d as added by 1996 PA 244, section 18 as amended by 1997 PA 163, and section 18k as added by 1996 PA 507, and by adding section 2e to chapter XHIA.

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. 571**Yeas—19**

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

Nays—16

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1188, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter I, section 1f of chapter IV, section 14 of chapter VI, sections 1, 1b, and 28 of chapter IX, and sections 1, 2, 2a, 3, 3a, 3c, 4, 5, 7, and 14a of chapter XI, (MCL 761.1, 764.1f, 766.14, 769.1, 769.1b, 769.28, 771.1, 771.2, 771.2a, 771.3, 771.3a, 771.3c, 771.4, 771.5, 771.7, and 771.14a), section 1 of chapter I and section 14 of chapter VI as amended by 1996 PA 418, section 1f of chapter IV as amended by 1996 PA 255, section 1 of chapter IX as amended by 1996 PA 248, section 1b of chapter IX and section 7 of chapter XI as amended by 1996 PA 247, section 28 of chapter IX and sections 3a, 4, and 5 of chapter XI as amended and section 14a of chapter XI as added by 1988 PA 78, sections 1 and 3c of chapter XI as amended by 1993 PA 185, section 2 of chapter XI as amended by 1994 PA 286, section 2a of chapter XI as added by 1992 PA 251, and section 3 of chapter XI as amended by 1994 PA 445.

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. 572**Yeas—20**

Bouchard	Emmons	McManus	Shugars
Bullard	Gast	North	Steil
Cisky	Geake	Posthumus	Stille

DeGrow
Dunaskiss

Gougeon
Jaye

Rogers
Schwarz

Van Regenmorter
Young

Nays—15

Bennett
Berryman
Byrum
Cherry

Conroy
DeBeaussaert
Dingell
Hart

Koivisto
Miller
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn

Excused—2

Hoffman

Schuette

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1189, entitled

A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending the title and sections 2, 3, 4, 5, 5a, and 6 (MCL 803.222, 803.223, 803.224, 803.225, 803.225a, and 803.226), sections 2 and 4 as amended by 1996 PA 416 and section 5a as added by 1996 PA 511.

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. 573**Yeas—19**

Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Jaye

McManus
North
Posthumus
Rogers
Schwarz

Shugars
Steil
Stille
Van Regenmorter

Nays—16

Bennett
Berryman
Byrum
Cherry

Conroy
DeBeaussaert
Dingell
Hart

Koivisto
Miller
O'Brien
Peters

Smith, A.
Smith, V.
Vaughn
Young

Excused—2

Hoffman

Schuette

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Young stated that he had intended to vote “nay” on the passage of the following bill:
Senate Bill No. 1188

The following bill was read a third time:

Senate Bill No. 1190, entitled

A bill to amend 1990 PA 250, entitled “DNA identification profiling system act,” by amending the title and section 3 (MCL 28.173), as amended by 1996 PA 508.

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. 574**Yeas—19**

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

Nays—16

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1191, entitled

A bill to amend 1985 PA 87, entitled “Crime victim’s rights act,” by amending sections 2, 6, 13a, 20a, 31, 36, 41a, and 48 (MCL 780.752, 780.756, 780.763a, 780.770a, 780.781, 780.786, 780.791a, and 780.798), sections 2, 6, and 36 as amended and sections 13a, 20a, and 41a as added by 1993 PA 341, section 31 as amended by 1996 PA 82, and section 48 as amended by 1996 PA 105.

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. 575**Yeas—19**

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

Nays—16

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1192, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498c and 498d (MCL 330.1498c and 330.1498d), as amended by 1995 PA 290.

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. 576**Yeas—19**

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

Nays—16

Bennett	Conroy	Koivisto	Smith, A.
Berryman	DeBeaussaert	Miller	Smith, V.

Byrum
CherryDingell
HartO'Brien
PetersVaughn
Young**Excused—2**

Hoffman

Schuette

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1193, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 7 (MCL 400.207), as amended by 1980 PA 306.

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. 577**Yeas—19**Bouchard
Bullard
Cisky
DeGrow
DunaskissEmmons
Gast
Geake
Gougeon
JayeMcManus
North
Posthumus
Rogers
SchwarzShugars
Steil
Stille
Van Regenmorter**Nays—16**Bennett
Berryman
Byrum
CherryConroy
DeBeaussaert
Dingell
HartKoivisto
Miller
O'Brien
PetersSmith, A.
Smith, V.
Vaughn
Young**Excused—2**

Hoffman

Schuette

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1194, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 186a (MCL 750.186a), as added by 1996 PA 256.

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. 578

Yeas—19

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

Nays—16

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1195, entitled

A bill to amend 1996 PA 263, entitled "Juvenile boot camp act," by amending sections 2, 3, 4, 5, 6, and 7 (MCL 400.1302, 400.1303, 400.1304, 400.1305, 400.1306, and 400.1307).

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. 579

Yeas—19

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

Nays—16

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

House Bill No. 5580, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 1993 PA 13, and by adding section 30c.

The above bill was read a third time.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 5, line 10, after "(2)" by striking out "ALL TAXES AND FEES" and inserting "ONLY PENALTIES, INTEREST, AND FEES".

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

Senator Jaye offered the following amendments:

1. Amend page 8, line 16, after "RECENT" by striking out "48-MONTH" and inserting "12-MONTH".

2. Amend page 8, line 23, after "A" by striking out "48-MONTH" and inserting "12-MONTH".

3. Amend page 8, line 25, after "THAN" by striking out "48" and inserting "12".

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

Senator Jaye offered the following amendment:

1. Amend page 6, line 24, after "PROVIDE" by striking out "COMPLETE CONFIDENTIALITY" and inserting "CONFIDENTIALITY CONSISTENT WITH THE PROVISIONS OF THIS ACT THAT PROTECT TAXPAYER SPECIFIC INFORMATION".

The question being on the adoption of the amendment,

Senator Jaye 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. 580**Yeas—9**

Byrum	Dingell	Jaye	Peters
Cherry	Hart	Miller	Smith, A.
DeBeaussaert			

Nays—26

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

Excused—2

Hoffman	Schuette
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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. 581**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	Geake	Posthumus	Van Regenmorter
Cisky	Gougeon	Rogers	Vaughn
Conroy	Hart	Schwarz	Young
DeBeaussaert	Koivisto		

Nays—1

Jaye

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Protest

Senator Jaye, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5580 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 Jaye's first statement is as follows:

Mr. President and Senate colleagues, I hope you'll take a very close look at this corporate tax amnesty bill before you vote for it. After talking with staff and reviewing the legislative analysis, I found out that for the first time in history, this legislation will empower the Treasurer to not only forgive or to cut interest, penalties, and fees, but also to cut taxes. For the first time in history, deadbeat corporations, these corporations that have committed fraud, have cheated the taxpayers, and have snuck out of their tax bills will now have the power to have their principal, the tax that they owe, to be forgiven by the Treasurer. How much money does the Treasury estimate that is being shortchanged to the taxpayers under this bill? Twenty million dollars a year. And it's not that we're not helping corporations. There's something called the tax amnesty report by the Michigan Department of Treasury, and the Treasurer says that is approximately \$15.4 billion each year in tax expenditures. That means these are taxes that companies don't pay, like sales taxes on equipment or the five or six mills of local property taxes or other taxes—\$15.4 billion in special tax breaks for corporations. Our entire General Fund budget for the state of Michigan isn't even \$15 billion.

What this amendment says is that the Treasurer will not have the power—an unelected bureaucrat or his or her assistants—for the first time in Michigan history, to say to the tax cheats, "You don't have to pay the tax bill." This amendment still allows upon their discretion and negotiation the ability to reduce or eliminate an interest or a penalty or any fees, but not the principal. I believe that many of you, like I, have had calls from distressed and struggling small businesses over the years saying, "We're having trouble making ends meet, and Treasury won't agree to a payment plan. I'm making a good faith effort." The most that they can ever get is to maybe have a little reduction on the penalties, but the principal is always an obligation for them and their families.

So I believe that it is prudent for us to say interest, penalties, and fees, but never the principal, are to be forgiven by tax cheats—by these large corporations, to the tune of \$20 million a year. I hope you will support the amendment.

Senator Jaye's second statement is as follows:

Mr. President and Senate colleagues, what this amendment does is it says instead of giving four years of a tax forgiveness, it would be limited to one year. I respectfully disagree with the Senator from Oakland County who said that the firms had no idea they had to pay this tax. Actually, if you read under fiscal implications in the legislative analysis, it says the department anticipates having to pay \$27 million in refunds from two 1993 court cases on the Nexus—Guardian and Gillette. This is a one-time cost. So from 1993 to 1998, that's over five years that these major corporations—we talking about major, multi-state corporations—knew that they owed this tax, or that there was a high probability that they owed this tax. Two of them even filed lawsuits—Guardian and Gillette—over this issue, saying that the outstate companies were not paying their taxes; that was hence over-billing the instate companies.

So what I want to do is to limit this \$20 million a year drain on the Michigan treasury to one year. Instead of 48 months—four years—at \$80 million, I only want to have the limit to \$20 million the amount of money—that's not even counting principal and interest. But I believe that the corporate welfare at some point—you know, pigs get fat and hogs get slaughtered. How much is enough? Twenty million dollars should be enough of a special tax break under this amnesty plan. So instead of four years of taxes, this amendment would limit the tax forgiveness to a one-year period. I request your support for the amendment.

Senator Jaye's third statement is as follows:

Mr. President and Senate colleagues, the legislative analysis on this bill really provides unprecedented confidentiality between the bureaucrats and Treasury and these tax cheats. I'll read to you a quote right from the legislative analysis. Pull it up on your computer screen. "Complete confidentiality of the agreement with no disclosure of any of the terms or conditions of the agreement to any tax authorities of any state or any governmental authority or to anyone, except as required by certain specific exchange of information agreements, including the international fuel tax agreement." Complete confidentiality of agreement. When you're talking about tax liabilities of \$20 million a year, there could be a great incentive for these executive branch bureaucrats to take advantage of the situation. If we preclude the Auditor General or the taxation committee or the legislators or the media or anybody else from being able to review these terms and conditions, then it's basically a license to steal.

I had the amendment drafted carefully to say that all the taxpayer-specific information provisions would be respected. But we should allow the bright light of examination, public scrutiny, and institutional review. I mean, it is standard accounting principles that you never have the bureaucrat who is going to be agreeing to the tax break be independent of any kind of audit from a separate agency. Twenty million dollars a year is too much of a risk to take without having the normal oversight and review. Even the possibility of review, I believe, would make the chances for abuse a little more remote.

I'm hoping that on this amendment you would support the sunshine approach to the executive branch granting of special tax breaks to the scope of \$20 million a year.

The following bill was read a third time:

House Bill No. 4910, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 52 (MCL 208.52).

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. 582

Yeas—35

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

Nays—0

Excused—2

Hoffman

Schuette

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.

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

"An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30306, 30307, and 30317 (MCL 324.30306, 324.30307, and 324.30317), section 30306 as added by 1995 PA 59, section 30307 as amended by 1995 PA 103, and section 30317 as amended by 1996 PA 530.

The question being on the passage of the bill,

Senator Conroy offered the following amendment:

1. Amend page 2, line 23, after "OF" by striking out "\$100.00" and inserting "\$50.00".

The question being on the adoption of the amendment,

Senator Conroy 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. 583**Yeas—18**

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

Nays—17

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

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

Senators Jaye and Bennett offered the following amendment:

1. Amend page 8, following line 5, after "YEAR AND" by inserting "AN EVALUATION OF THE CURRENT STATUTORY AND DEPARTMENT RULES, BULLETINS, AND LETTERS DEFINITION OF A WETLAND AND ANY APPROPRIATE CHANGES TO THAT DEFINITION IN THE FIRST REPORT SUBMITTED TO THE LEGISLATURE UNDER THIS SECTION".

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. 584**Yeas—27**

Bennett	DeBeaussaert	Hart	Schwarz
Berryman	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.

Byrum
Cherry
Cisky

Emmons
Gast
Geake

Peters
Posthumus
Rogers

Steil
Van Regenmorter

Nays—8

Conroy
Gougeon

Jaye
Koivisto

O'Brien
Stille

Vaughn
Young

Excused—2

Hoffman

Schuette

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.

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4328, entitled

A bill to amend 1976 PA 295, entitled “State transportation preservation act of 1976,” by amending sections 2, 10, and 17 (MCL 474.52, 474.60, and 474.67), section 2 as amended by 1984 PA 210, section 10 as amended by 1993 PA 28, and section 17 as amended by 1993 PA 16, and by adding sections 10a, 10b, 10c, 10d, 10e, 10f, and 10g; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Gougeon offered the following amendment:

1. Amend page 9, line 25, by striking out all of section 10A and inserting:

“SEC. 10A. BEFORE ENTERING INTO A SALES OR LEASE AGREEMENT, THE DEPARTMENT SHALL ISSUE A STATEMENT REGARDING THE VIABILITY OF THE SEGMENT.”.

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. 585

Yeas—33

Bennett
Berryman
Bouchard
Bullard

DeGrow
Dunaskiss
Emmons
Gast

McManus
Miller
North
O'Brien

Shugars
Smith, A.
Smith, V.
Steil

Byrum
Cherry
Cisky
Conroy
DeBeaussaert

Geake
Gougeon
Hart
Koivisto

Peters
Posthumus
Rogers
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—2

Dingell

Jaye

Excused—2

Hoffman

Schuette

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.

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

“An act to improve and maintain transportation services in this state; to provide for the acquisition and use of funds; to provide for the acquisition of certain railroad facilities and certain property; to provide for the disposition and use of facilities and property acquired under this act; to provide for financial assistance to certain private transportation services; to prescribe the powers and duties of certain state departments and agencies; to provide for the transfer of certain funds; to provide for the creation of a fund; and to provide for appropriations.”

The Senate agreed to the full title.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Peters offered the following substitute:

Substitute (S-1).

The substitute 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. 586**Yeas—35**

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Jaye

Koivisto
McManus
Miller
North
O’Brien
Peters
Posthumus
Rogers
Schwarz

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

Nays—0

Excused—2

Hoffman

Schuette

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 Peters offered to amend the title to read as follows:

A bill to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 601 (MCL 339.601), as amended by 1994 PA 400, and by adding section 601a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

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 sections 5, 9, 10, 11, and 14 (MCL 446.205, 446.209, 446.210, 446.211, and 446.214); and to repeal acts and parts of acts.

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. 587

Yeas—35

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schwarz

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

Nays—0

Excused—2

Hoffman

Schuette

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.

The following bill was read a third time:

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), section 61501 as amended by 1998 PA 115 and sections 61524 and 61525 as added by 1995 PA 57, and by adding sections 61506a, 61525a, and 61525b.

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. 588**Yeas—33**

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

Nays—1

Jaye

Excused—2

Hoffman

Schuette

Not Voting—1

Posthumus

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 589

Yeas—34

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

Nays—0

Excused—3

Hoffman	Posthumus	Schuette
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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.

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

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1173, entitled

A bill to amend 1939 PA 141, entitled “Grain dealers act,” by amending section 7a (MCL 285.67a), as amended by 1992 PA 238.

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. 590**Yeas—34**

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

Nays—0**Excused—3**

Hoffman	Posthumus	Schuetze
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 613, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, 698, and 725 (MCL 257.217, 257.222, 257.698, and 257.725), section 217 as amended by 1996 PA 59, section 222 as amended by 1993 PA 300, section 698 as amended by 1997 PA 8, and section 725 as amended by 1997 PA 80.

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 217, 698, and 725 (MCL 257.217, 257.698, and 257.725), section 217 as amended by 1996 PA 59, section 698 as amended by 1997 PA 8, and section 725 as amended by 1997 PA 80.

Pending the order that, under rule 3.202, the bill be laid over one day,
Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 591**Yeas—34**

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

Nays—0**Excused—3**

Hoffman	Posthumus	Schuette
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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 full title.

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

Senator Posthumus entered the Senate Chamber.

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

Senate Bill No. 923, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 592**Yeas—35**

Bennett	DeGrow	Koivisto	Shugars
Berryman	Dingell	McManus	Smith, A.
Bouchard	Dunaskiss	Miller	Smith, V.

Bullard	Emmons	North	Steil
Byrum	Gast	O'Brien	Stille
Cherry	Geake	Peters	Van Regenmorter
Cisky	Gougeon	Posthumus	Vaughn
Conroy	Hart	Rogers	Young
DeBeaussaert	Jaye	Schwarz	

Nays—0

Excused—2

Hoffman	Schuette
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Not Voting—0

In The Chair: Schwarz

Senator DeGrow moved that the bill be given 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. 909, 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, 1999; 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 House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 593

Yeas—0

Nays—35

Bennett	DeGrow	Koivisto	Shugars
Berryman	Dingell	McManus	Smith, A.
Bouchar	Dunaskiss	Miller	Smith, V.
Bullard	Emmons	North	Steil
Byrum	Gast	O'Brien	Stille
Cherry	Geake	Peters	Van Regenmorter
Cisky	Gougeon	Posthumus	Vaughn

Conroy
DeBeaussaert

Hart
Jaye

Rogers
Schwarz

Young

Excused—2

Hoffman

Schuette

Not Voting—0

In The Chair: Schwarz

Senate Bill No. 911, 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, 1999; 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 House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor as follows:

Roll Call No. 594

Yeas—15

Byrum
Cherry
Conroy
DeBeaussaert

Dingell
Emmons
Hart
Miller

O'Brien
Peters
Shugars
Smith, A.

Smith, V.
Vaughn
Young

Nays—19

Bennett
Berryman
Bouchard
Bullard
Cisky

DeGrow
Dunaskiss
Gast
Geake
Gougeon

Jaye
McManus
North
Posthumus
Rogers

Schwarz
Steil
Stille
Van Regenmorter

Excused—2

Hoffman

Schuette

Not Voting—1

Koivisto

In The Chair: Schwarz

Senate Bill No. 813, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5501, 5521, and 5522 (MCL 324.5501, 324.5521, and 324.5522); and to repeal acts and parts of acts.

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 5501, 5521, 5522, and 5523 (MCL 324.5501, 324.5521, 324.5522, and 324.5523); and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 595**Yeas—34**

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

Nays—0**Excused—2**

Hoffman	Schuette
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Not Voting—1

Posthumus

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 full title.

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

Senate Bill No. 97, entitled

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 204a, 207, 209, and 210 (MCL 750.204a, 750.207, 750.209, and 750.210); and to repeal acts and parts of acts.

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

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communications were received:

Office of the Senate Majority Leader

June 11, 1998

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

SB 907 Senator Harry Gast, Chair

Senator Dan DeGrow

Senator Jackie Vaughn

SB 911 Senator John Schwarz, Chair

Senator Jon Cisky

Senator Don Koivisto

Please make this communication part of the official Senate record.

June 11, 1998

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

SB 909 Senator Jon Cisky, Chair

Senator Philip Hoffman

Senator Jackie Vaughn

Please make this communication part of the official Senate record.

Sincerely,

Dick Posthumus

Senate Majority Leader

The communications were referred to the Secretary for record.

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Wednesday, June 24.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Concurrent Resolution No. 72.

A concurrent resolution to memorialize the Congress of the United States to take certain actions regarding the implementation of the Food Quality Protection Act of 1996.

(For text of amendment, see Senate Journal No. 54, p. 1292.)

The question being on concurring in the amendment made to the concurrent resolution by the House,

The amendment was concurred in.

The concurrent resolution was referred to the Secretary for record.

Senators Stille, Conroy and Dunaskiss were named co-sponsors of the concurrent resolution.

Senate Concurrent Resolution No. 79.

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

(For text of resolution, see Senate Journal No. 33, p. 633.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 80.

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

(For text of resolution, see Senate Journal No. 33, p. 634.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 81.

A concurrent resolution to change the scope of the Michigan State Police Crime Lab project.

(For text of resolution, see Senate Journal No. 33, p. 635.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 82.

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

(For text of resolution, see Senate Journal No. 33, p. 635.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 83.

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

(For text of resolution, see Senate Journal No. 33, p. 636.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senator Bouchard introduced

Senate Bill No. 1202, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter IX, (MCL 769.13), as amended by 1994 PA 110, and by adding section 12a to chapter IX.

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

Senators Stille, Gougeon, Bennett, Shugars and Bullard introduced

Senate Bill No. 1203, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520f (MCL 750.520f).

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

Senators Conroy, Young and Byrum introduced

Senate Bill No. 1204, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 1997 PA 142, and by adding section 63.

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

Senators Conroy, Young and Byrum introduced

Senate Bill No. 1205, entitled

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

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

Senators Conroy, Young and Byrum introduced

Senate Bill No. 1206, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31c (MCL 388.1631c), as added by 1997 PA 142.

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

Senator Bullard introduced

Senate Bill No. 1207, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

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

Senators Bullard, Hart and Schwarz introduced

Senate Bill No. 1208, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

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

Senator Miller introduced

Senate Bill No. 1209, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 18 (MCL 722.638), as added by 1997 PA 168.

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

Senator Steil introduced

Senate Bill No. 1210, entitled

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending section 424 (MCL 700.424), as amended by 1996 PA 8.

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

Senator Peters introduced

Senate Bill No. 1211, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2637, 2640, 5131, 16648, 18117, and 18237 (MCL 333.2637, 333.2640, 333.5131, 333.16648, 333.18117, and 333.18237), section 2640 as added by 1996 PA 307, section 5131 as amended by 1997 PA 57, and sections 16648, 18117, and 18237 as amended by 1993 PA 79, and by adding section 16281.

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

Senator V. Smith introduced

Senate Bill No. 1212, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 6 (MCL 722.956).

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

Senator Byrum introduced

Senate Bill No. 1213, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding section 20a.

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

Senator Bouchard introduced

Senate Bill No. 1214, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 626a.

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

House Bill No. 5386, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," (MCL 123.871 to 123.873) by adding section 4.

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. 5389, entitled

A bill to amend 1921 PA 136, entitled "An act to authorize and facilitate the acquisition and disposal of public library property by public corporations empowered to maintain public libraries," by amending section 1 (MCL 397.381).

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. 5512, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 308b, 308c, and 308d.

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

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

House Bill No. 5587, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 64 (MCL 791.264).

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

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

House Bill No. 5704, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 8a (MCL 211.8a), as added by 1994 PA 96.

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

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

House Bill No. 5762, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27 of chapter IX (MCL 769.27) and by adding section 1f to chapter IX.

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

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

House Bill No. 5786, entitled

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition act," by amending the title and sections 1, 2, and 3 (MCL 390.1241, 390.1242, and 390.1243).

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

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

House Bill No. 5860, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1279 (MCL 380.1279), as amended by 1997 PA 175.

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 Education.

Statements

Senators Berryman, Hart, Emmons, Byrum, Dunaskiss, Jaye, Gast, Young, Stille, DeGrow and McManus asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Berryman's statement is as follows:

Just a quick statement on the bills that we passed today on slamming, Senate Bill No. 837 and House Bill No. 5280.

This legislation represents a significant step forward in protecting consumers from unethical changes in their telephone service. However, I think we need to take several more steps forward to put a stop to slamming. I would like to join Senator Dunaskiss in working on this issue over the summer. The consumers in Michigan deserve to be protected from slamming, but they should also have their choice to require a personal verification method. I hope that working with the good Chairman of the Technology and Energy Committee that we can work on that issue and come back and deal with it in the fall and truly give the citizens of this state protection.

Senator Hart's statement is as follows:

This statement is in regard to nursing homes and guardianship legislation. Many individuals and senior citizens reach a point where they are unable to live on their own or handle their financial affairs. When this happens, some move into nursing homes, and some have guardians appointed to handle their finances. These people are some of Michigan's most vulnerable citizens. That is why I will soon introduce legislation to better monitor nursing homes and professional guardianship corporations.

Michigan has over 52,000 citizens living in nursing homes. The bills that I've requested require better oversight of these nursing homes. These bills would do the following: They would create a consumer rating index for nursing homes and assisted living facilities. This would rate nursing homes based on accidents, infection control, skin care, staffing levels, and other measures of care. They would require the state to make an annual nursing home report available to the public and require all nursing homes to conduct an annual satisfaction survey and make it available to the public. They would require nursing homes to notify residents and their families of any financial relationships the homes have with other service providers, such as pharmacies or medical suppliers. They would require nursing homes to provide itemized monthly billing statements of all charges to nursing home residents and their families. These requirements would ensure that nursing home residents are receiving the best possible care. If problems do arise, these new standards would bring them immediately to light so that we could prevent any harm to residents.

We need this legislation because we have seen these citizens abused. Michigan is currently under review by the federal General Accounting Office because of nursing home complaints. These bills would complement a House Democratic package of bills addressing problems in Michigan's nursing homes. I hope that we act quickly on this legislation when we return in the fall.

I will also introduce legislation to monitor professional guardianship corporations. This legislation will be designed to prevent abuses that benefit these corporations at the expense of their clients. Guardianship corporations will fill a need when a family member cannot take over a person's financial affairs. But abuses have happened in the past few years. In the Wayne County incident just recently unscrupulous guardianship corporations sold clients' houses at a fraction of their actual market value. My legislation would prevent these practices. It would prohibit a guardianship corporation involved from selling real estate or engaging in other businesses that their clients might also use.

These bills will ensure that this special population of Michigan's citizens are getting the very best possible care.

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

Senator Emmons' statement is as follows:

I'm very pleased that today we made a statement that it needs to be harder to raise taxes in Michigan. Every other time when the state has gotten in trouble, they immediately said it was the taxpayers' fault because they're not paying enough, and have in the past raised taxes. With the passage of the bills today to make it more difficult to raise major taxes, we have said that we are going to look to the taxpayers last. We will look within ourselves first to see if there are any other ways to fund our programs without digging into the pockets of taxpayers when they're having trouble.

It's interesting to note that we have a bill on the books that was voted on by ten members in this body to require a super-majority to approve an emergency appropriation from the Budget Stabilization Fund. Those ten people today said no to the taxpayers and no to making it harder to raise taxes. Evidently, we want to make it harder to get into our savings accounts and to make it easier to get into the taxpayers' pockets.

We believe this is the correct direction for Michigan to take, and we hope that this bill is passed on the other side of the rotunda.

Senator Byrum's statement is as follows:

I would like the Journal to note that on the vote on Senate Bill No. 1165 I desired to vote "no." I had inadvertently pushed the wrong button and was recorded as a "yes" vote. I would like the record to reflect that it was my desire to vote "no" on Senate Bill No. 1165.

Senator Dunaskiss' statement is as follows:

Earlier today we passed Senate Bill No. 837 and House Bill No. 5280, which will serve as a great tool for the number one consumer complaint we have in the state of Michigan—slamming. I appreciate the committee's hard work, as well as the hard work of all the other parties involved in these discussions. However, one area still remains unresolved, which Senator Berryman highlighted just a few moments ago in his statement, that is, the legislative role in clarifying PIC protection. My desire is to have the committee to continue to explore guidelines of this added layer of protection for the consumers, yet making sure that we have a competitively neutral market and one side doesn't receive an advantage over another by allowing PIC protection.

Once again, I'd like to thank my committee members, especially Senator Byrum, Senator Rogers—and certainly their staffs as well—Representative Dobronski and her staff, and the other parties involved in this legislation. Although, Senator Young is a very good individual and I know he voted for the legislation, his committee work was a little weak on this one.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, I didn't want to extend the Senate session too long, but there were a few bills that I voted against. One today was House Bill No. 4328—transportation; railroads; rail divestiture; provide for and prohibit partitioning. When people are wondering why our roads are in such terrible shape, it is because so much money is diverted to non-road activities. Part of it is \$4.4 million of the people's gas taxes diverted as subsidized railroads. Michigan owns railroads. We have \$4.4 million both in passenger subsidies and in freight subsidies. I voted against this bill because it would make it more difficult for private companies to buy portions of railroads. If the agricultural or more rural areas want their railroads, let them pay for it with a local tax or a user fee. Don't saddle the rest of the state of Michigan for their localized benefit of getting their localized product to the market.

The second bill that I voted "no" on was House Bill No. 5399 by Representative Kilpatrick. This one established a perpetual fund of \$7 million in order to pay for the salaries of these bureaucrats in the Department of Environmental Quality to inspect wells and gas fields. Well, it sounds appropriate that we should have the producers paying for the inspections, and I support that. But I'm opposed to establishing a perpetual fee to pay for bureaucrats. Now in the state of Michigan not only are death and taxes an ever-constant theme, but so now are bureaucrats and the Department of

Environmental Quality. We had fixed, depletable resources. The gas and oil fields in the state of Michigan are of a finite nature. They will not be around forever. When those field are depleted and when every last well is capped, and every least field has been sealed, we will still have these bureaucrats plotting away with a perpetual fund of \$7 million.

There are cycles for oil exploration. The price per barrel dropped \$1.50 in the last two days on the world spot market for oil. It is wrong and imprudent for us to set up a perpetual fund for bureaucrats when, hopefully, this bureaucracy should go away and should no longer be in existence when their duties no longer are needed. This is why it's so difficult to cut government. This is why these bureaucrats get into so much mischief. It's because we fund them, and they try to find new programs, new regulations, and new sources of revenue in order to justify their existence.

Another bill that I was happy to vote on, however—two different bills that had very little debate—were the Dalman legislation, House Bill No. 4163, and Rep. Profit's bill, House Bill No. 4743. That was to exempt the materials used to construct or repair a church or house of worship from the sales tax and to exempt the value of labor, like a plumber or a carpenter, from the use tax and sales tax. I think any time we can encourage faith-based activities is another effort for us then to limit the bureaucracy from providing these sorts of activities. I believe that religious-based education, religious-based welfare, and religious-based community services will be enhanced by having their facilities exempt from the real estate transfer tax as well as the sales tax.

Finally, I wanted to applaud my Senate Republican colleagues for drafting and delivering on legislation to make it more difficult—a super-majority vote—to increase taxes in the future. I believe that one of the outcomes of term limits is that more and more legislators are going to be retiring earlier, and they'll be less likely to vote the will of their people—of their voters. By putting these protections in place, we are assuring the taxpayers that it's going to be more difficult for us to expand the economic violence that's foisted upon them. Economic violence—at the current rate with the existing taxes, people in Michigan must work from January 1 all the way to July 5 to pay all their federal, state, and local taxes and fees.

So, all in all, it was a good day's work on behalf of the taxpayers, and I was privileged to participate in this process.

Senator Gast's statement is as follows:

What I'm suggesting is, and even though I voted for it so I couldn't explain my "no" vote, I just wanted to acquaint those who are listening that it will only take 20 votes to amend the three-fifths majority that we gave, and all we've done is fool the public. Let me give you an example, identically, of what I mean.

In the budget stabilization fund, in order to access that, you have to have two quarters of over eight percent unemployment or a two-thirds vote of the legislature, or a previous personal income of zero percent or less, adjusted for inflation, before you can access the budget stabilization fund. But we went in there and picked out \$69 billion of interest money to build roads with and we didn't follow any of those. All we did was amended the act so that we could have access, never mind the two-thirds.

That's all we have to do here with the three-fifths. Twenty votes will say that we don't have to adhere to the three-fifths which is 23. So, we're back where we started. That will be good selling material out there for the people who are wanting us to shore it up. But, it's literally quite meaningless. I do want to say in a serious vein, I don't know how many if any members of the Capital Outlay Committee are here, but there will be a Capital Outlay Committee meeting on the 25th. You will be notified as to the time.

Now I'll shut up. Let's get out of here.

Senator Young's statement is as follows:

Today, I had the opportunity again to do a number of speeches in my district, Senate District 1, and I was unable to attend and was excused from the Joint Capital Outlay Committee. Had I been there, I'd like the record to reflect that I would have supported those items that were taken up, as well as supported those items that weren't taken up.

The reason why I had to miss that meeting is because I also had a chance to do a grand opening of a Rite Aid store. As I sat and talked in discussions with the CEO, Chairman Grass of Rite Aid, we discussed the commitment to ten additional new stores in Detroit, as well as 30 in the southeastern Michigan area as well. I still have two on the table that I'd like for them to build, but at least we got the ten, but we might not get to 12. Having that opportunity and the creation of more jobs in my district, one being up the street from my house, I greatly appreciate that.

I'd also like the record to reflect that I gave a graduation speech for Foltz Middle School and Southeastern High School today, which created the situation by which I couldn't have been two places at one time. Therefore, I did miss a certain amount of votes. I'd like the record to reflect that had I been here, I would have voted "yes" on House Bill No. 5185, "yes" on Senate Bill Nos. 1009, 1010 and 649. I would have voted "no," however, on Senate Bill No. 1163 through 1166 as well as Senate Bill Nos. 1183 and 1184. Earlier, due to an error on which button I pushed, the record should also reflect that I did not want to vote "yes" on Senate Bill No. 1185. I would have voted "no."

Senator Stille's statement is as follows:

Yesterday on our resolutions calendar we passed Senate Concurrent Resolution No. 90, which basically was an effort to enlist the aid of the Federal Emergency Management Administration and the Governor of this state to recognize the

severe and significant damage that our agriculture community absorbed in the storms of late May. It specifically spoke to the fruit industry, which unlike other agriculture entities, not only lost this years' crop, but lost crops for several years to come by the loss of significant amounts of trees.

As we are working here today, FEMA is in western Michigan evaluating the extent of the damage to all elements, whether it be commercial, residential, or agriculture. I would enlist the aid of my colleagues here in the Senate to contact the Governor's office and to encourage FEMA and the Governor to proceed with haste for emergency funds for restoring some of the lost revenue and lost profits throughout the state, particularly in the agricultural community. We have not yet been able to establish the significant damage that has mounted up, but it's in the millions of dollars. In the fruit industry alone, it's estimated that 120,000 trees were lost or damaged severely, with significant disease still to set in and more damage to come to this industry.

Agriculture is a backbone commodity or industry here in the state of Michigan. While we worry about tax dollars and cuts and benefits to all citizens in this state, agriculture has really taken a hard knock in the last couple of weeks through the actions of Mother Nature. I hope that you'll support this effort and encourage the Governor to act swiftly, as he has already done in many cases, to recognize the loss to the agriculture community and restore some of the funds through FEMA funds and asking the President to designate several counties in the state of Michigan as disaster counties.

Senator DeGrow's statement is as follows:

Early this morning the state of Michigan, especially the young people of this state, lost a friend. Former State Superintendent Phil Runkel passed away this morning. As someone who had the pleasure of working with Phil for a number of years, he certainly was the finest state superintendent I had the pleasure of working with. He knew how to get things done, he cared about young people, he tirelessly worked this state to try to pass mileages in the old days, and as a matter of fact two weeks before his death he was in my district helping the school district try to pass some mileage for new buildings, which in fact did pass on Monday in the East China School District. He was a very special person who did leave a large impact on this state and he will be missed.

For those who are interested, visitation is at the Gorsline-Runciman funeral home Sunday in East Lansing and the funeral Mass will be at the St. John's Student Center on Monday at 10:00.

But he will be missed in this state, he is someone who had impact on several generations of young people.

A moment of silence was observed in memory of former Superintendent of Public Instruction Philip Runkel.

Senator McManus' statement is as follows:

I would like to put in a good word for the great service this body did this morning in passing the railroad bill. This bill has been worked on for more than five years. It's a piece of railroad that goes up into the northern part of the Lower Peninsula and up into the Thumb—big agricultural areas. It's a badly needed track to keep agriculture competitive in this state. This bill puts it up for sale—private use if that's possible, and if it's not, ends up for a lease.

Without that railroad agriculture either goes out-of-business or, if you're interested in preserving agriculture in this state, we need to have that transportation service or we go to trucks which will puts more trucks on the highway; which, by the way are subsidized. Also, it raises the price which makes higher prices for the consumers in this state and less competitive otherwise.

Once a railroad is gone—it's gone and that's going to be a very difficult situation. We have piece of former track at Hershey, Michigan. There's an industrialist who would like to put in a company up there, but the cost of putting the track back in is extremely high. So, it's short-range thinking to think that we ought to do away with railroad service in this state. It's long-range thinking that we take a good look at it as we did this morning—pass this bill out and maintain that service into our agriculture areas.

I want to compliment the body for doing it.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved to reconsider the motion by which the Senate would adjourn today until Wednesday, June 24. The motion prevailed.

The question being on the motion to adjourn until Wednesday, June 24, Senator DeGrow withdrew the motion.

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Thursday, June 25. The motion prevailed.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 838, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 11a, 51, and 56 (MCL 791.211a, 791.251, and 791.256), sections 11a and 56 as added by 1994 PA 93 and section 51 as amended by 1994 PA 217.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 596

Yeas—32

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

Nays—0

Excused—2

Hoffman Schuette

Not Voting—3

Dingell Koivisto O'Brien

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

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 2:34 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, June 25, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

