

No. 17
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, March 4, 1997.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Carl—present
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

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

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

Senator Douglas Carl of the 12th District offered the following invocation:

Holy God, and Heavenly Father, how thankful we are for the opportunity to come to You on every occasion. We thank You for this day and for the many blessings You have showered upon us for our health, our jobs, our families and the many other countless blessings. Help us this day to count our days that we may apply our hearts unto wisdom. Teach us to take time for work—it's the price of success; to take time to think—it's a source of power; to take time to play—it's the secret of youth; to take time to be friendly—it's the road to happiness; to take time to dream—it's hitching your wagon to a star; and to take time to love—it's the highest joy of life. Be with us this day. Grant wisdom and strength and courage as we make decisions on this day. Be with those who are in special need of Your help. For it's in the name of Jesus that I pray. Amen.

Motions and Communications

Recess

Senator DeGrow moved that the Senate recess until 10:30 a.m.
The motion prevailed, the time being 10:03 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

During the recess, Senators Young, Hoffman, North, Stallings and Bouchard entered the Senate Chamber.

A quorum of the Senate was present.

Recess

Senator DeGrow moved that the Senate recess until 10:45 a.m.
The motion prevailed, the time being 10:30 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

February 5, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 4:40 p.m. this date, administrative rule (97-2-1) for the Department of Agriculture, Food Division, entitled "Regulation No. 569. Smoked Fish," effective 15 days hereafter.

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

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

February 27, 1997

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit Including the Provisions of the Single Audit Act of the Department of Public Health, October 1, 1993 through September 30, 1995.

February 27, 1997

Enclosed is a corrected copy of the Executive Digest for the Performance Audit of Eastern Michigan University which was previously mailed to you on February 21, 1997.

We discovered, after mailing, that the previous digest was missing a page. Please destroy that copy and keep this current issue for your records.

March 3, 1997

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

Performance Audit of the Egeler Correctional Facility, Department of Corrections, March 1997.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 27:

House Bill Nos. 4041 4109 4202

The Secretary announced the enrollment printing and presentation to the Governor on February 26, for his approval the following bill:

Enrolled Senate Bill No. 1 at 4:55 p.m.

The Secretary announced the printing and placement in the members' files on Monday, March 3 of:

Senate Bill Nos.	220	221	222	223	224	225	226	227	228					
House Bill Nos.	4366	4367	4368	4369	4370	4371	4372	4373	4374	4375	4376	4377	4378	4379
	4380	4381	4382	4383	4384	4385	4386	4387	4388	4389	4390			

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

House Bill No. 4039

The bill was referred to the Committee on Judiciary.

Messages from the Governor

The following message from the Governor was received and read:

February 27, 1997

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

Grape and Wine Industry Council

Mr. Jack B. Stegenga, 2896 Bowers Harbor Road, Traverse City, Michigan 49684, county of Grand Traverse, as a member representing wine makers, succeeding Mr. David R. Braganini of Lawton, whose term has expired, for a term expiring on October 9, 1998.

Sincerely,
John Engler
Governor

The appointment was referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Steil, Shugars, Carl, Cisky, McManus and Gougeon introduced

Senate Bill No. 261, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 310f and 330.

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

Senators Gougeon, McManus, North and Dunaskiss introduced

Senate Bill No. 262, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," (MCL 483.1 to 483.11) by adding sections 2a and 2b.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Stille and Rogers introduced

Senate Bill No. 263, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519).

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

Senators Rogers, Bennett, Cisky, Schuette, Steil and Bullard introduced

Senate Bill No. 264, 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 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 34a (MCL 791.234a), as amended by 1994 PA 427.

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

Senators Cisky, McManus, Bullard, North, Hoffman, Gougeon, Koivisto and Stallings introduced

Senate Bill No. 265, entitled

A bill to provide for the removal of certain dead animals from certain areas open to vehicular traffic in this state; and to prescribe the powers and duties of certain state agencies and officials.

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

Senators Bullard and Stallings introduced

Senate Bill No. 266, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 1996 PA 320.

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

Senators Bullard and Shugars introduced

Senate Bill No. 267, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28 (MCL 421.28), as amended by 1994 PA 422.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators Bullard, Carl, Stille, McManus, North, Stallings and Miller introduced

Senate Bill No. 268, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81134 (MCL 324.81134), as amended by 1996 PA 175.

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

Senator Bouchard introduced

Senate Bill No. 269, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 1f to chapter IX.

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

Senator Bouchard introduced

Senate Bill No. 270, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 1996 PA 491.

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

Senator Bouchard introduced

Senate Bill No. 271, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 316, 317, 321, and 324 (MCL 750.316, 750.317, 750.321, and 750.324), section 316 as amended by 1996 PA 21.

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

House Bill No. 4041, entitled

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

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. 4109, entitled

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

The 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. 4202, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803e and 803i (MCL 257.803e and 257.803i), as amended by 1994 PA 104.

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

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

Senator Cisky entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 28

The resolution consent calendar was adopted.

Senators Dingell, Hoffman and Cisky offered the following resolution:

Senate Resolution No. 28.

A resolution in commemoration of the Hungarian Revolution of 1848.

Whereas, In commemoration of the Hungarian Revolution of 1848, we are honored to be included as a part of the celebration. This period of bravery has served as a source of Pride and Heroism for 149 years to all people of Hungarian descent. It is traditionally celebrated on March 15th of the year. Even while the country was under communist leadership, the people continued to reflect on this special day, celebrating the ideals of this event and the people who made it happen; and

Whereas, Hungary had been under rule of the Hapsburg Dynasty since the late 17th Century. The rest of the World had moved beyond a feudal system by the examples of Britain, America and France. The nobility of Hungary knew it to be in their best interest to follow in this pattern. On March 15, 1848 Hungary became the first country to have their demands met by the Royal Court and have a peaceful transition; and

Whereas, The peaceful transition would be short-lived. After the Hapsburg Armies finished business in other European Countries, they arranged to send armies to regain imperial authority in Hungary. Artur Gorgey and Jozef Bem retook Hungary with military force in April 1849 and they declared the House of Hapsburg dethroned. In the bitter fighting that occurred afterwards, thirteen military commanders were executed at Arad on October 6 and are to this day honored as the Martyrs of Arad. The Prime Minister, Count Lajos Batthyany, was shot by firing squad in Pest, thereby ending what would live in the memories and traditions of the people of Hungary to this day; and

Whereas, The bravery of these revolutionaries came to symbolize defense of liberty gained and recovery of liberty lost. The inspiration would lead Hungarians through the many hardships and victories that stood before them; now, therefore, be it

Resolved by the Senate, That we share in the commemoration of this important day for all Hungarians and all who honor the ideals of liberty; and be it further

Resolved, That a copy of this resolution be transmitted to the Holy Cross Church for the March 9th Commemoration Program in Detroit as a reflection of our esteem and respect.

Senators Vaughn, DeBeaussaert, Posthumus, Hart, Young, McManus and Stallings were named co-sponsors of the resolution.

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

Senate Resolution No. 20

Senate Concurrent Resolution No. 11

The motion prevailed.

House Concurrent Resolution No. 7.

A concurrent resolution to call upon the Governor to support emergency appropriations when snow removal costs threaten the resources of local governmental units.

Whereas, Providing emergency assistance to communities stricken by disasters like tornadoes, floods, or hail storms is a vital function of government. There are mechanisms in place in these instances to help families and businesses pick up the pieces after their losses to help them reestablish themselves; and

Whereas, In certain parts of our state, especially in this record-breaking snowfall winter, the costs of removing snow provides a crisis every bit as serious and damaging as other calamities of nature. While the costs of removing hundreds of inches of snow is often spread over several months, the same needs of public safety and security are being met by the local units working around the clock to cope with the snow; and

Whereas, This is the second winter in row in which massive amounts of snow over protracted periods of time have depleted the financial resources of local units of government trying to keep roads open. In spite of these great efforts, the costs to businesses, individual families, equipment, agriculture, and public safety far exceed the capacity of many governments. Just as all of Michigan responds when communities are struck by a tornado, our state must address the critical needs of areas hampered by exceptionally heavy snows; and

Whereas, A Fiscal Year 1997 supplemental appropriations request was sent to the House and Senate Appropriations Committee Chairs on February 6, 1997 from the state budget director, which would provide an additional \$42.6 million in transportation funds now to counties, cities, and villages, which could be used for snow removal if deemed appropriate by the local units of government. Either committee could report the legislation to provide these much needed revenues for areas in need; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we call upon the Governor to review the conditions and snow removal costs facing certain areas of the state, to review all currently available state revenue sources, and if necessary to seek declaration of emergency through the Federal Emergency Management Agency; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senators Young, Stallings and Koivisto were named co-sponsors of the concurrent resolution.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 13.

A concurrent resolution approving a general form of lease between the State of Michigan and the State Building Authority, relative to furnishings and equipment to be leased to the State of Michigan.

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires that before a lease between the State and the State Building Authority (the "Authority") that is only for furnishings or equipment is executed, the general form of the lease shall be approved by concurrent resolution of the Legislature concurred in by a majority of the members elected to and serving in each house. The description of the property to be leased and the rental to be paid by the State shall be approved by the State Administrative Board; and

Whereas, Providing furnishings and equipment to be used by the State pursuant to a lease with the Authority is a recognized public purpose; and

Whereas, A general form of lease between the Authority and the State has been prepared providing for the leasing of furnishings and equipment by the Authority to the State; and

Whereas, The Executive Director of the Authority has, by communication dated December 4, 1996, which communication has been filed with the Secretary of the Senate, furnished the Joint Capital Outlay Subcommittee of the Legislature with the general form of lease to be entered into between the State and the Authority for the leasing of furnishings and equipment and other information relative to the lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the general form of lease to be entered into between the State and the Authority for the leasing of furnishings and equipment is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute one or more leases in substantially the form of the lease hereby approved for and on behalf of the State at any time or times not later than two years after the adoption of this concurrent resolution with such changes therein as the State Administrative Board may approve; and be it further

Resolved, That a lease may be entered into by the State in the form approved by this concurrent resolution only if the furnishings and equipment to be leased by the State are for use by a state agency as determined under the Management and Budget Act, 1984 PA 431, as amended, being MCL §§ 18.1101 to 18.1594; and be it further

Resolved, That the total cost of furnishings and equipment to be leased to the State pursuant to the form of lease approved by this concurrent resolution during the two years succeeding final adoption of this concurrent resolution shall not exceed \$75,000,000, which shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonacquisition costs; and be it further

Resolved, That, before execution of a lease by the Governor and the Secretary of State in the form approved by this concurrent resolution, the final form of the lease, the description of the furnishings and equipment to be leased to the State, and the rental to be paid by the State shall be approved by the State Administrative Board as provided in Section 7 of 1964 PA 183 and a copy of the final form of lease, including the description of the furnishings and equipment to be leased to the State and the rental to be paid by the State as approved by the State Administrative Board, shall be provided to the Joint Capital Outlay Subcommittee of the Legislature; and be it further

Resolved, That, by hereby approving the form of lease between the State and the Authority, the Legislature agrees to appropriate sufficient amounts annually to pay the rentals and satisfy other obligations imposed on the State pursuant to any lease entered into by the State as authorized by this concurrent resolution; and be it further

Resolved, That a copy of this resolution be transmitted to the Governor, the Secretary of State, the Authority, and the Director of the Department of Management and Budget of the State.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Stille, Koivisto, Hart, McManus, Young and Stallings were named co-sponsors of the concurrent resolution.

Senator North offered the following concurrent resolution:

Senate Concurrent Resolution No. 14.

A concurrent resolution to express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

Whereas, Michigan's forests have always been very important to our state's economy. Because of our abundant woodland resources, among the most extensive in the entire country, at least 150,000 of our citizens work in a variety of forest-related jobs at more than 4,000 establishments; and

Whereas, In spite of the bounty represented in Michigan's 18.6 million acres, as well as our national leadership as the state with the most surplus growth stock, it is estimated that Michigan's forests have the potential for even greater growth. With proper management, Michigan forests can increase annual wood growth by 50 percent on a sustainable basis; and

Whereas, The Michigan forest products industry, through the American Forest and Paper Association, has developed a program to advance our timberland resources. This program is called the Sustainable Forestry Initiative. It promotes, educates, and monitors adherence to safeguard the state's resources for future generations. In order to be most effective, this initiative needs the cooperation and support of all entities with responsibilities for management or ownership of woodlands in Michigan. This self-regulatory program offers an opportunity to strengthen our state; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express support for the American Forest and Paper Association's Sustainable Forestry Initiative.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Agriculture and Forestry.

The motion prevailed.

Senators Stille, Koivisto, Hart, McManus, Young, Stallings and Schwarz were named co-sponsors of the concurrent resolution.

Senators Schwarz, Shugars, Schuette, Van Regenmorter, Gougeon, Dunaskiss, Rogers, Steil, Gast, Stille, Geake, Bennett, Bullard, Posthumus, Emmons and McManus entered the Senate Chamber.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 209, entitled

A bill to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; 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. 25

Yeas—37

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

Nays—1

Berryman

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Byrum, Schuette, Berryman, Conroy, Emmons and Bouchard asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Byrum's first statement is as follows:

Last week I rose to make a statement to urge the Senate to join the Michigan House of Representatives in passing House Concurrent Resolution No. 5, which would have had the effect of overturning the Governor's Executive Order 1996-12. This is the executive order that transferred power and duties away from the State Board of Education to the Superintendent of Public Instruction.

Attempts by my caucus to suspend the rules in order to give House Concurrent Resolution No. 5 immediate consideration were short circuited by adjournment. That adjournment silenced the voice of this body. That action was unfortunate. As I said last week, and I repeat again, this is not a partisan issue. This is not simply an internal struggle between the Governor and State Board of Education. This issue is about maintaining the integrity of the legislature; maintaining the balance of power between the executive, the legislature and the judicial branches of government.

It was the legislature that gave the State Board of Education the authority found in 139 statutes. It was the legislature that gave the State Board of Education the power to promulgate rules contained in 39 statutes. The legislature did not give that power to the Governor, nor did it give that power to the Superintendent of Public Instruction. This executive order removes the authority from an elected board that conducts business in an open, public forum for such important decisions as special education, rules and waivers, teacher certification and the oversight of charter schools and places those decisions into the hand of a bureaucrat to conduct business behind closed doors.

This week four members of the State Board of Education have filed a complaint seeking to enjoin the attempt to transfer the powers, responsibilities and duties as set forth in Executive Orders 1996-11 and 1996-12. I rise today to give notice to this body that the Senate Democratic Caucus will seek to file an amicus brief in support of the four board members' position that the executive orders violate the Michigan Constitution.

Senator Schuette's first statement is as follows:

There has been some discussion in this Senate chamber about Governor Engler's executive order. Frankly, what the Governor did was show leadership. What the Governor did was say he had a plan about education for kids' futures. The Governor made the right decision in the issuance of an executive order. In this day and age what we need to see in the state of Michigan and all across America are governors working with President Clinton about giving more choice and more freedom of decision-making to parents on chartering their own educational future. That is the heart and thrust of what Governor Engler did in that executive order.

I am pleased to issue that order. I am pleased that in consistence with Governor Engler's plan of more charter schools to help poor kids in urban areas, and to give parents freedom of choice regarding where they send their kids to school that our President is coming to Michigan. He is going to join with us to hear about the Michigan experiment and the Michigan Model. He is going to hear about what we are doing to make sure that we give parents the responsibilities and the freedom to make decisions because here in Michigan parents are in charge.

I am pleased that President Clinton is coming to Michigan where we are the experiment and the model in advancement and change for parents, families and children. I am very encouraged by the tone of President Clinton wanting 3,000 charter schools as he said in his 1997 State of the Union address. I am so pleased he is coming here to join with the Senate Republicans and Governor Engler who believe in freedom, educational accountability and parents being in charge.

Senator Berryman's statement is as follows:

Mr. President, I wasn't going to say anything until the previous speaker, the good Senator from the Thirty-Fifth District, made his comments.

I don't think that the President of the United States is coming to Michigan to showcase education reform put forth by this Governor in this administration. The choice in charters that President Clinton has been talking about is totally different than the charters that have been forced on the public of the state of Michigan through this administration.

I have a great deal of respect for the President. He does his homework and I am sure that he would be investigating what this administration of the state has been doing when it deals with initiatives in quality education programs. If in any way the President would come and highlight Michigan as the example and the leader in the country for charters and choice, I would say what an absolute insult to every public school teacher and every public school in the state of Michigan. I would be surprised if the President would do that. I would hope that the President wouldn't do that. I would think he's brighter than that. He does not need to be showcased with this administration on quality programs because this administration has done nothing, but criticize public education and teachers for the last seven years. They have done nothing to put quality into the classroom, and I can't believe that our President would try to showcase this state as a leader in education.

Senator Conroy's first statement is as follows:

I am gratified to see that the Senator from the Thirty-Fifth District is so knowledgeable of urban education. I know that Midland, Elmira and all those other towns up there are very urban by nature and that he has a very close connection with these urban schools.

Let me tell you about a county that is urban and that is Genesee county. We have 25,000 kids in our Flint school district. We have two charter schools. Both of these charter schools were private schools before. All we have are two charter and they were both private schools. Those parents paid \$3,500.00 apiece in both schools to send their children. Which is fine. It is a wonderful idea, but the bad idea part came when the Senate and the House of Representatives and the Governor voted to fund these parents—the doctors, the lawyers and the business executives who send their children to these two charter schools. Instead of them paying \$3,500.00, now we pay these two little schools \$5,600.00 per child. Now that is what I call progress. I call that, what you say, converting the private sector to the public sector. I thought that the other side of the aisle was thinking just the opposite.

We have the very wealthiest of our citizens sending their kids to these two schools. The make-up of the schools have not changed substantially since they became public. There are no inner-city children going to either one of them, according to my last look. As it turns out, at least in one county—an urban county that the Senator from the Thirty-fifth District is so knowledgeable about—is that virtually none of the urban children have a better experience. Meanwhile, we are paying \$5,600.00 per child for each of those kids that go there.

I do understand, indeed, that the test results were lower in these charter schools. Now there is something, Senator, that you can do. There are some things you can do. You can lower the class size in those early grades, and you can teach kids how to read and how to compute and how to get through their age of reasoning which occurs during that seventh year or sixth year or eighth year of their life. So there are some improvements that we can make. Not just in urban schools, but in all of the schools. The Flint experiment is that we have 17 or fewer kids in each of our classes in the city of Flint and our grades did go up. The reading scores in the fourth grade went up 30% this year. The math scores went up 16% this year. Those kids did get touched with this low class size. At least some of them. We attribute that increase to the lower class size and a new parental involvement that we have started in our community. So there are some things that we can do to improve the education of these kids. It just so happens, coincidentally, that charter schools are not one of them, as it has to do with the experiment in Flint or Genesee County. I do not want to get into the idea of John Engler verses the President or John Engler verses the Board of Education, because John Engler has said some things that are absolutely right—about the test scores. In some schools they are terrible and we have got to do something about it. I just want you to know, the Senator from the Thirty-Fifth District, that we are doing something in Flint about it. We have devoted our assets to lowering those class sizes so kids can have more attention they could learn how to read. They could learn how to compute and they will learn how to reason better.

Senator Emmons' statement is as follows:

Last time I read Article 8 in the Constitution it said "Every child in Michigan should have a free education." It seems to me our obligation is to put in front of the people, public schools that give them a free and excellent education. I am a little disturbed when people suggest that you take away a Constitutional right because of some persons' income or place of residence.

I am delighted that President Clinton is coming to Michigan on Thursday. His remarks about charter schools are right on the mark. We are going to, in a bipartisan manner, try to help Michigan get in line with what President Clinton suggested when he said on September 12, "Charter schools are an important way to inject choice and competition into the public school system." That is exactly what we have done in Michigan and we look forward to, on a bi-partisan manner, helping him achieve his goals in Michigan.

Senator Schuette's second statement is as follows:

I'm rising for a second time because of the comments made by a colleague with respect to charter schools. I'm a citizen, one of nine million, in the state of Michigan. I don't represent Genesee County, but I live in this state. I think much of the thrust that President Clinton and Governor Engler working together want to achieve in terms of education is giving hope to kids in urban areas, because, more often than not, the children in urban areas, whether that be

Muskegon, Flint, Saginaw or Detroit or other parts of the state are getting shafted by the system today. If you believe as I do in giving more hope to kids, then you should join President Clinton and join Governor Engler in giving more choices and options in charter schools for parents and kids in Michigan.

Senator Byrum's second statement is as follows:

I had no idea when I rose the first time that I was going to initiate such a string of statements and comments on the Senate Floor this morning.

I find it quite ironic that debate on renewing our public schools belongs in the legislature and obviously there is a lot of interest in that. Education is the issue—core curriculum, performance standards, best teachers through certification and professional development, discipline and order in our schools, investing in technology—those issues and many more need our full attention in debate as our rightful role of the legislative branch. Executive Orders 1996-11 and 12 largely remove the public debate and place that demand in the hands of a single bureaucrat to be made to a large extent behind close doors. That's my point, and I think the discussion and the spirited and lively comments this morning just ring home my point loud and clear. The Executive Order is about removing powers and authority, our duties, our responsibility as the legislative branch of government. I think what really has been occurring this morning is that the other side of the aisle is acknowledging what I am saying. We just don't have the political will here to take on the Governor and overturn that Executive Order.

Senator Conroy's second statement is as follows:

The Senator from the 35th District didn't listen to what I had to say. I'm going to invite my colleagues at a future date to the city of Flint so you can see what is going on in our early grades. Hopefully, we can work it into your schedule where a sizeable number of you can come and see how that is working. I didn't mean to come get up here and say that charter schools were all bad, I am just saying that in my community, it doesn't seem to fit the bill of what the Governor was even looking for. I would like you folks to be able to come over to Flint some Monday morning and spend some time traipsing through some of our elementary schools, ask questions and see how it does work, so at least you would be apprised of a way in which we are making big steps improving our education to our public school children.

Senator Bouchard's statement is as follows:

I'm going to divert in a different direction and not talk about education. I am going to talk about a person who is leaving my office today. It's becoming all too common. "Last one out turn out the lights," is not going to be the phrase.

At any rate, one of my close friends, who has been very helpful in every respect in both my personal life and my professional life—and I look forward to our continued friendship—is leaving my office to go to the Governor's office. Today will be that transition day. I just wanted to let him know by way of this comment that I appreciate everything he's done over the last six years. I also appreciate his friendship. I'm sure he will be marvelous in his role as a legislative liaison in the Governor's office. That person is Mark Cook, who I think everybody has come to know as a very capable and effective communicator. I wish him all the best.

Also this month I wish him, Melissa and their family the best, as they are welcoming a new arrival to their family as well. There are lots of changes going on in the Cook household and I just want to wish them all the best.

Committee Reports

The Committee on Agriculture and Forestry reported

Senate Bill No. 126, entitled

A bill to repeal 1965 PA 280, entitled "An act to provide for licensing and regulating of slaughterhouses, edible rendering establishments and wholesale fabricating, processing or storage establishments of meat; to provide for the antemortem and postmortem inspection and reinspection of slaughtered meat animals; to prescribe the duties and powers of the department of agriculture; to prescribe license fees; to provide for the transfer of personnel and the rights of employees affected by this act; to provide for inspection of large wild game animals; and to provide penalties for violation of the provisions of this act," (MCL 287.571 to 287.582).

With the recommendation that the bill pass.

Walter H. North
Chairperson

To Report Out:

Yeas: Senators North, Gougeon, Byrum and Berryman

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Agriculture and Forestry reported

Senate Bill No. 140, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101) and by adding sections 3131, 3132, and 3133.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Walter H. North
Chairperson

To Report Out:

Yeas: Senators North, Gougeon, McManus, Byrum and Berryman

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture and Forestry submits the following:

Meeting held on Wednesday, February 26, 1997, at 1:30 p.m., Room 210, Farnum Building

Present: Senators North, Gougeon, McManus, Byrum and Berryman

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 33, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970, by amending sections 3 and 6a (MCL 722.23 and 722.26a), section 3 as amended by 1993 PA 259 and section 6a as added by 1980 PA 434, and by adding sections 11 and 12.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joel D. Gougeon
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard and Peters

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 188, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 43b.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joel D. Gougeon
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard and Peters

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 193, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 32 (MCL 432.32), as amended by 1996 PA 13.

With the recommendation that the bill pass.

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

Joel D. Gougeon
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Meeting held on Thursday, February 27, 1997, at 1:00 p.m., Room 100, Farnum Building
Present: Senators Gougeon, Bouchard and Peters
Excused: Senators Geake and V. Smith

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 4, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11514a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast, Dingell and DeBeaussiaert

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 5, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11151 (MCL 324.11151).

With the recommendation that the bill pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast, Dingell and DeBeaussiaert

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 19, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32312a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast, Dingell and DeBeaussiaert

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 51, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40113a (MCL 324.40113a), as added by 1996 PA 377.

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

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

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast, Dingell and DeBeaussaert

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 22.

A resolution to urge the United States Environmental Protection Agency to reaffirm certain standards of ozone and particulate levels.

(For text of resolution, see Senate Journal No. 9, p. 99.)

With the recommendation that the resolution be adopted.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Dunaskiss, Gast and Dingell

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Thursday, February 27, 1997, at 8:30 a.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bennett, Dunaskiss, Gast, Dingell and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Legislative Council submits the following:

Meeting held on Tuesday, February 25, 1997, at 12:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Posthumus, DeGrow, Schwarz, Steil and V. Smith

Excused: Senators Cherry, Cisky, Schuette and O'Brien

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Tuesday, February 25, 1997, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus, Gast and Koivisto

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Regulatory submits the following:

Meeting held on Wednesday, February 26, 1997, at 1:30 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Steil, Geake and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submits the following:

Meeting held on Wednesday, February 26, 1997, at 2:00 p.m., Room 404, Capitol Building

Present: Senators Cisky, Hoffman and Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submits the following:

Meeting held on Wednesday, February 26, 1997, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Geake, Steil and Conroy

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submits the following:

Meeting held on Thursday, February 27, 1997, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus, Gast, Koivisto and A. Smith

Excused: Senator Hoffman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 27, 1997, at 1:03 p.m., Room 210, Farnum Building

Present: Senators Rogers, Steil, Stille, DeBeaussaert and Stallings

COMMITTEE ATTENDANCE REPORT

The Michigan Sentencing Commission submits the following:

Meeting held on Friday, February 28, 1997, at 9:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senator Dingell

Excused: Senators Van Regenmorter, Cisky and V. Smith

Scheduled Meetings

Administrative Rules Joint Committee - Wednesday, March 5, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Financial Services Committee - Wednesday, March 5, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Michigan Sentencing Commission, A-C Crime Group Committee - Thursday, March 6, at 3:00 p.m., Holiday Inn South, 6820 S. Cedar, Lansing (3-7676).

Michigan Sentencing Commission, Offense and Prior Record Variables Committee - Friday, March 7, at 8:15 a.m., Holiday Inn South, 6820 S. Cedar, Lansing (3-7676).

Scheduled Meeting Changed

Michigan Sentencing Commission - Thursday, March 6, at 7:00 p.m., Holiday Inn South, 6820 S. Cedar, Lansing (3-7676).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:25 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, March 5, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

