

No. 50
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 4, 1997.

10:00 a.m.

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

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
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

Reverend Imam Muhammad A. H. Karoub of the American Moslem Mosque, the Federation of Islamic Associations in Farmington Hills offered the following invocation:

May the peace of God embrace you and enfold you as you gather today to sanctify and to add our humble thanks for His bounty on this creation. He has united the Black and the White and the Red and the Yellow and the Brown. He has made no distinction or differentiation among His creation. My brothers and sisters gathered here, as we offer this prayer, we have to our detriment and to our folly instilled and imbued and encouraged and fostered that feeling that has been erroneous and destructive not only to our nation, but I believe to the world at large who look to us for good examples. Our Lord, look down upon this assembly with mercy, with kindness, with compassion and with grace. Instill in them those virtues that are enunciated and articulated so clearly by the Prophets and the messengers whom You did so carefully select and choose to represent You on the face of the earth. Cause them to walk forward, ever forward, Almighty God, glorifying and sanctifying Thy name, Almighty God. Amen.

Motions and Communications

Senator DeGrow moved that Senators Dunaskiss, Posthumus and Schwarz be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that rule 3.902 be suspended to allow the guest of Senator Hart admittance to the Senate floor.

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

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

The motion prevailed.

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

Senate Bill Nos.	535	536	537	538	539	540	541	542	546			
House Bill Nos.	4846	4847	4848	4849	4850	4851	4852	4853	4854	4855	4857	4858

By unanimous consent the Senate proceeded to the order of

General Orders

Senator DeGrow moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Rogers as Chairperson.

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

House Bill No. 4305, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

Substitute (S-1).

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

1. Amend page 8, following line 21, by inserting:

"Sec. 220. (1) Funds appropriated under this act shall not be expended to provide health care coverage for community college employees or their dependents for abortion services, other than for spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed, if those services are not required by collective bargaining agreement.

(2) A community college shall not approve a collective bargaining agreement which includes health care coverage for abortion services other than spontaneous abortion or to prevent the death of the woman upon whom the abortion is performed. This section shall not prohibit a health care benefit program which provides for an employee-paid rider coverage for abortion services.

(3) If a community college receiving funds under this act expends funds in violation of subsection (1), the appropriation under this act for that community college is reduced by 5%."

2. Amend page 9, following line 9, by inserting:

“Sec. 303. A community college receiving funding under this act that extends employee benefits to the unmarried partners of the community college’s employees shall furnish all program and financial information that is required by and in a manner prescribed by the director of the department of management and budget or by the house or senate appropriations committee.

Sec. 304. A community college receiving funding under this act that extends employee benefits to the unmarried partners of the community college’s employee shall have its appropriation reduced by an amount equal to the cost of extending employee benefits to the unmarried partners of the community college’s employees.”.

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senators Schwarz, Miller, Dunaskiss and Posthumus entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4306

House Bill No. 4307

House Bill No. 4308

House Bill No. 4310

The motion prevailed.

The following bill was read a third time:

House Bill No. 4306, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 1998; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend page 73, following line 7, following section 1653, by inserting:

“Sec. 1654. A qualified health plan that requires a medicaid recipient to designate a participating primary care provider shall permit a female medicaid recipient to access a participating obstetrician-gynecologist for any plan covered obstetrical or gynecologic condition such as, but not limited to, diagnosis and management of pregnancy or pregnancy-related conditions, contraceptive advise or management, vaginal bleeding or infections, lower abdominal pain, annual “well woman” examinations and follow-up of any abnormal findings, and suspected growths or tumors in the lower abdomen. This access would not require prior authorization or referral, but may be limited by participation of obstetricians-gynecologists in the plan network. A referral to an out-of-plan physician will require plan approval.”.

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4307, 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, 1998; 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 question being on the passage of the bill,

Senator Cisky offered the following amendments:

1. Amend page 3, line 9, by striking out “1,484,200” and inserting “2,984,200”.

2. Amend page 3, line 17, by striking out "166,700" and inserting "1,566,700".
3. Amend page 3, line 20, by striking out "420,500" and inserting "520,500".
4. Amend page 4, line 15, by striking out "14,790,000" and inserting "17,240,000".
5. Amend page 4, following line 23, by inserting:
"DOJ-Office of Justice Programs, corrections programs - grants to states 2,450,000".
6. Amend page 9, line 14, by striking out "255,000" and inserting "405,000".
7. Amend page 10, line 6, by striking out "255,000" and inserting "405,000" and adjusting all subtotals and totals and section 201 accordingly.

The amendments were adopted, a majority of the members serving having voted 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. 281

Yeas—38

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

Nays—0

Excused—0

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.

By unanimous consent the Senate returned to the order of

General Orders

Senator DeGrow moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Rogers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4309, 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, 1998; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Substitute (S-1).

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

1. Amend page 4, line 12, by striking out "\$315,493,078" and inserting "\$315,333,078".
 2. Amend page 4, line 13, by striking out "\$315,493,078" and inserting "\$315,333,078".
 3. Amend page 4, line 15, by striking out "\$315,493,078" and inserting "\$315,333,078".
 4. Amend page 5, line 1, by striking out "\$224,001,806" and inserting "\$223,984,806".
 5. Amend page 5, line 2, by striking out "\$224,001,806" and inserting "\$223,984,806".
 6. Amend page 5, line 4, by striking out "\$224,001,806" and inserting "\$223,984,806" and adjusting the subtotals, totals and section 201 accordingly.

7. Amend page 22, line 10, after "committees." by inserting "The majority leader or minority leader of the senate or the speaker or the minority leader of the house of representatives may request assistance or studies from these universities."

8. Amend page 22, line 22, after "center." by inserting "If sufficient funds are available, an additional \$250,000.00 shall be appropriated for the collegiate skills program at Ferris State University. If sufficient funds are available, an additional \$100,000.00 shall be appropriated for new technology at Lake Superior State University. If sufficient funds are available, \$400,000.00 shall be appropriated for the institute for education reform, and \$150,000.00 shall be appropriated for the development of a textile institute, at Eastern Michigan University. The institute for education reform will focus on public school assistance and the appropriation is intended to provide technical assistance to public school districts in Michigan. The appropriation for the institute for education reform is provided to allow the institute to form partnerships with school districts in the application of strategic planning processes intended to raise the academic performance of students; the first priority of the funding shall be assistance for school districts where the greatest number of students are at risk of academic failure.

Sec. 425. It is legislative intent that state funded medical schools require medical students to take pain treatment management coursework and that encouragement be given to medical doctors to take continuing education courses in pain treatment management."

9. Amend page 29, following line 15, by inserting:

"Sec. 709. A public university receiving funding under this act that extends employee benefits to the unmarried partners of the university's employees shall furnish all program and financial information that is required by and in a manner prescribed by the director of the department of management and budget or the house or senate appropriations committee."

The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4308, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The 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. 282

Yeas—34

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

Nays—1

Carl

Excused—0**Not Voting—3**

Bouchard

Dunaskiss

Miller

In The Chair: President

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

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

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

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

Senator Dunaskiss entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4310, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 6a, 11, 13, 17b, 20, 20c, 23, 24, 25, 26, 31a, 36, 39, 41, 51a, 52, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 107, 111, 124, 147, 151, 167, and 169a (MCL 388.1603, 388.1606, 388.1606a, 388.1611, 388.1613, 388.1617b, 388.1620, 388.1620c, 388.1623, 388.1624, 388.1625, 388.1626, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1711, 388.1724, 388.1747, 388.1751, 388.1767, and 388.1769a), sections 3, 6, 11, 13, 17b, 20, 20c, 23, 24, 31a, 36, 39, 41, 52, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 111, 147, and 167 as amended and sections 25, 51a, 53a, 107, and 169a as added by 1996 PA 300, sections 6a, 124, and 151 as amended by 1995 PA 130, and section 26 as amended by 1994 PA 283, and by adding sections 12, 20j, 20k, 26a, 31b, 67, 68, 93, 105a, and 112; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Dingell offered the following amendments:

1. Amend page 25, line 15, after "(5)," by inserting "AND SUBJECT TO SUBSECTION (18),".
2. Amend page 27, following line 26, by inserting:

"(18) A STATE TRUSTEE APPOINTED UNDER THIS SECTION SHALL NOT DO ANY OF THE FOLLOWING:

(A) PAY HIMSELF OR HERSELF ANY COMPENSATION OTHER THAN A SALARY ESTABLISHED IN THE CONTRACT UNDER SUBSECTION (5) AND APPROVED BY THE STATE BOARD.

(B) AUTHORIZE OR HAVE ANY INVOLVEMENT IN ANY NEW CONSTRUCTION, REMODELING, OR RENOVATION OF SCHOOL BUILDINGS BY THE DISTRICT OR IN ANY CONTRACT, BONDS, OR FINANCING RELATED TO THAT CONSTRUCTION, REMODELING, OR RENOVATION.

(C) AUTHORIZE BONDS, NOTES, OR OTHER DEBT OF THE DISTRICT.

(D) AUTHORIZE EXPENDITURE OF DISTRICT FUNDS OR DIRECT THE GOVERNING BOARD OR DISTRICT EMPLOYEES TO EXPEND DISTRICT FUNDS. THE STATE TRUSTEE MAY MAKE RECOMMENDATIONS TO THE GOVERNING BOARD CONCERNING EFFECTIVE AND EFFICIENT EXPENDITURE OF DISTRICT FUNDS.

(E) AUTHORIZE OR ENTER INTO ON BEHALF OF THE DISTRICT ANY CONTRACT FOR GOODS OR SERVICES. THE STATE TRUSTEE MAY MAKE RECOMMENDATIONS TO THE GOVERNING BOARD CONCERNING EFFECTIVE AND EFFICIENT CONTRACTING.

(F) ACCRUE ANY PERSONAL BENEFIT THROUGH APPROVAL OF ANY CONTRACT.” and renumbering the remaining subsection.

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

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 283

Yeas—16

Berryman
Byrum
Cherry
Cisky

DeBeaussaert
Dingell
Hart
Koivisto

O’Brien
Peters
Schwarz
Smith, A.

Smith, V.
Stallings
Vaughn
Young

Nays—20

Bennett
Bullard
Carl
Conroy
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon

Hoffman
McManus
North
Posthumus
Rogers

Schuetz
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Bouchard

Miller

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 24, line 14, by striking out all of subsection (8) and inserting:

“(8) A STATE TRUSTEE APPOINTED UNDER THIS SECTION SHALL USE THE REGULAR OPERATING FUNDS AVAILABLE TO THE DISTRICT TO CARRY OUT HIS OR HER DUTIES. NO ADDITIONAL MONEY SHALL BE APPROPRIATED TO SUPPORT THE ACTIVITIES OF THE STATE TRUSTEE.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 284

Yeas—15

Berryman
Byrum

Dingell
Geake

O’Brien
Peters

Stallings
Vaughn

Cherry
DeBeaussaert

Hart
Koivisto

Smith, A.
Smith, V.

Young

Nays—21

Bennett
Bullard
Carl
Cisky
Conroy
DeGrow

Dunaskiss
Emmons
Gast
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Bouchard

Miller

Not Voting—0

In The Chair: President

Senator Byrum offered the following amendments:

1. Amend page 6, line 13, after “THE” by striking out “SUPERINTENDENT OF PUBLIC INSTRUCTION” and inserting “STATE BOARD”.
2. Amend page 8, line 21, by striking out “SUPERINTENDENT OF PUBLIC INSTRUCTION” and inserting “state board”.
3. Amend page 13, line 10, by striking out “SUPERINTENDENT OF PUBLIC INSTRUCTION” and inserting “state board”.
4. Amend page 28, line 18, by striking out “SUPERINTENDENT OF PUBLIC INSTRUCTION” and inserting “state board”.
5. Amend page 76, line 10, by striking out “SUPERINTENDENT OF PUBLIC INSTRUCTION” and inserting “state board”.
6. Amend page 76, line 18, after “the” by striking out the balance of the line through “INSTRUCTION” on line 19 and inserting “state board”.
7. Amend page 89, line 11, after “the” by striking out “SUPERINTENDENT OF PUBLIC INSTRUCTION” and inserting “state board”.
8. Amend page 95, line 3, after “the” by striking out the balance of the line through “INSTRUCTION” on line 4 and inserting “state board”.
9. Amend page 98, line 14, after “the” by striking out “SUPERINTENDENT OF PUBLIC INSTRUCTION” and inserting “state board”.
10. Amend page 101, line 5, after “the” by striking out the balance of the line through “INSTRUCTION” on line 6 and inserting “state board”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 285

Yeas—15

Berryman
Byrum

DeBeaussaert
Dingell

O’Brien
Peters

Stallings
Vaughn

Cherry
Conroy

Hart
Koivisto

Smith, A.
Smith, V.

Young

Nays—21

Bennett
Bullard
Carl
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Bouchard

Miller

Not Voting—0

In The Chair: President

Senator Dingell offered the following amendments:

1. Amend page 24, line 25, after “SOLVENCY.” by inserting “THE PLAN SHALL INCLUDE A SPECIFIC SCHOOL IMPROVEMENT PLAN FOR EACH SCHOOL OF THE DISTRICT WITH CLEAR AND QUANTIFIABLE OBJECTIVES AND DATES BY WHICH THE OBJECTIVES SHALL BE MET.”.

2. Amend page 24, line 27, after the second “PLAN” by inserting “IN A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT”.

3. Amend page 25, line 3, after “SECTION,” by inserting “THE STATE TRUSTEE SHALL HOLD PUBLIC MEETINGS IN THE DISTRICT AT LEAST MONTHLY TO DISCUSS PROGRESS BEING MADE TOWARD EDUCATIONAL SOLVENCY AND TO HEAR PUBLIC COMMENT.”.

4. Amend page 26, line 24, after “BE” by striking out “SUMMARILY”.

5. Amend page 26, line 25, after “DISTRICT” by inserting “AFTER BEING AFFORDED DUE PROCESS OF LAW”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 286

Yeas—14

Berryman
Byrum
Cherry
DeBeaussaert

Dingell
Hart
Koivisto
O’Brien

Peters
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Nays—22

Bennett
Bullard
Carl

Dunaskiss
Emmons
Gast

McManus
North
Posthumus

Schwarz
Shugars
Steil

Cisky
Conroy
DeGrow

Geake
Gougeon
Hoffman

Rogers
Schuette

Stille
Van Regenmorter

Excused—2

Bouchard

Miller

Not Voting—0

In The Chair: President

Senator V. Smith offered the following amendments:

1. Amend page 22, line 26, after the first "SUBSECTION" by striking out "(14)" and inserting "(12)".
2. Amend page 22, line 26, after the second "SUBSECTION" by striking out "(15)" and inserting "(13)".
3. Amend page 26, line 7, by striking out all of subsections (12) and (13) and renumbering the remaining subsections.
4. Amend page 27, line 9, after "SECTION" by striking out "(14)" and inserting "(12)".
5. Amend page 27, line 10, after "TION" by striking out "(14)" and inserting "(12)".
6. Amend page 27, line 15, after "SUBSECTION" by striking out "(14)" and inserting "(12)".

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 287

Yeas—14

Berryman
Byrum
Cherry
DeBeaussiaert

Dingell
Hart
Koivisto
O'Brien

Peters
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Nays—22

Bennett
Bullard
Carl
Cisky
Conroy
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Bouchard

Miller

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendments:

1. Amend page 15, line 6, by striking out all of the subdivision (X) and relettering the remaining subdivision.
2. Amend page 18, line 18, by striking out "\$8,760,000,000.00" and inserting "\$8,775,000,000.00".
3. Amend page 18, line 19, after "of" by striking out "\$338,970,800.00" and inserting "\$357,070,800.00".
4. Amend page 45, line 1, by striking out all of section 20K and inserting:

"SEC. 20K. (1) FROM THE APPROPRIATION IN SECTION 11, THERE IS ALLOCATED FOR 1997-98 AN AMOUNT NOT TO EXCEED \$37,100,000.00 FOR PAYMENTS TO DISTRICTS THAT MEET BOTH OF THE FOLLOWING:

(A) THE NUMBER OF MILLS THE DISTRICT LEVIED IN 1993 FOR SCHOOL OPERATING PURPOSES IN THE 1993-94 SCHOOL YEAR WAS LESS THAN THE NUMBER OF MILLS THE DISTRICT LEVIED IN 1992 FOR SCHOOL OPERATING PURPOSES IN THE 1992-93 SCHOOL YEAR.

(B) THE DISTRICT LEVIED MILLS UNDER SECTION 1211C OF THE REVISED SCHOOL CODE, MCL 380.1211C, IN 1996 FOR SCHOOL OPERATING PURPOSES IN THE 1996-97 SCHOOL YEAR.

(2) THE AMOUNT OF THE PAYMENT TO A DISTRICT UNDER THIS SECTION SHALL BE AN AMOUNT EQUAL TO THE AMOUNT OF REVENUE THE DISTRICT RECEIVED FROM THE MILLAGE LEVIED BY THE DISTRICT UNDER SECTION 1211C OF THE REVISED SCHOOL CODE, MCL 380.1211C, IN 1996 FOR SCHOOL OPERATING PURPOSES IN THE 1996-97 SCHOOL YEAR." and adjusting the totals in section 11 and enacting section 1 accordingly.

The question being on the adoption of the amendments,

Senator A. Smith requested the yeas and nays.

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

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

Roll Call No. 288

Yeas—17

Berryman	DeBeaussaert	North	Smith, V.
Byrum	Dingell	O'Brien	Stallings
Carl	Hart	Peters	Vaughn
Cherry	Koivisto	Smith, A.	Young
Cisky			

Nays—19

Bennett	Emmons	McManus	Shugars
Bullard	Gast	Posthumus	Steil
Conroy	Geake	Rogers	Stille
DeGrow	Gougeon	Schuetz	Van Regenmorter
Dunaskiss	Hoffman	Schwarz	

Excused—2

Bouchard	Miller
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Not Voting—0

In The Chair: President

Senator DeGrow offered the following amendment:

1. Amend page 91, following line 2, by inserting:

"SEC. 93. (1) FROM THE GENERAL FUND APPROPRIATION IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$1.00 FOR 1997-98 TO THE DEPARTMENT FOR GRANTS FOR COMMUNITY

BASED COLLABORATIVE PREVENTION SERVICES DESIGNED TO FOSTER POSITIVE PARENTING SKILLS; IMPROVE PARENT/CHILD INTERACTION, ESPECIALLY FOR CHILDREN 0-3 YEARS OF AGE; PROMOTE ACCESS TO NEEDED COMMUNITY SERVICES; INCREASE LOCAL CAPACITY TO SERVE FAMILIES AT RISK; IMPROVE SCHOOL READINESS; AND SUPPORT HEALTHY FAMILY ENVIRONMENTS THAT DISCOURAGE ALCOHOL, TOBACCO, AND OTHER DRUG USE. THIS APPROPRIATION IS TO FUND SECONDARY PREVENTION PROGRAMS AS DEFINED BY THE CHILDREN'S TRUST FUND FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT IN THE PRE-APPLICATION FOR FISCAL YEAR 1997-98 DIRECT SERVICE GRANTS.

(2) THE FUNDS ALLOCATED UNDER THIS SECTION SHALL BE DISTRIBUTED THROUGH A JOINT REQUEST FOR PROPOSALS PROCESS ESTABLISHED BY THE DEPARTMENT IN CONJUNCTION WITH THE CHILDREN'S TRUST FUND AND THE STATE'S INTERAGENCY SYSTEMS REFORM WORKGROUP. PROJECTS FUNDED WITH GRANTS AWARDED UNDER THIS SECTION MUST MEET ALL OF THE FOLLOWING:

(A) BE SECONDARY PREVENTION INITIATIVES AND VOLUNTARY TO CONSUMERS. THIS APPROPRIATION IS NOT INTENDED TO SERVE THE NEEDS OF CHILDREN FOR WHOM AND FAMILIES IN WHICH NEGLECT OR ABUSE HAS BEEN SUBSTANTIATED.

(B) DEMONSTRATE THAT THE PLANNED SERVICES ARE PART OF A COMMUNITY'S INTEGRATED COMPREHENSIVE FAMILY SUPPORT STRATEGY ENDORSED BY THE LOCAL MULTI-PURPOSE COLLABORATIVE BODY.

(C) PROVIDE A 25% LOCAL MATCH, OF WHICH NOT MORE THAN 10% MAY BE IN-KIND SERVICES, UNLESS THIS REQUIREMENT IS WAIVED BY THE INTERAGENCY SYSTEMS REFORM WORKGROUP.”

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

Senator Peters offered the following amendments:

1. Amend page 121, following line 10, section 166D, subsection (1) after “DEATH” by inserting “OR PROTECT THE HEALTH”.

2. Amend page 121, following line 10, section 166D, subsection (2) after “DEATH” by inserting “OR PROTECT THE HEALTH”.

The question being on the adoption of the amendments,

Senator Peters requested the yeas and nays.

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

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

Roll Call No. 289

Yeas—15

Berryman
Byrum
Cherry
Cisky

Conroy
DeBeaussaert
Hart
O'Brien

Peters
Schwarz
Smith, A.
Smith, V.

Stallings
Vaughn
Young

Nays—21

Bennett
Bullard
Carl
DeGrow
Dingell
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman

Koivisto
McManus
North
Posthumus
Rogers

Schuette
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Bouchard

Miller

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendments:

1. Amend page 47, line 26, after "Sec. 25." by inserting "(1)".
2. Amend page 47, line 27, after the first "district" by inserting a comma and "COMMUNITY COLLEGE,".
3. Amend page 48, line 1, by striking out "middle school or high school pupils, or both," and inserting "K-12 PUPILS".
4. Amend page 48, line 2, after "expelled" by inserting a comma and "OR WHO HAVE BEEN SUSPENDED INDEFINITELY OR FOR MORE THAN 20 SCHOOL DAYS, FOR ANY REASON".
5. Amend page 48, line 4, after the first "district" by inserting a comma and "COMMUNITY COLLEGE,".
6. Amend page 48, line 8, after the first "district" by inserting a comma and "COMMUNITY COLLEGE,".
7. Amend page 48, line 21, after the first "district" by inserting a comma and "COMMUNITY COLLEGE,".
8. Amend page 48, line 23, after "district" by inserting a comma and "COMMUNITY COLLEGE,".
9. Amend page 48, following line 26, by inserting:

"(2) AS USED IN THIS SECTION, "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ESTABLISHED UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO 389.195, OR UNDER PART 25 OF THE REVISED SCHOOL CODE, MCL 380.1601 TO 380.1607."

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

Senator Koivisto offered the following amendment:

1. Amend page 121, following line 10, by striking out all of section 166D and inserting:

"SEC. 166D. (1) FUNDS APPROPRIATED UNDER THIS ACT SHALL NOT BE EXPENDED TO PROVIDE HEALTH CARE COVERAGE FOR DISTRICT OR INTERMEDIATE DISTRICT EMPLOYEES OR THEIR DEPENDENTS FOR ABORTION SERVICES, OTHER THAN FOR SPONTANEOUS ABORTION OR TO PREVENT THE DEATH OF THE WOMAN UPON WHOM THE ABORTION IS PERFORMED, IF THOSE SERVICES ARE NOT REQUIRED BY A COLLECTIVE BARGAINING AGREEMENT.

(2) IF A DISTRICT OR INTERMEDIATE DISTRICT EXPENDS FUNDS IN VIOLATION OF SUBSECTION (1), THE DEPARTMENT SHALL DEDUCT FROM THE TOTAL STATE SCHOOL AID FOR THAT DISTRICT OR INTERMEDIATE DISTRICT AN AMOUNT EQUAL TO \$50.00 FULL-TIME EQUATED EMPLOYEE.

(3) EACH DISTRICT OR INTERMEDIATE DISTRICT IS DIRECTED TO IMMEDIATELY NEGOTIATE THROUGH THE COLLECTIVE BARGAINING PROCESS FOR THE ELIMINATION OF HEALTH CARE COVERAGE FOR ABORTION SERVICES OTHER THAN FOR SPONTANEOUS ABORTION OR TO PREVENT THE DEATH OF THE WOMAN UPON WHOM THE ABORTION IS PERFORMED. AT LEAST TWICE EACH FISCAL YEAR, EACH DISTRICT OR INTERMEDIATE DISTRICT SHALL NOTIFY THE APPROPRIATIONS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES IN WRITING OF THE STATUS OF NEGOTIATIONS DESCRIBED IN THIS SUBSECTION."

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 290

Yeas—15

Berryman	DeBeaussiaert	Peters	Stallings
Byrum	Dingell	Schwarz	Vaughn
Cherry	Hart	Smith, A.	Young
Conroy	Koivisto	Smith, V.	

Nays—21

Bennett	Emmons	McManus	Schuette
Bullard	Gast	North	Shugars
Carl	Geake	O'Brien	Steil
Cisky	Gougeon	Posthumus	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter
Dunaskiss			

Excused—2

Bouchard

Miller

Not Voting—0

In The Chair: President

Senator Stille offered the following amendments:

1. Amend page 57, following line 15, subsection (13) after the first "EXCEED" by striking out "\$1,000,000.00" and inserting "\$1,250,000.00" and adjusting all subtotals, totals and section 201 accordingly.

2. Amend page 57, following line 15, subsection (13), after "100,000" by inserting "OR IN WHICH AT LEAST 75% OF THE PUPILS IN MEMBERSHIP MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1);".

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

Senators Dunaskiss, A. Smith, Bullard, Bouchard and Shugars offered the following amendments:

1. Amend page 44, line 12, by striking out all of section 20J.

2. Amend page 64, line 8, by striking out all of subsection (3) and renumbering the remaining subsections.

3. Amend page 68, line 5, after "subsection" by striking out "(5)" and inserting "(4)".

4. Amend page 68, line 8, by striking out "(7)" and inserting "(6)".

5. Amend page 68, line 9, after "subsection" by striking out "(8)" and inserting "(7)".

6. Amend page 90, line 22, by striking out all of subsection (6).

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

Senator Stille offered the following amendment:

1. Amend page 87, following line 6, by inserting:

"SEC. 69. (1) FROM THE APPROPRIATIONS IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$1,000,000.00 FOR NOT LESS THAN 5 GRANTS TO PUBLIC SCHOOL ACADEMIES AUTHORIZED BY INTERMEDIATE SCHOOL DISTRICTS LOCATED IN A COUNTY WITH A POPULATION OF MORE THAN 100,000 AS OF THE MOST RECENT DECENNIAL CENSUS, AND THAT IS LOCATED IN A COUNTY THAT HAS AN UNEMPLOYMENT RATE OF MORE THAN 5% AS REPORTED BY THE MICHIGAN EMPLOYMENT SECURITY AGENCY.

(2) TO RECEIVE FUNDS UNDER THIS SECTION, A PUBLIC SCHOOL ACADEMY SHALL MEET THE CRITERIA SPECIFIED IN THIS SECTION, SHALL APPLY TO THE DEPARTMENT IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT, AND SHALL AGREE TO USE THE FUNDS FOR JOB SKILLS TRAINING." and adjusting the totals in section 11 and enacting section 1 accordingly.

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

Senator Byrum offered the following amendment:

1. Amend page 121, following line 10, by inserting:

"SEC. 162A. (1) NOT LATER THAN MARCH 1 OF EACH FISCAL YEAR, EACH DISTRICT RECEIVING FUNDS UNDER THIS ACT SHALL SUBMIT A REPORT TO THE DEPARTMENT REGARDING GRANTS RECEIVED BY THE DISTRICT. FOR EACH GRANT AWARDED TO OR RECEIVED BY THE DISTRICT IN THE CALENDAR YEAR ENDING DECEMBER 31 IMMEDIATELY PRECEDING THE DUE DATE FOR THE REPORT, OTHER THAN MONEY RECEIVED UNDER THIS ACT, THE REPORT SHALL SPECIFY ALL OF THE FOLLOWING:

(A) THE AMOUNT OF THE GRANT.

(B) THE SOURCE OF THE GRANT.

(C) THE PURPOSES FOR THE GRANT AND THE CRITERIA FOR THE AWARDED OF THE GRANT.

(D) A DETAILED DESCRIPTION OF THE AMOUNTS THAT HAVE BEEN EXPENDED FROM THE GRANT PROCEEDS AND OF THE PURPOSE OF EACH EXPENDITURE.

(E) A DESCRIPTION OF HOW THE GRANT AND THE EXPENDITURES OF GRANT PROCEEDS HAVE SATISFIED THE STATED PURPOSES OF THE GRANT AND HAVE FURTHERED THE EDUCATIONAL GOALS OF THE DISTRICT AS DEFINED BY ITS BOARD OR AS STATED IN THE CONTRACT ISSUED BY THE AUTHORIZING BODY FOR A PUBLIC SCHOOL ACADEMY.

(2) A DISTRICT THAT DOES NOT COMPLY WITH SUBSECTION (1) FORFEITS FROM THE TOTAL AMOUNT OF STATE SCHOOL AID DUE TO THE DISTRICT UNDER THIS ACT FOR THE FISCAL YEAR IN WHICH THE VIOLATION OCCURS AN AMOUNT EQUAL TO 10% OF THAT TOTAL AMOUNT.".

Senator Miller entered the Senate Chamber.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 291**Yeas—16**

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

Nays—21

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

Excused—1

Bouchard

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 125, following line 7, by inserting:

“Enacting section 4. Section 12 of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 308.

(b) Senate Bill No. 310.

(c) Senate Bill No. 311.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 292**Yeas—15**

Berryman	Dingell	O'Brien	Stallings
Byrum	Hart	Peters	Vaughn

Cherry
DeBeaussaert

Koivisto
Miller

Smith, A.
Smith, V.

Young

Nays—22

Bennett
Bullard
Carl
Cisky
Conroy
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—1

Bouchard

Not Voting—0

In The Chair: President

The question being on the passage of the bill,

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

Roll Call No. 293

Yeas—28

Bennett
Bullard
Carl
Cisky
Conroy
DeBeaussaert
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Koivisto
McManus
Miller
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, V.
Steil
Stille
Van Regenmorter
Young

Nays—9

Berryman
Byrum
Cherry

Dingell
O'Brien

Peters
Smith, A.

Stallings
Vaughn

Excused—1

Bouchard

Not Voting—0

In The Chair: President

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

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

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 3, 6, 6a, 11, 13, 17b, 20, 20c, 23, 24, 25, 26, 31a, 36, 39, 41, 51a, 52, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 107, 111, 124, 147, 151, 167, and 169a (MCL 388.1603, 388.1606, 388.1606a, 388.1611, 388.1613, 388.1617b, 388.1620, 388.1620c, 388.1623, 388.1624, 388.1625, 388.1626, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1699, 388.1701, 388.1707, 388.1711, 388.1724, 388.1747, 388.1751, 388.1767, and 388.1769a), sections 3, 6, 11, 13, 17b, 20, 20c, 23, 24, 31a, 36, 39, 41, 52, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 111, 147, and 167 as amended and sections 25, 51a, 53a, 107, and 169a as added by 1996 PA 300, sections 6a, 124, and 151 as amended by 1995 PA 130, and section 26 as amended by 1994 PA 283, and by adding sections 10, 12, 20k, 26a, 31b, 67, 68, 69, 93, 105a, 112, and 166d; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Dingell, Stallings, Cherry, Berryman, A. Smith and Byrum, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of House Bill No. 4310.

Senator Dingell moved that the statements he made during the discussion of the amendments he offered and the amendment offered by Senator V. Smith be used as his reasons for voting "no."

The motion prevailed.

Senator Dingell's first statement, in which Senator Stallings concurred, is as follows:

This amendment is prompted by some of the ill experiences of a city in the district I represent with court-appointed receivers. It didn't get a lot of play in the press, but the receiver did a lot of things that are highly obnoxious to anybody with any principles. If you watch TV in the Detroit area during the three years that Mr. Schimmel served as Judicial Receiver for Ecorse, he was regularly on TV. When he appeared on TV or radio or did interviews with the press, he paid himself 180 bucks an hour, and he made himself freely available. It's my feeling that if he wishes to engage in a lot of self-promotion and pay himself at such an extraordinary rate, then perhaps he ought to go practice law with Jeffrey Fieger and leave the people's business to somebody who's much more reasonable.

Also three city school districts that are eligible for such a receivership are getting ready to build schools. Each of those school districts' voters have given their okay to raising money for that purpose. All three of these school districts are financially solvent. I see no reason to even tempt such a receiver with such moneys. I'd like to leave control of those moneys in the hands of the people's representatives. This is what this amendment does. I recommend it to my colleagues.

Senator Dingell's second statement, in which Senator Stallings concurred, is as follows:

I discussed this amendment yesterday. The people who opposed it didn't discuss it. They just said they didn't like it. What this amendment does is, as with the previous Dingell amendment, induce a little bit of rationality into the process of establishing a receiver for educational purposes. The bill as it is now does not require the receiver to take any input from anybody. Now, that doesn't seem quite rational to me. I don't think he's the fount of all wisdom on educational purposes any more than we are. The bill as it is now also does not require him to make public any plans he has, except sometime during his tenure. That could be the absolute last minute he's a receiver. I think he should, as his first order of business, draw up a plan based on input from the community and others as to what he is going to do for each and every one of the schools. I don't see it as being any derogation of his powers to do just that.

Also I think we ought to do away with the power of summarily dismissing people and require him to act in compliance with the law. The Michigan Constitution does not give anybody, including the Michigan Legislature, the power to act in this fashion. We don't have the power to do so. If you look at the Michigan Constitution, it says that any enactment that we pass if it interferes with an existing contract, the entire enactment is void—not just the provision that interferes with the contract, but the entire enactment. This language in the Michigan Constitution is not fuzzy; it's very clear. This language was borrowed from the U.S. Constitution. Again, today we'll probably hear, "Well, let's just vote this down." But you won't see any defense of this kind of language.

I recommend the Dingell amendment to my colleagues.

Senator Dingell's third statement, in which Senator Stallings concurred, is as follows:

A long time ago, when another prominent member of the Republic Party was told he couldn't do something under the U.S. Constitution, his response was, "Don't destroy the beauty of the thing with legalities." It's hard to read the silence from the other side of the Chamber in the face of constitutional objections as saying anything else.

Let me again read to you the U.S. Constitution and state constitutional provisions, "No state shall...pass any...law impairing the obligation of contracts." That is what these provisions that we are trying to remove do. In the Michigan Constitution, "No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted." It is very clearly on point.

The Legislature probably does have the authority to empower the trustee to reassign those persons to other duties, but the Legislature does not have the power to summarily dismiss those persons. Once upon a time in ancient Athens, the assembly of the people thought it monstrous that their constitution prevented them from doing just anything they wanted to. They decided not to be bound by it. That day marked the decline of ancient Athens.

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

I voted "no" for two very specific reasons. I do think that the members of the subcommittee and members of the Appropriations Committee by and large did a very good job with this bill, but there are a couple of aspects of the bill that give me a great deal of personal difficulty and caused me to vote "no" on the bill in its entirety.

One is an issue that I think Senator Dingell raised very clearly in debate on this bill in terms of its impairment of the existing contracts and the effect that constitutional language has on the entire bill, not just the provision dealing with a take-over—although that is my second problem, the provisions for this receivership—but it seems to me that Senator Dingell raised a very important constitutional point that puts the entire K-12 appropriations in jeopardy should that provision be successfully challenged under the impairment of contracts language in the Constitution. I think it's certainly very vulnerable for that challenge.

To the merits of the issue that receivership part of this bill gives me a great deal of personal difficulty. I think the language is a bit severe. What we're not talking about is a financial bankruptcy, but rather educational bankruptcy. I think that the language and the powers given to the receiver go far beyond what is necessary to deal with districts that are having problems.

There is, I think, a bit of confusion, too, over the criteria that would describe such a district that is subject to this receivership. Clearly the question over how districts performed in terms of test scores is pretty apparent. But that's really a two-test criteria. Not only is it based upon how a district performed on tests, but who took the test, how many took the test or who didn't take the test.

On that basis, Madam President, I think there's probably one school district in my Senate district that might become subject to or eligible for take-over. They've clearly not expressed any desire on their part to me to be subject to such a provision. I don't think that such a provision will benefit them in their efforts to improve their educational offerings in their particular district. On that basis, Madam President, I voted "no" on the bill.

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

Although there are some very, very good elements of this bill, I find the contradictions in the debate very, very unsettling. One of the questions that we've talked about today was interpreting the people of the state of Michigan on the referendum on taxpayer funded abortions and how you expanded that into other areas. If I'm not mistaken, when the Governor talked about a state take-over of the public school systems, there was a public outcry against the state take-over of public schools. So, on one hand you're saying we're listening to what the people said, and on this particular case, you heard what the people said, and the majority of people said they don't want anything to do with the state take-over of schools. Yet you come back in legislation and do that very thing. Again, I can be corrected, but I think the area that we're looking at very seriously is the Benton Harbor school district. If that is the school district that this state plans on taking over, my recollection is that the school district was very adamant about not wanting the state to come in and take them over.

I guess we only use what the public says when it's in our own philosophical best interest and not consistent to what they are always saying. I think because of that great inconsistency and the overwhelming outcry of the public, that state take-over of public schools is not the best idea and not the right idea, I voted against this bill and would hope that if you're going to continue on with these other amendments on these other budget bills to invoke again the public's wishes, I wish you'd remember your discussion on this bill.

In countering what the public has said, we said, "We know better here in the state of Michigan, big government, state government. We can do a better job than you at the local level." That's how serious this is. With the language that you passed, they have the authority, that individual has the authority to come in and suspend the duties of a duly elected school board, locally elected school board, and it says that automatically the superintendent, principals, assistant principals, can be terminated. That's very serious stuff. You all just gave approval to do that—for big government, Lansing, Lansing knows better than those local school boards that were duly elected by the people of that school district. I think you've bitten off a little more than what those people are willing to let you chew.

Senator Stallings' statement is as follows:

Aside from the constitutional issue that the Senator from the 7th District raised and enforceability of contracts under contract law, there is an issue of certainly the Executive branch of the government, Executive Office, exercising an unwarranted executive privilege of taking over a school district. Ordinarily, I probably would simply have voted "yes" because on its face it appeared to be in the best interest of those students who are relying on the school boards in those various districts who were empowered and elected by the people to operate the school in the most reasonable method possible, and to spend those funds that would benefit the students who are in those public school districts.

I readily recognize that this is a bill and perhaps even a vile attempt for the Executive Branch of the government to take over a school district that is domicile in the heart of my Senate district. For that reason I am concerned when state government, as the Senator from the 7th District has indicated, think that they can do a better job than those officials who are duly elected by the constituents in my district and empowered with the responsibility of governance of that school district and expending of those funds and providing educational programs that are a betterment to the students in that geographic area. I am concerned when state government feels that they can do a better job than the board that is elected by my constituents empowered to run the school. For that reason, and those reasons I said earlier, is why I voted "no."

Senator Byrum's statement is as follows:

I voted "no" because I am concerned about the receivership portion and the interference with the employee contracts, the lack of oversight in grant making and the transfer of power from the State Board of Education to the Superintendent of Public Instruction. Although I can agree with large portions of the school aid bill, I think that it needs to go to conference committee and that it needs some additional work. It's my hope that the conferees can do that additional work and bring us forth a budget that is more satisfactory.

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

The motion prevailed.

Senator Koivisto's statement is as follows:

This goes back to the amendment that was put on by Senator Shugars regarding abortion and collective bargaining. What my amendment would do would be make changes in what was done by Senator Shugars. It's a pro-life amendment, but I would say pro-life will not support the amendment, and the reason is because it makes changes in the amendment that he put forward. It's a different version than what was in the House. It creates a point of difference and it would have to be discussed in conference. That's the reason they don't support it. It's not that what I'm proposing is against what pro-life would wish to see happen. It does make the change, however.

I want to be careful in explaining that so no one is misled. Anytime we get into this kind of vote, everybody has the right to be able to clearly understand what we're talking about. When we were considering this, perhaps if you analyzed what we did maybe it is something that should be looked at in conference, something that should be discussed in conference, not something that should be buried and tossed aside, but something that should be fine-tuned. The second part of what we did with the amendment that we adopted that was put forward by Senator Shugars was definitely to impact on what happens in the collective bargaining process. That's why I got involved in this. That's why I put forward this amendment. Because labor is concerned with what we did, with the precedent we did regarding interfering with collective bargaining. What I would do is make this subject to collective bargaining. Let them hash that issue out in collective bargaining and put in punitive damages to the districts if they do not do so.

With that, I will continue to vote along the pro-life line. That's not where I'm coming from. I'm coming from trying to help labor on this particular issue. Hopefully, some of you will see fit to do the same. With that, I intend on voting for the bill, so I can't request that my explanation of the amendment be used as my "no" vote explanation, because ultimately in the end I will vote for the K-12 bill.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Van Regenmorter, North and Rogers introduced

Senate Bill No. 553, entitled

A bill to amend 1965 PA 203, entitled "Michigan law enforcement officers training council act of 1965," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 (MCL 28.601, 28.602, 28.603, 28.604, 28.605, 28.606, 28.607, 28.608, 28.609, 28.610, 28.611, 28.612, 28.614, and 28.615), section 2 as amended by 1995 PA 204, section 3 as amended by 1996 PA 545, section 9 as amended by 1994 PA 155, and section 11 as amended by 1985 PA 15, and by adding sections 9a, 9b, 9c, and 9d.

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

Senator Bennett introduced

Senate Bill No. 554, entitled

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

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

Senators Hoffman, Bullard, Shugars, Bennett, Gougeon and Rogers introduced

Senate Bill No. 555, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270, and by adding section 4a.

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

Senators Rogers, Bullard, Shugars, Hoffman, Bennett and Gougeon introduced

Senate Bill No. 556, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503, and by adding section 3a.

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

Senators Rogers, Bullard, Shugars, Hoffman, Bennett and Gougeon introduced

Senate Bill No. 557, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274) and by adding section 4a.

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

Senators Hoffman, Bullard, Shugars, Bennett, Rogers and Gougeon introduced

Senate Bill No. 558, entitled

A bill to amend 1976 PA 228, entitled "Single business tax act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386, and by adding section 4a.

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

Senators Rogers, Bullard, Shugars, Hoffman, Bennett and Gougeon introduced

Senate Bill No. 559, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324) and by adding section 4a.

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

Senators Bennett, Hoffman, Bullard, Shugars, Rogers and Gougeon introduced

Senate Bill No. 560, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47, and by adding section 4a.

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

Senators Bennett, Hoffman, Bullard, Shugars, Rogers and Gougeon introduced

Senate Bill No. 561, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404) and by adding section 4a.

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

Senators Gougeon, Hoffman, Bullard, Shugars, Bennett and Rogers introduced

Senate Bill No. 562, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283) and by adding section 3a.

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

Senators Bennett, Hoffman, Bullard, Shugars, Rogers and Gougeon introduced

Senate Bill No. 563, entitled

A bill to amend 1976 PA 174, entitled "An act to provide free tuition for state resident North American Indians in Michigan public community colleges, public universities, and certain federal tribally controlled community colleges; and to prescribe certain powers and duties of certain state departments, commissions, and agencies," by amending section 1 (MCL 390.1251), as amended by 1993 PA 106, and by adding section 1a.

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

Senators Gougeon, Hoffman, Bullard, Shugars, Bennett and Rogers introduced

Senate Bill No. 564, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending sections 4a and 12 (MCL 390.1154a and 390.1162), section 4a as added by 1989 PA 96 and section 12 as amended by 1987 PA 206.

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

Senators Hoffman, Bullard, Bennett, Rogers and Gougeon introduced

Senate Bill No. 565, entitled

A bill to amend chapter IX of 1927 PA 175, entitled "The code of criminal procedure," (MCL 769.1 to 769.34) by adding section 15.

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

Senator Van Regenmorter introduced

Senate Bill No. 566, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 1990 PA 277.

The bill was read a first and second time by title.

Senator DeGrow moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

Senators Geake, Stille, Steil, Gougeon, Emmons and Rogers introduced

Senate Bill No. 567, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 744a.

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

Senators Steil, Young and Dunaskiss introduced

Senate Bill No. 568, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 21, 22, 23, 24, 25, 27, 33, and 34 (MCL 38.21, 38.22, 38.23, 38.24, 38.25, 38.27, 38.33, and 38.34), section 22 as amended by 1987 PA 57, sections 23 and 27 as amended by 1987 PA 241, and section 25 as amended by 1986 PA 1, and by adding section 35.

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

Committee Reports

The Committee on Appropriations reported

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by repealing section 28 of article V, to eliminate the state transportation commission.

With the recommendation that the following amendment be adopted and that the joint resolution then be adopted:

1. Amend page 2, line 7, by inserting:

“The director of the state transportation department shall be ELECTED FOR A FOUR-YEAR TERM AT THE GENERAL ELECTION IN EACH ALTERNATIVE EVEN NUMBERED YEAR and shall be the principal executive officer of the state transportation department.”.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Cisky, DeGrow, Hoffman, Schwarz, Steil, Conroy, Koivisto, A. Smith and Vaughn

Nays: Senators Gast, Geake and McManus

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

The Committee on Appropriations reported

Senate Concurrent Resolution No. 32.

A concurrent resolution to increase the total project cost of the Wayne State University Undergraduate Library project.

(For text of resolution, see Senate Journal No. 43, p. 691.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 33.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Jackson Parole Camp.

(For text of resolution, see Senate Journal No. 43, p. 691.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 34.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections State Prison of Southern Michigan Reorganization (Phase I).

(For text of resolution, see Senate Journal No. 43, p. 692.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Concurrent Resolution No. 35.

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 Western Michigan University relative to the Western Michigan University Power Plant Renovation.

(For text of resolution, see Senate Journal No. 47, p. 779.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Tuesday, June 3, 1997, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith and Vaughn

Excused: Senator O'Brien

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Hearing held on Monday, June 2, 1997, at 6:00 p.m., North Central Michigan College, 1515 Howard Street, Petoskey, Michigan

Present: Senator Stille (C)

Excused: Senators Dunaskiss, Bennett, Hart and O'Brien

COMMITTEE ATTENDANCE REPORT

The Committee on Gaming and Casino Oversight submits the following:

Meeting held on Tuesday, June 3, 1997, at 2:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Rogers, Schuette, V. Smith and Koivisto

Scheduled Meetings

Gaming and Casino Oversight Committee - Thursday, June 5, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Legislative Retirement Board of Trustees - Tuesday, June 10, at 1:00 p.m., 3rd Floor Conference Room, Roosevelt Building (3-0575).

Transportation and Tourism Committee - Thursday, June 5, at 12:30 p.m., Rooms 402 and 403, Capitol Building (3-7670).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 1:58 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, June 5, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

