

No. 17
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, March 2, 1999.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

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

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

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

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

Senator John J.H. Schwarz of the 24th District offered the following invocation:

Genesis 11 reminds us of a time when the whole earth was of one language and of common purpose. "And it came to pass when they migrated from the east to the west, they found a valley in the Land of Shinar and settled there and they said: Come, let us build a city, let us build a tower with its top in the heavens."

You will remember the rest of the story of the Tower of Babel; how the people worked together on a mighty project to reach Heaven itself and how God easily frustrated their plan. "Come," said the Lord, "let us descend there and confuse their language, that they should not understand one another's language."

We like to think that we have come a long way since the Tower of Babel—in some ways we have. But we find ourselves today in a paradox; we find ourselves divided by a common language. We use the word "education" too freely. To some it means power; to others it implies institutional racism, and to some it means jobs. Let us not be divided by a common language. Let us agree that to educate means to provide with knowledge or training, especially through formal schooling. Let us reaffirm our state Constitution which charges us that the means of education shall forever be encouraged. Let us remember our children, for they are our future. Let our actions on the Senate floor show the people of the state of Michigan how a democratically-elected body conducts itself in spirited debate.

Lord, let us be mindful that we act for posterity and not for the moment, and may our work reflect Your will. Amen.

Motions and Communications

The Secretary announced the printing and placement in the members' files on Friday, February 26 of:

House Bill Nos.	4287	4288	4289	4290	4291	4292	4293	4294	4295	4296	4297	4298	4299	4300
	4301	4302	4303	4304	4305	4306	4307	4308	4309	4310	4311	4312	4313	4314
	4315	4316	4317	4318	4319	4320	4321	4322	4323	4324	4325	4326	4327	4328

The Secretary announced the printing and placement in the members' files on Monday, March 1 of:

Senate Bill Nos.	337	338	339	341	342	343	344	345	346	347	348	349	350	351
	352	353	354	355	356	357	358	359	360	361	363	364	365	366
	367	368	369	370	371	372	374	375	376	378	379	380	381	382
	383	384	385	386	387	388	389	391	392	393	394			
House Bill Nos.	4329	4330	4331	4332	4333	4334	4335	4336	4337	4338	4339	4340	4341	4342
	4343	4344	4345	4346	4347	4348	4349							

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

The motion prevailed.

Senator North's statement is as follows:

It's my solemn duty today to inform the members of the passing of a former House colleague: Representative Charles Varnum, a constituent of mine from Manistique. He ably represented eastern Upper Peninsula counties for 16 years, from 1966 to 1982. When Charlie first got elected in 1966, he announced that he had knocked on 10,000 doors during that campaign and unseated a rather popular incumbent. To knock on 10,000 doors in that sparsely populated area required a yeoman effort.

Just this last summer, Charlie underwent, simultaneously, a heart transplant and a bone marrow transplant, and this was only the second time this procedure had been accomplished. He did it not so much to sustain his own life but to provide research for future activities. Certainly, me and my colleagues' prayers go to his widow Sherry, his daughter Barbara, and his son Michael. I would ask that you, my colleagues, observe a moment of silence in honor of former state Representative Charles Varnum.

A moment of silence was observed in memory of former Representative Charles Varnum.

Senator Rogers moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 297

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 26

Senate Resolution No. 27

Senate Resolution No. 28

The resolution consent calendar was adopted.

Senator Emerson offered the following resolution:

Senate Resolution No. 26.

A resolution supporting the recognition and celebration of March as Reading Month in the state of Michigan.

Whereas, Research has shown that literacy is an important factor in contributing to success in school and the workplace; and

Whereas, Reading should be encouraged among all segments of Michigan's population, especially the young; and

Whereas, The ability to read is a unique aspect of our humanity and allows us to acquire knowledge of the world, our nation, the state of Michigan, and the communities we live in; and

Whereas, The Michigan Reading Association and the State Board of Education annually recognize and celebrate March as Reading Month in Michigan; and

Whereas, March has been designated as Reading Month since 1982; and

Whereas, The goals of Reading Month include fostering positive feelings toward reading and promoting the habit of reading as a recreational activity; and

Whereas, Policymakers at the state and national levels have determined that the ability to read is a crucial component of a solid educational foundation; now, therefore, be it

Resolved by the Senate, That we support the recognition and celebration of March as Reading Month in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Reading Association and the State Board of Education as evidence of our support for their efforts.

Senators Stille, Young, Shugars, Goschka, Hoffman, Dingell, Jaye and DeBeaussaert were named co-sponsors of the resolution.

Senator Goschka offered the following resolution:

Senate Resolution No. 27.

A resolution commemorating the month of October 1999 as Polka Month in the state of Michigan.

Whereas, The members of the Michigan Senate are pleased and delighted to commemorate the month of October as Polka Month in the state of Michigan. Polka music is known for its rhythmic and melodious sound that brings joy to everyone who has the privilege of hearing it. Polka music is rich in heritage and is truly known everywhere as happy music; and

Whereas, Polka music is loaded with unbridled energy and unbounded joy and has brought happiness to the hearts of millions of its listeners over the many years since its very beginning. Indeed, the very sound of polka music communicates the culture of a proud and appreciative people, rich with history and heritage; and

Whereas, Polka music has thrived and grown in popularity since it was brought over to the United States by people who were proud of their culture and heritage. They have been able to successfully pass that proud culture and heritage on to their descendants who have kept the music alive in a manner that has brought honor and joy to polka music admirers everywhere; and

Whereas, Polka music is entirely wholesome and fun family entertainment that is enjoyed by people of all ages. Many gatherings of people have instantly been enlivened by the beautiful melodic sounds of polka music; and

Whereas, We are thankful for all radio stations in the state of Michigan that faithfully play polka music for young and old to listen to and enjoy. These stations have labored most successfully in causing us all to remember and carry on that proud culture and heritage of polka music. Our own country, the United States of America, has benefitted greatly from the rich and beautiful melodic sounds of polka music; now, therefore, be it

Resolved by the Senate, That on March 7, 1999, in Bannister, Michigan, we do hereby commemorate the month of October as Polka Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to polka music fans throughout the state of Michigan as evidence of our most highest esteem.

Senators Young, Shugars, Hoffman, Dingell, Jaye and DeBeaussaert were named co-sponsors of the resolution.

Senators Schuette, North, Shugars, Rogers, Schwarz, Hoffman, Gast, Hammerstrom, Stille, Bennett, Jaye, DeGrow, Emmons, McCotter, Goschka, Sikkema, McManus, Gougeon, Van Regenmorter, Steil, Dingell, Leland, Byrum, V. Smith, Hart, Koivisto, DeBeaussaert and A. Smith offered the following resolution:

Senate Resolution No. 28.

A resolution commemorating March 1999 as Red Cross Month in Michigan.

Whereas, The American Red Cross is chartered by the Congress of the United States, and March is being designated Red Cross Month by the President of the United States and Congress; and

Whereas, The Red Cross has been designated as the nation's number one charity by *Money Magazine* for its high ratio of contribution dollar to benefactor programs or services, and overhead expense nationally approximating eight percent; and

Whereas, The American Red Cross is an organization which is led by volunteers, a nonprofit, nonsectarian organization, depending solely on the generous contributions of citizens and thousands of dedicated volunteers who offer their services in times of need; and

Whereas, Today, Michigan is proud to be the home of 36 active Red Cross chapters, employing 538 paid staff members, and supported by more than 52,000 compassionate volunteers; and

Whereas, Last year, more than one million citizens of Michigan benefitted from the broad range of services provided by the Red Cross, which included disaster assistance, CPR and first aid training, water safety, food and heat bank programs, transportation for medically or financially needy patients, and educational instruction on HIV and AIDS; and

Whereas, The Red Cross continues to refine, upgrade, and improve safety courses designed to prevent, prepare for, and respond to emergencies, as affirmed by the United States Olympic Committee endorsement of the new Red Cross Sports Safety Training Program for athletic coaches; now, therefore, be it

Resolved by the Senate, That in recognition of its outstanding service to the people of the state of Michigan, we hereby commemorate March 1999 as Red Cross Month in Michigan; and be it further

Resolved, That a copy of this resolution be provided to each Senator to present to the American Red Cross chapter(s) in his or her Senatorial District.

Senator Young was named co-sponsor of the resolution.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received:

Date: February 25, 1999

Time: 11:51 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 2 (Public Act No. 4), being

An act to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," (MCL 206.1 to 206.532) by adding section 51d.

(Filed with the Secretary of State on February 25, 1999, at 2:19 p.m.)

Date: February 25, 1999

Time: 11:53 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 5 (Public Act No. 5), being

An act to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," (MCL 206.1 to 206.532) by adding section 51e.

(Filed with the Secretary of State on February 25, 1999, at 2:20 p.m.)

Date: February 25, 1999
Time: 11:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 1 (Public Act No. 6), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

(Filed with the Secretary of State on February 25, 1999, at 2:22 p.m.)

Respectfully,
John Engler
Governor

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Schwarz as Chairperson.

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

Senate Bill No. 297, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 14, 402, and 471a (MCL 380.14, 380.402, and 380.471a), section 14 as added by 1998 PA 406 and section 471a as amended by 1982 PA 71, and by adding part 5A and section 449.

Substitute (S-2).

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

1. Amend page 1, line 1, by striking out all of section 14.
2. Amend page 2, line 8, after “(1)” by inserting “NOT LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS PART,”.
3. Amend page 5, following line 20, by inserting:
“(6) NOT LATER THAN 90 DAYS AFTER THE INITIAL APPOINTMENT OF A REFORM SCHOOL BOARD UNDER THIS PART, AND AT LEAST ANNUALLY THEREAFTER, THE REFORM SCHOOL BOARD SHALL DEVELOP AND SUBMIT TO THE SCHOOL DISTRICT ACCOUNTABILITY BOARD CREATED IN SECTION 376 A DISTRICT IMPROVEMENT PLAN THAT INCLUDES AT LEAST DETAILED ACADEMIC, FINANCIAL, CAPITAL, AND OPERATIONAL GOALS AND BENCHMARKS FOR IMPROVEMENT AND A DESCRIPTION OF STRATEGIES TO BE USED TO ACCOMPLISH THOSE GOALS AND BENCHMARKS. THE PLAN ALSO SHALL INCLUDE AN ASSESSMENT OF AVAILABLE RESOURCES AND RECOMMENDATIONS CONCERNING ADDITIONAL RESOURCES OR CHANGES IN STATUTE OR RULE, IF ANY, NEEDED TO MEET THOSE GOALS AND BENCHMARKS.” and renumbering the remaining subsections.
4. Amend page 5, line 22, after “GOVERNOR,” by striking out the balance of the line through “INSTRUCTION” on line 23 and inserting “SCHOOL DISTRICT ACCOUNTABILITY BOARD CREATED IN SECTION 376”.
5. Amend page 6, line 18, after “BOARD,” by inserting “SCHOOL DISTRICT ACCOUNTABILITY BOARD CREATED IN SECTION 376,”.
6. Amend page 6, line 23, after “(1)” by striking out the balance of the line through “MAYOR” on line 24 and inserting “THE REFORM SCHOOL BOARD”.
7. Amend page 7, line 5, after the second “SUCCESSOR” by striking out “ALSO”.
8. Amend page 7, line 6, after “THE” by striking out “MAYOR” and inserting “REFORM SCHOOL BOARD”.
9. Amend page 7, line 11, after “BOARD” by striking out “MAY” and inserting “SHALL”.
10. Amend page 7, line 13, by striking out all of subsection (2) and renumbering the remaining subsections.
11. Amend page 7, line 25, after “THE” by striking out the balance of the subsection and inserting “EXPIRATION OF 5 YEARS AFTER THE DATE OF THE INITIAL APPOINTMENT OF THE REFORM SCHOOL BOARD.”.
12. Amend page 9, line 21, after “OF” by striking out the balance of the line through “OFFICER” on line 22 and inserting “ALL OFFICERS APPOINTED UNDER SECTION 374”.

13. Amend page 9, following line 25, by inserting:

“SEC. 376. (1) THE SCHOOL DISTRICT ACCOUNTABILITY BOARD IS CREATED IN THE DEPARTMENT. THE SCHOOL DISTRICT ACCOUNTABILITY BOARD CONSISTS OF THE FOLLOWING 5 MEMBERS:

(A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(B) THE STATE TREASURER.

(C) THE STATE BUDGET DIRECTOR.

(D) TWO MEMBERS OF THE GENERAL PUBLIC APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(2) THE STATE TREASURER SHALL SERVE AS CHAIRPERSON OF THE SCHOOL DISTRICT ACCOUNTABILITY BOARD.

(3) THE SCHOOL DISTRICT ACCOUNTABILITY BOARD SHALL DO ALL OF THE FOLLOWING WITH RESPECT TO A QUALIFYING SCHOOL DISTRICT IN WHICH A REFORM SCHOOL BOARD HAS BEEN APPOINTED UNDER THIS PART:

(A) RECEIVE AND REVIEW THE DISTRICT IMPROVEMENT PLAN SUBMITTED UNDER SECTION 373.

(B) MONITOR THE PROGRESS BEING MADE BY THE REFORM SCHOOL BOARD IN ACHIEVING THE GOALS AND BENCHMARKS IDENTIFIED IN THE DISTRICT IMPROVEMENT PLAN SUBMITTED UNDER SECTION 373.

(C) BASED ON SUCCESSES ACHIEVED BY THE REFORM SCHOOL BOARD IN ACHIEVING ITS GOALS AND BENCHMARKS, MAKE RECOMMENDATIONS TO THE GOVERNOR FOR ADDITIONAL RESOURCES FOR THE QUALIFYING SCHOOL DISTRICT.

(4) THE POWERS AND DUTIES OF THE SCHOOL DISTRICT ACCOUNTABILITY BOARD ARE LIMITED TO QUALIFYING SCHOOL DISTRICTS IN WHICH A REFORM SCHOOL BOARD IS IN PLACE.

(5) THE BUSINESS THAT THE SCHOOL DISTRICT ACCOUNTABILITY BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE SCHOOL DISTRICT ACCOUNTABILITY BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE SCHOOL DISTRICT ACCOUNTABILITY BOARD IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.”.

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

Motions and Communications

Senator Rogers moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 297

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

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Rogers moved that consideration of the following bill be postponed for today:

Senate Bill No. 201

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 297, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 14, 402, and 471a (MCL 380.14, 380.402, and 380.471a), section 14 as added by 1998 PA 406 and section 471a as amended by 1982 PA 71, and by adding part 5A and section 449.

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 2, line 7, after “6” by inserting “THAT HAS ELECTED TO BECOME A QUALIFYING SCHOOL DISTRICT PURSUANT TO SECTION 377”.

2. Amend page 3, line 16, after “BEGINNING” by striking out the balance of the line through “PART” on line 17 and inserting “10 DAYS AFTER THE QUESTION SUBMITTED UNDER SECTION 377 IS APPROVED BY THE SCHOOL ELECTORS AND THOSE ELECTION RESULTS ARE CERTIFIED”.

3. Amend page 3, line 21, after “BEGINNING” by striking out the balance of the line through “PART” on line 22 and inserting “10 DAYS AFTER THE QUESTION SUBMITTED UNDER SECTION 377 IS APPROVED BY THE SCHOOL ELECTORS AND THOSE ELECTION RESULTS ARE CERTIFIED”.

4. Amend page 5, line 11, after “BEGINNING” by striking out the balance of the line through “PART” on line 12 and inserting “10 DAYS AFTER THE QUESTION SUBMITTED UNDER SECTION 377 IS APPROVED BY THE SCHOOL ELECTORS AND THOSE ELECTION RESULTS ARE CERTIFIED”.

5. Amend page 9, following line 25, by inserting:

“SEC. 377. (1) A FIRST CLASS SCHOOL DISTRICT IS NOT A QUALIFYING SCHOOL DISTRICT UNDER THIS PART, AND THIS PART DOES NOT APPLY TO THE FIRST CLASS SCHOOL DISTRICT, UNLESS THE QUESTION OF BECOMING A QUALIFYING SCHOOL DISTRICT IS APPROVED BY A MAJORITY OF THE SCHOOL ELECTORS OF THAT FIRST CLASS SCHOOL DISTRICT VOTING ON THE QUESTION. THE SCHOOL BOARD OF A FIRST CLASS SCHOOL DISTRICT SHALL SUBMIT THE QUESTION OF BECOMING A QUALIFYING SCHOOL DISTRICT TO THE SCHOOL ELECTORS OF THE FIRST CLASS SCHOOL DISTRICT AT A SPECIAL ELECTION TO BE HELD NOT LESS THAN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS PART. THE QUESTION SHALL BE SUBMITTED IN SUBSTANTIALLY THE FOLLOWING FORM:

“SHALL _____ (INSERT NAME OF FIRST CLASS SCHOOL DISTRICT) BECOME A QUALIFYING SCHOOL DISTRICT UNDER PART 5A OF THE REVISED SCHOOL CODE, WHICH WOULD PROVIDE FOR A MAYORAL-APPOINTED REFORM SCHOOL BOARD IN PLACE OF THE ELECTED SCHOOL BOARD?

YES ()

NO ()”.

(2) IF A MAJORITY OF THE SCHOOL ELECTORS OF A FIRST CLASS SCHOOL DISTRICT VOTING ON THE QUESTION UNDER SUBSECTION (1) VOTE IN FAVOR OF THE QUESTION, THE FIRST CLASS SCHOOL DISTRICT IS A QUALIFYING SCHOOL DISTRICT, AND THIS PART IS APPLICABLE TO THE FIRST CLASS SCHOOL DISTRICT, UPON CERTIFICATION OF THE ELECTION RESULTS.

(3) THIS STATE SHALL REIMBURSE A FIRST CLASS SCHOOL DISTRICT FOR THE COSTS OF THE SPECIAL ELECTION REQUIRED UNDER THIS SECTION.”.

The question being on the adoption of the amendments,

Senator Rogers moved that Senator Gast be temporarily excused from the balance of today’s session. The motion prevailed.

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. 38

Yeas—15

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

Nays—21

Bennett	Gougeon	McManus	Shugars
Bullard	Hammerstrom	North	Sikkema
DeGrow	Hoffman	Rogers	Steil
Dunaskiss	Jaye	Schuette	Stille
Emmons	McCotter	Schwarz	Van Regenmorter
Goschka			

Excused—1

Gast

Not Voting—0

In The Chair: President

Senators A. Smith and Byrum offered the following amendments:

1. Amend page 5, following line 20, subsection (6), after "SUBMIT TO THE" by striking out "SCHOOL DISTRICT ACCOUNTABILITY BOARD CREATED IN SECTION 376" and inserting "MAYOR AND THE STATE BOARD".

2. Amend page 5, line 22, after "GOVERNOR," by striking out "SCHOOL DISTRICT ACCOUNTABILITY BOARD CREATED IN SECTION 376" and inserting "STATE BOARD".

3. Amend page 6, line 18, after "BOARD," by striking out "SCHOOL DISTRICT ACCOUNTABILITY BOARD CREATED IN SECTION 376" and inserting "ANY OTHER STATE OFFICIAL OR AGENCY".

4. Amend page 9, following line 25, by striking out all of section 376 and inserting:

"SEC. 376. THE MAYOR AND STATE BOARD SHALL DO ALL OF THE FOLLOWING WITH RESPECT TO A QUALIFYING SCHOOL DISTRICT IN WHICH A REFORM SCHOOL BOARD HAS BEEN APPOINTED UNDER THIS PART:

(A) RECEIVE AND REVIEW THE DISTRICT IMPROVEMENT PLAN SUBMITTED UNDER SECTION 373.

(B) MONITOR THE PROGRESS BEING MADE BY THE REFORM SCHOOL BOARD IN ACHIEVING THE GOALS AND BENCHMARKS IDENTIFIED IN THE DISTRICT IMPROVEMENT PLAN SUBMITTED UNDER SECTION 373.

(C) BASED ON SUCCESSES ACHIEVED BY THE REFORM SCHOOL BOARD IN ACHIEVING ITS GOALS AND BENCHMARKS, MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR ADDITIONAL RESOURCES FOR THE QUALIFYING SCHOOL DISTRICT."

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

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. 39**Yeas—9**

Byrum
DeBeaussaert
Dingell

Emerson
Leland

Murphy
Peters

Smith, A.
Young

Nays—27

Bennett
Bullard
Cherry
DeGrow
Dunaskiss
Emmons
Goschka

Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Koivisto
McCotter

McManus
Miller
North
Rogers
Schuette
Schwarz
Shugars

Sikkema
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn

Excused—1

Gast

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 2, line 11, after "SECTION." by inserting "TO BE ELIGIBLE TO BE A MEMBER OF A REFORM SCHOOL BOARD, A PERSON SHALL BE A RESIDENT OF THE QUALIFYING SCHOOL DISTRICT."

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.

Senator Gast entered the Senate Chamber.

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

Roll Call No. 40

Yeas—16

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

Nays—21

Bennett	Goschka	McCotter	Schwarz
Bullard	Gougeon	McManus	Shugars
DeGrow	Hammerstrom	North	Sikkema
Dunaskiss	Hoffman	Rogers	Steil
Emmons	Jaye	Schuette	Van Regenmorter
Gast			

Excused—0

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. 41

Yeas—30

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith, V.
DeGrow	Hart	North	Steil
Dunaskiss	Hoffman	Rogers	Stille
Emerson	Jaye	Schuette	Van Regenmorter
Emmons	Koivisto		

Nays—7

Byrum	Leland	Smith, A.	Young
Dingell	Peters	Vaughn	

Excused—0

Not Voting—0

In The Chair: President

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

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 402 and 471a (MCL 380.402 and 380.471a), section 471a as amended by 1982 PA 71, and by adding part 5A and section 449.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Leland, Peters, A. Smith and Byrum, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 297 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting "no."

The motion prevailed.

Senator Leland's statement is as follows:

Mr. President, to say that we have not made improvements is a false statement. I believe that there have been significant improvements in Detroit. Years ago we had a huge deficit in Detroit, a \$60 million deficit. It has been replaced by a \$93 million surplus. A few years ago, we had schools that were unaccredited. Now every school in Detroit is accredited. Our graduation statistics have improved. We have a new school board in place. We should let that new school board have some time to put their reforms in place. I do appreciate what Senator Virgil Smith and Senator Dan DeGrow have attempted to do here (with Senate Bill No. 297). I respect their leadership and I respect them as my colleagues. The problem that we have, the problem that I have, and the problem that my constituents have is this process. I have talked about it in Committee, and I have mentioned it on the floor. This bill has been on a fast track since it was introduced. We have spent more time debating issues here that have been so mundane and so innocuous. We have taken the show on the road and gone into other districts. But we didn't do that with this bill. This bill affects the citizens in the city of Detroit, and we never went to Detroit to have constructive dialog with my constituents. We invited them to Lansing and they came up here, hundreds of them. There really wasn't time to hear what they had to say because they were only given a couple of minutes in committee. We asked the chairman to take the committee to Detroit, but he wouldn't do it.

Again, it is the process that is important. What are we going to do the next time that we do not like what Detroit is doing? What if we don't like the way that the DIA (Detroit Institute of Arts) is being run? What if we don't like the way the zoo is being run? What if we decide we want to takeover the Water Department and we decide to pass a bill? What if we decide to pass a statute then? Is that right? I think that violates the people of Detroit voting rights. We don't argue and we don't have a problem with where we are all trying to go because I believe that in your hearts you do mean well. Some of it is misguided, but I think that you do mean well. This is a very dangerous precedent. We did this two years ago with Records Court. We did it today on the floor of the Senate, what is next?

We have a million people who live in Detroit. What gives this chamber and the Governor the right to remove an elected body? The present school board was elected by the million people in the city of Detroit and you are going to throw them out? You know, there is a process here. We elect our people, for good or worse. The process is called the vote. I won my Senate position by it, you won by it, and we should continue that process. It's wrong to remove elected people, who are elected in a jurisdiction, and to get rid of them. It is just wrong. There are some serious voting rights issues involved here. Why haven't we spoken to the NAACP about this? Why didn't we talk to the council of Baptist ministers? Why didn't we go to Detroit to talk to the community leaders about Senate Bill No. 297? I went to a lot of meetings in and outside of my district about the proposed takeover that really is a replacement. No person in my district supported this bill. I must have talked to 300 people about the bill. I don't remember speaking to a single person who supported this legislation. If we are going to make this process inclusive, why not include the citizens of Detroit?

This has not been an inclusive process. What the Senate has done is a violation of the process. It is wrong on behalf of the Senate. We want to be in the right place, we all want to help the students of Detroit. We have lost sight of our goal to help the children because the way in which this legislation has come about, it is wrong. Mayor Dennis Archer has a full-time job. We elected him five years ago. We are far away from being a world-class city. We have a lot of work to do. You visit Detroit to see the Fox Theater, Greektown Shopping District, Joe Louis Arena, and dine at the fine restaurants, but you do not see where my constituents live. You don't drive through their neighborhoods. We have

a lot of work to do in Detroit. Our mayor has a full-time job. Our mayor has the most difficult job in America. You are doubling his workload. You are giving him, in essence, another bureaucracy to run, just like the city of Detroit, a \$1 billion plus \$1.5 billion to spend on the bonding. You are giving him 18,000 employees to deal with. You are doubling his workload. What about the census work that we have to do this year? That is going to be a full-time job by itself. The mayor has enough to deal with, we didn't ask for it, and the citizens didn't ask for it. The Senate is jamming this legislation and there is no alternative. The mayor has to either accept the plan or the state will appoint its own representatives for the Detroit school board. The mayor has no choice and to make statements to the contrary are incorrect. You gave him no choice. You said, "Take it or else." Didn't you?

We are at the end. We know where the bill is going. It has been on the fast track since day one. I cannot stop it, but it is wrong. Just because it is being passed today doesn't make it right. Slavery was legal, but it was wrong. What we are doing today is wrong. I urge my colleagues to vote "no" today.

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

I want to be clear that a "no" vote is not a vote for the status quo.

I think we all believe that children should have every opportunity afforded to them, and in their schools they should have access to state-of-the-art technology. They should be educated in small classrooms, particularly in the early grades. Teachers should have proper training and professional development, because I think we all know that, ultimately, it's the teacher in the classroom, one-on-one with that student, that can have some of the greatest impact on the development of that child. We all agree that we need to have safe schools. We all agree that Detroit could improve. We all agree that other districts that are doing worse than Detroit now, should also improve. I think we all agree that every school in the state of Michigan can do better. But where some of us disagree is on how do we accomplish this? Do we do it with community involvement or do we do it without community involvement? I argue that if we do it without community involvement, we need to have some sort of objective standards by which we assess school performances, and if schools are not meeting that objective performance, then a take-over would be implemented. But it would an objective standard that would apply to every single school district in the state of Michigan—not picking out some that may not apply, as we're doing in this case—where we are actually singling out a district without any objective criteria.

So, absent criteria, I believe that we need to place the issue on the ballot. It has to be on that ballot before any take-over plan is implemented. I believe this is necessary for a couple of reasons. One, it gives political legitimacy to any reform, and most importantly, it does not trample on sacred voting rights.

This is a time where more and more people are withdrawing from the political system. Americans and people in Michigan are becoming increasingly cynical about the political process. We're seeing voter participation drop. Yet, here, now, we are actually taking away, completely, the ability for someone to vote. Why is it any surprise that political cynicism is as high as it is and that people believe that the political process is dominated by special interests that don't have their interests in mind. This is a clear example of that—when you pull the ability for people to go to the polls and express themselves. Just recently, across the world in the country of Nigeria, we saw people standing in line for hours to vote; and here in Michigan and in the city of Detroit we're taking away the ability for people to vote.

Second, I think an election would elevate the debate on how to improve the school system to a level that would involve everybody. Parents would be involved, all residents, business people, all segments of the city of Detroit.

I did go to Detroit. I've been there on many occasions, but went down there for a hearing just recently and you won't find a single parent or person in the city of Detroit that doesn't want the very best for their child. Their desires are no different than any other parent in the state of Michigan. We all want what is best for our children. I believe they also want to be actively involved in that school system.

I've heard rhetoric from the other side of the aisle saying we need to have more parental involvement. Parents don't have the ability to be involved, so we need to offer choice. We need to have charter schools, so parents can be involved. Yet, now, one of the main ways in which a parent can be involved through an elected school board is being taken away in Detroit. You're eliminating the ability for that parent to be involved in the school system. Is it because we want to push more and more students into charter schools? I don't know, but you're taking away a fundamental right of people to be actively involved in the administration, the direction, and the objectives of their school district. I believe that without a vote of the people, we are not involving the community. The community will not be part of the solution, and they need to be part of the solution. Without a vote of the people, I must vote "no" on this bill.

Senator A. Smith's statement is as follows:

As I watch this process and watch the parents who came to testify before the Education Committee, I recognized several of them. They are the same parents who have been as "in your face" with the board of education in Detroit as they were with the Senate committee. They have been the parents who have been before the board pleading for changes in their school district. They have fought an uphill battle, until they finally have seen progress in that district. It is slow progress. It is incremental progress, but it is progress none the less.

Those parents have worked in the system in order to improve education for their students. Some of them may be here today, but I doubt it. I think they are probably fed-up with the process. Feeling dreadfully powerless and at home

saying: “What do we do next and how much hope do we put into this change?” I agree with the Senator from the 2nd District who has said that there is nothing more tragic than when the spark goes out of the eyes of children. There is something that is comparable. That is when the spark goes out of the eyes of parents who have worked diligently within a system to make change and to make improvements, and saw those efforts beginning to bear fruit.

The issue in this legislation is governance—how we govern the city of Detroit school district. Did we have other opportunities on how we chose to change the governance to effect what we wanted to accomplish? I sincerely believe we did. If the perception is, as the Majority Leader stated, the board knowing the role of the board, then we have the opportunity as the Legislature that creates the board and gives it its power to change the scope and responsibility of the board of education in the city of Detroit, to set parameters for its ability to micro-manage the district, to create interference within that district as we perceive it, and leave the control in the hands of a superintendent who the majority of people in Detroit, I believe, including the mayor, see as doing a very effective job. But we chose to dissolve the elected school board and put another entity in place that has no accountability to the citizens of the city of Detroit.

Will this reform work? Will it bear fruit? Well, it probably will. Because with this reform there will be the virtual immediate release of \$1.3 billion, voted by the electorate in the city of Detroit, to improve the infrastructure in its schools. Dollars that the state of Michigan has held up with its micro-managing of the district. There will be other changes because we are going to contribute \$15 million additional to the city of Detroit to make sure that they can meet some efforts to decrease class size, have after-school programs, and have evening tutorial sessions. There had better be progress. What the voters in the city of Detroit voted for, at the request of their school board, was the additional money to see these things happen. They were in place. Detroit had ended social promotion a year and a half ago before we even began to think about social promotion.

Do we all act here in good faith? I believe we do. I think everybody sees the problem differently. I think everybody sees the solution differently. I think if we trade one spark in the eye for the improvement of education to the loss of spark in the eye for the improvement of an opportunity to act in the governance of your local school board, we have not done our job as effectively as we might have had we brought more people into the discussion of how this might effectively be brought.

I am voting “no” on this bill. I know that those people who vote “yes” are voting quite sincerely. I certainly respect the job that Senator Virgil Smith has done in negotiating what he knows was a bill that was going to pass and putting in place those things that he felt, and that his mayor felt, were critical for his ability to conduct this job. I hope everybody is right here and that, in fact, the 180,000 students in the district of Detroit will benefit.

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

I want to first say that I start with this assumption: We all want what is best for the children in the Detroit Public Schools. Some would point to one side and say that the agenda is to eliminate the voter’s voice in Detroit. Others would argue that opponents simply want to preserve their fiefdom, but I think most, if not all, of the members in this chamber believe in their hearts that they want the best possible education for the children of Detroit and of this state. In fact, that sentiment has been a long history in Michigan. It is a sentiment embodied in the Northwest Ordinance and every Constitution this state has had. The education of our children in this state is one of the primary duties of our state government. Our mission as a state in the education of Michigan’s children is an overriding constitutional responsibility. However, the model we have used to accomplish that goal has been the local school run by the local, elected school board, that is, until Senate Bill No. 297.

Our mission as a state in the education of Michigan’s children is an overriding constitutional responsibility, as I said. Whatever we say about the mayoral takeover of the Detroit public schools with this legislation, we are saying that democracy has failed in the education of Detroit’s students. The model we have used for so long in accomplishing our responsibility under the Michigan Constitution is no longer functioning.

If we deny the residents of Detroit a right and joy by every other citizen of Michigan, the right to elect a school board, are we prepared to apply that drastic action fairly across Michigan? Are we prepared to take this action in other districts that have similar problems and failings like the Detroit public schools? If we are prepared to take that action, are we prepared to outline clearly for all to see and the reason for that action? I don’t mean rhetoric or someone’s preconceived notion or someone’s press release. I mean cold, hard facts that we can point to for all to see and for all to hear.

We, the Legislature, have determined that if you cannot accomplish these specific things, we will eliminate the locally elected board and find an alternative method of running your school district. That criteria should be in the law. After all, we aren’t voting on an opinion poll. We are voting on the law, and the law should be clear. Should we have not set a benchmark that the new system must meet to be considered a failure? Are we assuming that changing the board will result in success? If we go down that path and the district board does not improve, are we simply failing those students all over again by not setting benchmarks before that system of governance is overturned and the Legislature chooses another system?

In addition to all of this is the lack of a true plan in the bill. Where is the local parent involvement that is such an important part of the Chicago model? Where do we see the parents and the community being part of the future of the Detroit schools? I’m voting “no” today because I am not convinced that these questions I have outlined have been answered. I do not believe the Legislature is prepared to step up to its obligation to apply this law fairly across the state.

Senators Schuette, DeGrow, Hart, V. Smith, Goschka, Stille and Rogers asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed

Senator Schuette's statement is as follows:

This legislation today, Senate Bill No. 297, is an expression of hope for children and help these children in Detroit develop the skills and tools that we all want them to have to compete in America in the future.

This legislation today that we are debating is an expression of an opportunity for children to learn. This debate that we are having today, this legislation is an expression to give children the chance to participate in a positive way in the future of Michigan and the future of America.

Now unfortunately today, there are about 180,000 students in Michigan that are being short-changed by a system that is failing—and failing them. Too many children, unfortunately, aren't making the grade; it's not their fault. Too many children aren't making the grade when you see the statistics that our Majority Leader mentioned. Less than 30 percent of the entering class graduate. Too many aren't making the grade. When you see those who took MEAP tests, only 239, that's 5.6 percent, met the standard we have attempted to establish in Michigan for basic skills of reading, writing, science and math. Too many children, unfortunately, aren't making the grade. The reason is that the system is failing them, and this system isn't making the grade.

Hence, we need some fundamental change to give children in Michigan greater opportunity, an opportunity and a chance to learn and improve their lives.

Now the easy answer in all of this problem and challenge is to do nothing; gloss it over, continue the status quo, more of the same. That's not right. If you see Michigan today and in the future, there's going to be more change in education. Look at the waiting list and the lines that occurred in Michigan so we could have public charter schools that are opening in Detroit and parents signing up, hoping to have better schools for their children. We'll see more opportunity and deliberate parents in school choice so the parents can get more and more involved in selecting where their children go to school—the most intimate personal decision parents can make. We'll see more debate in Michigan in the future on tax credits or scholarships. There is a movement, an expression in Michigan, to give children and parents more and more choices in where they send their children to school.

Now with all of that going on, we could do nothing in the public school system, and I think that would be a disgrace. I think we want to help build and improve public schools in Detroit—that's why we're here today. But, we can't pretend all is well because all is not well. That's why we are trying to make some change.

I think it's important in this whole debate that we acknowledge the insight and the leadership of my friend, Senator Virgil Smith, on how he's helping shape this legislation, the convictions of our Majority Leader, Senator DeGrow, and the wise stewardship through committee of Senator Bennett and the members of the Education Committee. This is about an opportunity for children to improve their lives and learn the wonder and marvels of science and reading and writing and math and give people and these children greater hope for the future.

I'm supporting this legislation and urge my colleagues to do the same.

Senator DeGrow's statement is as follows:

As we've gone through the amendments, I haven't had the opportunity to explain the reasons I feel this bill was necessary, and I just wanted to outline some of that. In addition to the obvious concerns that have been mentioned in terms of the board meddling, in terms of the hiring of the day-to-day practices, in terms of the problems they've had with their bond, and in terms of getting supplies actually to the classrooms have all been well documented. I did want to talk a little bit about the educational aspects in terms of what is happening there. I want to give two statistics I think tell the story that were in my local paper the other day. In the fall of 1994, a group of students entered the Detroit public schools as freshmen, and four years later, in June of 1998, only 29 percent of those students graduated. That meant of those children who entered in that September of 1994, 71 percent were not there to graduate four years later. In addition, of the 29 percent who did make it and graduated, less than half could solve sixth grade math problems or read at an eighth grade level. Those are very depressing statistics. They become even more depressing when you consider the size of this district. There are approximately 180,000 students in the Detroit public schools. To put it in perspective, the next largest school district is Grand Rapids, which has around 27,000 students. But the whole city only has 190,000 people. I hope that gives you the idea of the magnitude of what happens when children aren't provided the educational opportunity they deserve and how that has repercussions throughout the state, just because of the magnitude.

It has been said by someone else that Detroit is not the worst school district in the state, and I won't dispute that. But when you have a district with 180,000 students, and you look at the class of 1998 and see 71 percent missing in action, one has to wonder what happened. Where did those young people go? What is their future; what does that mean for the state of Michigan? Will this bill solve all of the problems? I don't know. I think it will begin to turn things around. I think immediately, you will see improvements in the operational aspects and improvements in the board, knowing the role of the board. Those things I think you will see right away in the first 60 days. In terms of the other statistics, I believe they can't do worse. I believe they will do better. I certainly believe that the Mayor of Detroit fully understands that all of the things he is trying to do to make this city great, means nothing if he can't turn the Detroit schools around.

We've waited a long time in this state for improvement. We've heard a lot of new plans—new plans have been coming out of there since I've been down here as a legislator since 1981. I think it is time for fundamental change—major change—that will give these 180,000 students the opportunity to achieve a quality education. They do not have it now, and the repercussions to this state and to those students are severe. It is time for change. We've had enough talk, and it is time to pass Senate Bill No. 297.

Senator Hart's statement is as follows:

For too long, too many people have waited for something to be done constructively in the city of Detroit. While we recognize that the mayor, City Council and the superintendent of schools as well as the school board are a total separate entity, the only people in this state who have superintendent control over the public school system are the State Board of Education. What have they done for Detroit? Exactly nothing. That's why I want to allude to several things regarding the abuses that have taken place in the city of Detroit by their own school board members and by the superintendent.

For example, it's only been like yesterday, four or five years ago, when you had chauffeured limousines pick up each and every school board member at their doorstep or at their workplace, and immediately after the meeting take them back to their homes or their workplace. That's an abuse. That's only one example.

Let me tell you about school board members. There are certain school board members who are still serving today, have served for the past ten years, and who have made over 100 trips—yes, I'll repeat that—100 conventions, conferences or study groups from India to China to England to Honolulu. It's all been categorized, and it's in a diary that the Detroit newspapers have kept a constant record of. Yes, they've traveled all over the world—at whose expense—at the expense of the schoolchildren of Detroit. At a time when teachers and schoolchildren are clamoring for computers in the classroom, what are they doing about it? Nothing. They're spending it where they want to spend it.

Last, but not least, I want to tell you something very important. You read it two or three years ago. It was only two and a half or three years ago that the purchasing director of the Detroit school system, a lady who was employed in the baggage department of Northwest Orient Airlines. That's right! Her resume said she was a financial officer with Northwest Airlines in Minneapolis-St. Paul. They never saw her. Who did the research and study on this lady? It wasn't discovered until there were some irregularities that took place where there was \$1 million worth of school supplies stored in a warehouse somewhere in Detroit that she didn't know about and neither did the people working directly under her. That's a sad commentary to relate. They finally got rid of her. I wonder why?

Did she have the qualifications, or was it a fixed deal between the superintendent and some school board members to permit this lady to be the director at about \$140,000 per year? She should have still been working as a baggage handler.

Senator V. Smith's statement is as follows:

Mr. President and members, I've been here 22 years in the Michigan Legislature—12 years in the House and 10 years in the Senate. During that time I have probably fought some thousand battles over my city—most of them I've lived to change. I'm very protective of Detroit and have been since I was elected to the Michigan Legislature. So I'm sympathetic to the arguments that I hear from my colleague in the 5th District. I understand his anguish. It's not an easy thing to bring about change. But it's also not an easy thing to watch the glint go out of a young person's eye.

In my neighborhood—I don't live in an upscale Detroit neighborhood—I'm in a working class neighborhood, the kids in my neighborhood are down there to play with my sons. I watch them grow up and the most tragic thing that I see is their loss of enthusiasm and their desire to learn and to advance themselves. But I watch that spark go out of their eye as they go through the system. I watch the competition from the dope dealer, the competition from the street—as the siren song to these children—and for whatever reason, I don't care how you want to characterize it, we're losing too many of them. This has not been an easy decision for me. Rarely do I step away from my Detroit colleagues, but on this issue I have because on this issue it's more important than any other issue that I've seen in this body. That's the children in my district and every other district in the city. So you know, I hear the arguments that are being made, but I can't stay with the status quo. The status quo to me means more children lost in the system.

I'd be the first to admit that this is an experiment. But it's an experiment that I think that if it's not successful, we'll be further down the line, and I'm not quite sure what further down the line means. I know more and more of the constituents in my city are starting to support vouchers, and I know my Republican colleagues would love that. They're starting to support tax credits, because they are looking for a way to save their children. They know their children are not getting what they need. The middle class, be it black or white, is taking care of their children. They're making sure that whatever they have to do they do it, so that their children are prepared and ready. I've done that. I'm as hypocritical as everybody else is in that regard. What about all the kids that are left? What about the ones where the parents can't afford to send their children out of the public school system? Where do they go? What are they prepared for? So I stepped away from the bag—and on this one my mayor has said that he's not asking for this, but he has said that if the Legislature thrust it on him, he will accept the responsibility. In that vein, I've negotiated out agreements between Senator Bennett and myself, and Senator DeGrow. Those agreements are reflected in this bill. My mayor felt that he needed certain things in order to be successful. He wants to reduce the class size. As I was taking my mother to the hospital today that was one of the things she mentioned to me. By the way, my mother and both of my sisters teach in

the Detroit public schools system—with my mother recently retiring—and you know I've heard stories upon stories, upon stories from my mother and sisters about the large class size, not enough books, not enough this, not enough that and how it's always coming down to the children who are left out in all of these equations, because they are not getting what they need in order to be successful.

I don't know if this will work. I'm praying that it will work. I know that a lot people question my mayor's motivations. I think that he's going to do the best he can with this. I think that in his heart, with having this responsibility thrust on him, he will do all that he can to make sure that the books are there, the supplies are there, the teachers are there and they're all there and ready to learn.

Now, I could have tried to negotiate this bill out and hide behind folks. I could have negotiated out what the mayor wanted and then not be willing to support it. That is not who I am. I don't take a half stance and I don't hide. So I've done what I felt I needed to do, and I've stepped out on it. I do intend to vote for the passage of this bill.

Senator Goschka's statement is as follows:

Members, this bill, Senate Bill No. 297, is a message of hope, of a future, of purpose. That's exactly what this bill does. It gives the message of hope to a very large block of kids who need hope. Statistically, only 29 percent of those who are currently freshmen will be there with their class to graduate in 2002—that is if this Legislature does not act.

What about the rest of the 71 percent? Where do they go? What is their future? What do they have to look forward to? They will be functionally illiterate and unable to be productive. They will have no hope. They will have no glimmer in their eye. They will be robbed of their right to dream and to pursue those dreams.

Well, they do deserve an education, and that's what this bill is all about. Can we stand by idly in our very plush conditions while Rome burns? Can we stand by and do nothing for these kids when we have the authority to help them? My friends, Rome is burning. The kids in Detroit need and deserve an education and not more administrative and bureaucratic red tape.

This bill, Senate Bill No. 297, does offer hope. It turns the page to opportunity. I, for one, cannot stand by knowing that these kids who need so much just like every other kid in this state are receiving so very little. I want to fight for the kids of Detroit. I want to fight for the kids of this state. Let's give them opportunity. Let's give them hope. Let's give them back a future.

Senator Stille's statement is as follows:

I was moved to comment on this issue this morning by the Senator from the 5th District. Obviously, this is a very somber moment here in the Senate, probably one of the most somber we've had in quite a number of months as we're deliberating over one of the largest issues that has come before this body.

The good Senator from the 5th District talked about the size of Detroit. Well, it wasn't many years ago the size of Detroit was 2 million people or thereabouts. Today there is about a million people living in the city of Detroit. What happened to the rest? Obviously, they moved out. We hear, we understand that there are nearly 50,000 residences—pieces of property that are now owned either by the state, the county or the city that have been taken over—folks who have decided to move away rather than pay taxes and stay. I suggest that much of that decision was based upon the school system that they had to send their kids to or that they couldn't afford to send to other schools. It's interesting to note that some of the folks who speak here today, one in particular, talks about defending the rights of those individuals in Detroit and the right to send kids to that school. In fact, HE doesn't send his own children to that school system. They attend East Lansing schools. That's a pretty significant fact. That's a pretty significant act that's taken place.

I commend the good Senator from the 2nd District who stood up and said that he grew up in that system, that people within his family teach in that system, and he understands that more is deserved by the kids who are left of the million people who still reside in the city of Detroit.

Yes, this is a somber moment. It's one of those largest decisions we have to make. It's beyond an experiment. It's more than just a trial run. There are other school districts across the state that have similar problems, that are watching very close. We've actually had mayors—the mayor of the city we're standing in actually requested that we make it possible for him to have the same opportunity.

When we rewrote the school code, we were very careful to make sure that we kept first-class districts. There is only one of those. That happens to be the city of Detroit. But as we watch how far this process goes and how well it succeeds—and I'm very confident that the mayor will take incredibly careful steps to make sure that he has the right reform board, that he has the right kind of people similar to the city of Chicago to make sure that all elements of administration are properly handled and that youngsters have the best opportunity possible to succeed in a new school system. We may have to look to other areas within the state that also have difficulty and provide the same opportunity for them down the road.

So much is at stake here today. This is not a vote that any of us are taking lightly, but it's a vote that we're taking because of a million people who still live in the city of Detroit whose youngsters still deserve a better opportunity for education.

Senator Rogers' statement is as follows:

I, too, was moved by the Senator from the 5th District to rise and speak on this issue.

I did, Senator, go down to talk to a group of ministers in Detroit, and I had concerns. I wanted to be sensitive to the issue of taking away the ability to vote. It was a very powerful meeting. We had very frank discussion. We had very honest discussion, and they presented their concerns with every ounce of vigor and intellect that we could muster amongst ourselves. I was very grateful for the experience.

They related this story to me, and we've often talked about the 71 percent who don't show up. But they had an opportunity to relay a story to me about the 29 percent who do. They, in fact, talked about a young, single mother who was fighting every day to make sure her child had some kind of an opportunity to make it to school to get a good education. They related this story on how she had a car for a while and would drive her young son to school to make sure he got there safely. The car experienced problems—and by the way, she was working two jobs to try to make ends meet—she went to the nth degree to organize with friends and neighbors and relatives to make transportation arrangements for her son to make it to school, and she did that because she was afraid of crime and gangs and drug influences between the time that he left that front step until the time that he got to the steps of the school house. So when you talk about parental involvement in school, there is all kinds of parental involvement in that 29 percent.

Now when her son got to those front steps, her duty just began to go out and try to earn a living and make ends meet. But the question was every day for her, is it worth the fight? Is it worth the struggle? Is it worth all the hassles to get my son from the front steps here to the front steps of that school house? What happens after he walks in that door? Will he be afforded the quality education that he deserves? The argument on her behalf was maybe not. Maybe that wasn't happening. You can imagine with all the stresses of earning a living and taking care of the family by herself and being the sole parent and trying to get transportation, you can imagine the days that she wakes up and says, "Is it worth it?"

We ought to stand up for her today and say, "Yes. It's worth the fight from your front steps to the front steps of that school house because we're going to do everything that we can do to provide a quality education for your son."

And the pastor said something to me that, when I walked out of that meeting, I found very, very powerful, and it was so powerful that I wrote it down. I want to quote it. He said, "If we are to make an error, I prefer we err on the side of our children. When this comes down, I will stand firmly on the side of change." This is somebody who will have to go in the community and heal all the wounds of this process. If we could channel all the hubbub and hullabaloo about anger in the process to those 180,000 kids who have been abandoned for 30 years, this problem would have gone away 30 years ago.

So I say to you, sir, I hope that you'll see the error of your ways, and we'll stand up today with that minister, and we'll stand up today for that single mother and provide them the tools that they need to provide a better community, a better life and hope for her child and every child who goes to school in the Detroit public schools.

Senators Shugars, Schuette, Bennett, Stille, McCotter, Schwarz, Gougeon, Rogers, Dunaskiss, Goschka and McManus moved that they be named co-sponsors of the following bill:

Senate Bill No. 297

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator DeGrow's statement was as follows:

I would just like to thank the body today for their support of the bill. I would also like to thank those members of the Democratic Party for their support. To those House members who will be watching, there were eight out of fifteen Democrats supporting the bill.

I want to personally thank two individuals particularly. I want to thank Senator Emerson for co-sponsoring the bill with me at a time when it was not a universally loved concept, and it took courage on his part to come forward. I also want to especially thank the Senator from the 2nd District.

For me, it was perhaps not a tough vote. I think it was the right vote, but perhaps not a tough vote. But for the Senator from the 2nd District, that was a tough vote. I've been here 16 years in this chamber and two years in the other chamber, and that may have been as tough a vote as I've seen anyone make.

So, Senator, I hope the people in your district appreciate the courage you have shown to recognize a problem. In my 18 years in the Legislature, I'm not sure I've seen anyone cast a tougher or more courageous vote. For me, it's an easy

vote. For him, coming from where he does, that was a tough vote. Senator, you have my respect and admiration for stepping up at a time when, if I were in your shoes, I'm not sure I would have had the courage to do so.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Stille and McManus introduced

Senate Bill No. 395, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," (MCL 125.271 to 125.310) by adding section 1b.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators Bullard, Steil, Goschka, Hammerstrom, Dunaskiss and Jaye introduced

Senate Bill No. 396, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4s.

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

Senators McManus, Koivisto, Gast, Byrum, Van Regenmorter, Stille, Sikkema, Shugars, North and Schwarz introduced

Senate Bill No. 397, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30305 (MCL 324.30305), as amended by 1996 PA 550.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senator Jaye introduced

Senate Bill No. 398, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 1998 PA 459.

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

Senator Jaye introduced

Senate Bill No. 399, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the part heading of part 465 and sections 46501 and 46509 (MCL 324.46501 and 324.46509), as added by 1995 PA 57, and by adding section 46510; and to repeal acts and parts of acts.

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

Senator Van Regenmorter introduced

Senate Bill No. 400, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 65c (MCL 791.265c), as amended by 1993 PA 34.

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

Committee Reports

The Committee on Education reported

Senate Bill No. 297, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 14, 402, and 471a (MCL 380.14, 380.402, and 380.471a), section 14 as added by 1998 PA 406 and section 471a as amended by 1982 PA 71, and by adding part 5A and section 449.

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 Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Emmons and Stille

Nays: Senator Peters

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Wednesday, February 24, 1999, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Bennett (C), Emmons, Stille and Peters

Excused: Senator Leland

The Committee on Judiciary reported

Senate Bill No. 287, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 626c.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 390, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as added by 1998 PA 317.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, February 24, 1999, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Rogers, Peters, V. Smith and Dingell

The Committee on Local, Urban and State Affairs reported:

Senate Bill No. 145, entitled

A bill to amend 1963 PA 213, entitled "An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts," by amending section 1 (MCL 129.201), as amended by 1982 PA 11.

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

1. Amend page 1, line 3, after "improvement" by striking out "of" and inserting "BY".

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

Thaddeus McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Shugars, Van Regenmorter, Miller and Murphy

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 24, 1999, at 3:00 p.m., Room 405, Capitol Building

Present: Senators McCotter (C), Shugars, Van Regenmorter, Miller and Murphy

The Committee on Government Operations reported

Senate Bill No. 312, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509o (MCL 168.509o), as added by 1994 PA 441.

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

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Hammerstrom, Sikkema, V. Smith and Miller

Nays: None

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

The Committee on Government Operations reported

Senate Bill No. 336, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 358 (MCL 168.358), as amended by 1990 PA 7.

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

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Hammerstrom, Sikkema, V. Smith and Miller

Nays: None

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

The Committee on Government Operations reported

Senate Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 21 of article V, to provide for the filling of the office of lieutenant governor upon a vacancy.

With the recommendation that the substitute (S-1) be adopted and that the joint resolution then be adopted.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Hammerstrom, Sikkema, V. Smith and Miller

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Thursday, February 25, 1999, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Hammerstrom, Sikkema, V. Smith and Miller

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Meeting held on Wednesday, February 24, 1999, at 2:00 p.m., Branch County Courthouse, Coldwater, Michigan

Present: Senator Hoffman (C)

Excused: Senators Stille and Young

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 25, 1999, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Hoffman (C), North and Vaughn

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submits the following:

Meeting held on Thursday, February 25, 1999, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Goschka (C), Gougeon and Emerson

Scheduled Meetings

Jobs Commission Appropriations Subcommittee - Wednesday, March 10, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1801).

Judiciary Committee - Wednesday, March 3, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Transportation and Tourism Committee - Thursday, March 4, at 1:00 p.m., Room 110, Farnum Building (3-1758).

Scheduled Meeting Canceled

Jobs Commission Appropriations Subcommittee - Wednesday, March 3, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1801).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 12:21 p.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Wednesday, March 3, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.