

# FINAL

## MINUTES OF OPEN SESSION LEGISLATIVE COUNCIL MEETING

Tuesday, September 22, 1998  
12:30 p.m.

State Capitol Building - Senate Appropriations Room

### ATTENDANCE

#### Members Present:

Representative Curtis Hertel, Chair  
Senator Dick Posthumus, Alternate Chair  
Senator John D. Cherry, Jr., Member  
Senator Dan L. DeGrow, Member  
Representative Pat Gagliardi, Member  
Representative Michael J. Hanley, Member  
Representative Charles Perricone, Member  
Senator John J.H. Schwarz, Member  
Representative Kenneth Sikkema, Member  
Senator Virgil Clark Smith, Member  
Senator Glenn Steil, Member  
Representative Deborah L. Cherry, Alternate Member  
Representative Dan Gustafson, Alternate Member  
Senator Michael J. O'Brien, Alternate Member  
Representative Samuel Buzz Thomas, Alternate Member

#### Members Excused:

Representative Tom Alley, Member  
Senator Jon A. Cisky, Alternate Member  
Senator Bill Schuette, Alternate Member

A list of others in attendance appears at the end of this report.

### ITEM 1. Convening of the Meeting

Speaker Hertel called the meeting to order at 12:41 p.m. and requested that Dianne Odrobina call the roll. A quorum was present.

Speaker Hertel asked for a motion to excuse absent members. **Representative Sikkema moved, supported by Senator DeGrow, to excuse absent members. The motion was unanimously adopted.**

**ITEM 2. Approval of Minutes of February 3, 1998, Legislative Council Meeting**

Speaker Hertel asked for a motion to adopt the minutes of the February 3, 1998 Legislative Council meeting. **Senator Steil moved, supported by Representative Hanley, to adopt the minutes of the February 3, 1998 meeting. The motion was unanimously adopted.**

**ITEM 3. Reports of the Legislative Council Agencies Subcommittee - March 20, 1998, and April 30, 1998**

There was a request to move the Agencies Subcommittee report, agenda item number 4, forward. There was no objection.

Dianne Odrobina, Legislative Council Administrator, directed attention to the Agencies Subcommittee report dated March 20, 1998.

The Agencies Subcommittee recommended that the full Legislative Council review and approve interior changes to the Library of Michigan as follows:

- Move the bust of the late Senator Faust from its current location on the second floor of the Library and place it in front of the north wall in the Library lobby on the first floor across from the elevators. Add name lettering to the wall.
- Add Senator Faust's name to the existing large lettering "*Library of Michigan*" on the west wall of the rotunda, above the entrance to the west wing (entrance to the Library.)

The subcommittee further recommended that the funding for these interior changes to the Library of Michigan come from private sources and that the Library of Michigan Foundation set up a *Faust Memorial Fund* through which all donated funds will be handled.

**Senator DeGrow moved to pass this item until input from the State Librarian and the Executive Director of the Library Foundation could be received.** Representative Gagliardi stated that he has no problem with Senator DeGrow's request, but he wants to add to the compromise that Senator Faust's name be added to the Library's letterhead and that this Council address the item before the end of the year. Speaker Hertel agreed that the Council will address this item prior to sine die if Senator DeGrow's request prevailed. Senator DeGrow agreed to resolve the issue by the end of the year. **Representative Gagliardi supported the motion, and it passed unanimously by voice vote.**

Dianne Odrobina briefly reviewed the report of the Agencies Subcommittee dated April 30, 1998, and asked if there were questions regarding any item. There were none.

**It was moved by Senator Posthumus, supported by Representative Perricone, to adopt the Agencies Subcommittee reports as amended. The Chair asked the Secretary to call the roll for the vote. The vote follows:**

<b>Speaker Hertel</b>	<b>Yes</b>
<b>Senator Posthumus</b>	<b>Yes</b>
<b>Senator Cherry</b>	<b>Yes</b>
<b>Senator DeGrow</b>	<b>Yes</b>
<b>Representative Gagliardi</b>	<b>Yes</b>
<b>Representative Hanley</b>	<b>Yes</b>
<b>Representative Perricone</b>	<b>Yes</b>
<b>Senator Schwarz</b>	<b>Yes</b>
<b>Representative Sikkema</b>	<b>Yes</b>
<b>Senator Smith</b>	<b>Yes</b>
<b>Senator Steil</b>	<b>Yes</b>
<b>Representative Thomas</b>	<b>Yes</b>

#### **ITEM 4. Report of the Services and Administration Subcommittee**

Dianne Odrobina briefly reviewed the report of the Services and Administration Subcommittee dated April 30, 1998.

*Personnel* - There were no questions or objections raised.

*Council Organization Membership Survey* - During review of the survey, Senator Cherry referred to a question that arose during the September 16, 1998, subcommittee meeting regarding the possible consequences of not paying full dues to CSG when their national meeting is scheduled to be held in Detroit in the Year 2000. He asked Dianne Odrobina if she had obtained further information. Ms. Odrobina reported that CSG's rules include a sanction against states in arrears for dues: meetings are not supposed to be held in such states. Senator Cherry stated that the issue needs to be addressed.

Senator Posthumus asked for clarification of the reasons for holding two Legislative Council meetings this afternoon. Ms. Odrobina explained that scheduling two meetings addressed two concerns: 1) there were two reports to receive from the subcommittees after the cancellation of two prior scheduled Council meetings, and 2) there is a statutory requirement that the Council meet no less than three times per year and it was considered unlikely that there would be another opportunity to hold a Council meeting before the end of the year. In light of the agreement to hold another meeting to address the Agencies Subcommittee's recommendation regarding the Library of Michigan, it was decided that all business scheduled to be addressed at either meeting could be handled in this meeting and there would not be a second meeting this afternoon.

*Request for Proposal for the Michigan Administrative Code* - The April 30th recommendation of the subcommittee was to “. . . allow the Council Administrator to finalize negotiations with the company providing the best offer to the State of Michigan and implement this process as soon as possible. The Legislative Council Administrator will receive approval of the final selection from the Chair and Alternate Chair of the Council.” Ms. Odrobina reported that the negotiation process had progressed since the subcommittee’s recommendation and she was prepared to recommend a company for approval.

Pursuant to the subcommittee’s report, Ms. Odrobina recommended that Conway-Greene Co. be approved as the vendor. Highlights of the contract provisions include:

1. Utilization of an in-state printer which has been reliable and reasonable in terms of costs during prior jobs. Of the four completed proposals, Conway-Greene is the only vendor who proposed using an in-state printer.
2. Publication of a new print edition of the Michigan Administrative Code and production of a CD-ROM edition at no cost to the State of Michigan.
3. 150 print subscriptions and 50 CD-ROM single user licenses at no cost to the State of Michigan.
4. Conversion of present and future Michigan Administrative Code documents to SGML for future use on the Internet by the Legislature.
5. Free Internet access to the Michigan Administrative Code on Conway-Greene’s web server for the duration of the contract.
6. Payment of a percentage of the royalties obtained by Conway-Greene for licensing of the Michigan Administrative Code to online services.

*Architectural and Structural Change Requests at the Michigan Library and Historical Center* - Ms. Odrobina directed attention to the subcommittee’s recommendation as outlined in Appendix C of the subcommittee’s April 30, 1998, report.

*Pending Legislation* - Dianne Odrobina briefly reviewed pending legislation that could affect Council agencies.

**It was moved by Senator Posthumus, supported by Senator Steil, to adopt the Services and Administration Subcommittee report. The Chair asked the Secretary to call the roll for the vote. The vote follows:**

<b>Speaker Hertel</b>	<b>Yes</b>
<b>Senator Posthumus</b>	<b>Yes</b>
<b>Senator Cherry</b>	<b>Yes</b>
<b>Representative Gagliardi</b>	<b>Yes</b>
<b>Senator Schwarz</b>	<b>Yes</b>
<b>Representative Sikkema</b>	<b>Yes</b>
<b>Senator Smith</b>	<b>Yes</b>
<b>Senator Steil</b>	<b>Yes</b>
<b>Representative Thomas</b>	<b>Yes</b>

**ITEM 5. Report of the Services and Administration Subcommittee - September 16, 1998**

*Personnel* - At the request of the Chair, Ms. Odrobina briefly reviewed the personnel matters outlined in the report.

Senator Smith asked for clarification of the section referring to closing a position in the Document Room. It was his understanding that a 16-year employee was attempting to return to the position. Elliott Smith, Director of the Legislative Service Bureau, explained that the Document Room originally had five employees which were transferred (4 from the House, 1 from the Senate) to LSB in 1991. Subsequently, one of the former House members left and after reevaluation of the situation, it was determined that the position was not needed. The employee referenced by Senator Smith left in May of this year and after evaluating the Document Room staff situation it was determined that it was not necessary to fill the position. Additionally, the reason the staff member left had to do with a long-standing Council rule on becoming a candidate for nomination to an elective office.

There was discussion regarding the Council rule which mandates the non-partisan nature of the Legislative Service Bureau. The discussion covered the history and reasoning behind the Council rule and questions were raised about the re-employment of someone who had to leave Bureau service because of the rule.

The rule in question is Rule 12 of the Legislative Council Administrative Rules:  
*A Council employee shall not become a candidate for nomination to an elective office, or accept election or appointment to an elective office, without first resigning from Council employment.*

**It was moved by Representative Gagliardi, supported by Representative Thomas, to return the position closing issue to the subcommittee for further consideration. The Chair asked the Secretary to call the roll for the vote. The vote follows:**

<b>Speaker Hertel</b>	<b>Yes</b>
<b>Senator Posthumus</b>	<b>Yes</b>
<b>Senator Cherry</b>	<b>Yes</b>
<b>Representative Gagliardi</b>	<b>Yes</b>
<b>Representative Hanley</b>	<b>Yes</b>
<b>Senator Schwarz</b>	<b>Yes</b>
<b>Senator Smith</b>	<b>Yes</b>
<b>Senator Steil</b>	<b>Yes</b>
<b>Representative Thomas</b>	<b>Yes</b>

*Council Budget Requests for 1999/2000* - Dianne Odrobina briefly reviewed each line in the budget request presented in the subcommittee report.

It was noted that the substantial increase in the line for the Office of the Legislative Corrections Ombudsman is the result of the passage of legislation which returns to the office duties that formerly required more than double its current staff.

Senator Cherry asked if the "National Association Dues Payment" line included monies to make up the arrearage to the Council of State Governments. Ms. Odrobina indicated that a memorandum has been delivered to leadership proposing payment of the dues in arrearage out of FY 1998/99 monies. It was noted that MERRA was being absorbed by a larger organization and would probably not be assessing dues. It was suggested that the \$20,000 set aside for MERRA dues be used to pay any outstanding dues for FY 1998/99 for the other associations, specifically including CSG.

**It was moved by Senator Steil, supported by Representative Gagliardi, to amend the subcommittee report by directing that the \$20,000 previously used to pay MERRA dues be used to pay the FY 1998/99 dues in arrears for other national organizations in which the Council holds membership. The Chair asked the Secretary to call the roll for the vote. The vote follows:**

<b>Speaker Hertel</b>	<b>Yes</b>
<b>Senator Posthumus</b>	<b>Yes</b>
<b>Senator Cherry</b>	<b>Yes</b>
<b>Representative Gagliardi</b>	<b>Yes</b>
<b>Representative Hanley</b>	<b>Yes</b>
<b>Senator Schwarz</b>	<b>Yes</b>
<b>Senator Steil</b>	<b>Yes</b>
<b>Representative Thomas</b>	<b>Yes</b>

**It was moved by Senator Posthumus, supported by Senator Steil to adopt the report as amended. The Chair asked the Secretary to call the roll for the vote. The vote follows:**

<b>Speaker Hertel</b>	<b>Yes</b>
<b>Senator Posthumus</b>	<b>Yes</b>
<b>Senator Cherry</b>	<b>Yes</b>
<b>Representative Gagliardi</b>	<b>Yes</b>
<b>Representative Hanley</b>	<b>Yes</b>
<b>Senator Schwarz</b>	<b>Yes</b>
<b>Senator Steil</b>	<b>Yes</b>
<b>Representative Thomas</b>	<b>Yes</b>

*Pending Legislation* - Dianne Odrobina noted the pending legislation section for members' attention.

**ITEM 6. Report of the Agencies Subcommittee - September 15, 1998**

Dianne Odrobina briefly reviewed the items addressed in the report. There was no discussion.

**It was moved by Senator Cherry, supported by Senator Steil to adopt the Agencies Subcommittee report. The Chair asked the Secretary to call the roll for the vote. The vote follows:**

<b>Speaker Hertel</b>	<b>Yes</b>
<b>Senator Posthumus</b>	<b>Yes</b>
<b>Senator Cherry</b>	<b>Yes</b>
<b>Representative Gagliardi</b>	<b>Yes</b>
<b>Representative Hanley</b>	<b>Yes</b>
<b>Senator Schwarz</b>	<b>Yes</b>
<b>Senator Steil</b>	<b>Yes</b>
<b>Representative Thomas</b>	<b>Yes</b>

**ITEM 7. Old Business**

Speaker Hertel asked if there were items under old business. There were none.

**ITEM 8. New Business**

Speaker Hertel asked if there were items under new business.

Dianne Odrobina thanked the members of the Council for the time and attention each has devoted to Council matters and extended best wishes to members' family and staff. Additionally, she thanked Speaker Hertel and Senator Posthumus for serving as Chairs within the last two years and presented each with a personalized brick from the original Capitol Building.

**ITEM 9. Public Participation**

The Chair asked for public participation. There was none.

**ITEM 10. Adjournment**

**It was moved by Representative Cherry, supported by Representative Thomas, to adjourn the meeting. There was no objection.**

The Chair adjourned the meeting at 1:55 p.m.

Respectfully submitted,

Dianne M. Odrobina, Secretary

DMO:cj

**Also in attendance:**

Dianne M. Odrobina, Legislative Council Administrator  
Cindy Johnson, Acting Secretary to the Council Administrator  
Elliott Smith, Director, Legislative Service Bureau  
Traci Kanillopoolos, Secretary to the Director of the Legislative Service Bureau  
Clayton Burch, Legislative Corrections Ombudsman  
Daniel Bambery, Administrator, Joint Committee on Administrative Rules  
Jerry Lawler, Director, Legislative Council Facilities  
Margaret-Mary Chiara, Administrator, Trial Court Assessment Commission  
George Needham, State Librarian  
Phil Douma, Legal Counsel, Office of Representative Sikkema  
Cindy Peruchietti, Deputy Chief of Staff, Office of Speaker Hertel  
Tammy Bagby, Project Coordinator, Office of Senator Posthumus  
Alan Canady, Senate Democratic Counsel  
Helen Freeman, Chief of Staff and Legislative Coordinator, Office of Senator Steil  
Nancy Childs, Legislative Assistant, Office of Representative Gagliardi  
Shelly Edgerton, Assistant Majority Counsel, Senate Majority Policy Office  
Susan Ruch, Executive Assistant, Office of Senator Schwarz  
John Beutler, Mgr. Human Resources, Secretary of the Senate  
Tim Bowlin, Director of House Administration  
Steve Benkovsky, Director, Facility Operations, MLHC  
Roger Peters, Director, Legal Editing and Law Publications Division, LSB  
Darlene Jensen, Director, Information Technologies Division, LSB  
Carol Cousineau, Director, Legal Division, LSB  
Jim Shane, LSIS/LSB Project Leader



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Gary Gulliver, Director, Legal Research Division, LSB  
Jackie Payne, Executive Director, Library of Michigan Foundation  
Jeff Johnson, Deputy State Librarian  
Marcia Cornell, Director, Human Resources, LSB  
Robin VanAlstine, Director, Human Resources, MLHC  
Tina Dietrich, Administrative Secretary to the State Librarian  
Paul Groll, Network and Information Systems Director, MLHC  
Janet Laverty, Director, Internal Operations, MLHC  
ReLanda Ewell, Lead Document Room Assistant, LSB  
Leo Kennedy, Director, Legislative Research Division, LSB  
Senator Michael J. Bouchard  
Senator David Jaye  
Richard McLellan  
JoAnn Carson  
Henry Carson

A number of other individuals were present but did not identify themselves.

*(Minutes adopted at June 17, 1999 Legislative Council Meeting)*