

**No. 45**  
**JOURNAL OF THE SENATE**

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Senate Chamber, Lansing, Thursday, May 22, 1997.

10:00 a.m.

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

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

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

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

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

Father Thomas Nenneau of St. Mary's Catholic Church in Charlotte offered the following invocation:

God in Heaven, from the days of the Revolution until our own time the men and women of our nation have answered the call to serve in defending our liberties and freedoms, standing ready and prepared in times of peace, standing in harm's way in times of war. The almost 221 years of our nation's history, 40 of those years have been spent in war. In those 40 years alone, over 38 million Americans served our nation in its armed forces and in those 40 years, 650,000 gave not only of their time, their commitment, their loyalty and devotion, but they gave literally their lives' blood for our country.

As we observe Memorial Day in the days to come, we thank You for the courage, the commitment and the valor of these brave men and women who gave all they had that we might enjoy the blessings of liberty. We thank You that they did not take time to count the cost of freedom, but instead were ready to pay even the ultimate cost.

Not far from this site in 1995 some of us were present to break ground for our own Michigan Vietnam monument. We ask You to remember in a special way those who served in that conflict, especially the 2,649 from our beloved state who were killed or who are still missing in action. As we hold all of them up to the light of our memories in a spirit of gratitude for all they gave, so may You too hold them to Yourself in the everlasting light of Your love. We ask these things in Your Holy Name. Amen.

### **Motions and Communications**

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Tuesday, May 27, at 1:00 p.m. The motion prevailed.

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

Senator DeGrow moved that rule 3.902 be suspended to allow guests of Senator Rogers admittance to the Senate floor, including the center aisle.

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

Senator DeGrow moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Senator Berryman moved that Senators Byrum, Stallings and Young be temporarily excused from today's session. The motion prevailed.

Senator Berryman moved that Senator V. Smith be excused from today's session. The motion prevailed.

### **Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:07 a.m.

10:45 a.m.

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

During the recess, Senator Rogers conducted a Memorial Day Ceremony in honor of the members of the military who have served during wartime, accompanied by the American Legion Honor Color Guard and the Kalamazoo Pipe Band.

Senator Schwarz introduced to the Senate Peter Lemon, a Michigan recipient of the Congressional Medal of Honor, who made remarks.

Senator Rogers presented a tape recording of a dramatic reading of letters received at the Vietnam Wall.

During the recess, Senators Carl, Dunaskiss, Bullard, Byrum and Young entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 21:  
**House Bill Nos. 4162 4456 4635 4728 4729**

The Secretary announced the printing and placement in the members' files on Wednesday, May 21 of:  
**Senate Bill Nos. 514 515 516 517**

The Secretary announced the printing and placement in the members' files on Thursday, May 22 of:  
**Senate Bill No. 521**

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

The motion prevailed.

Senator Miller's statement is as follows:

What a glorious day and presentation. Sometimes we forget the great freedoms that we have in life through the efforts of those gallant, gallant veterans of this great country. I want to thank the great Senator from the 26th District who organized this effort and gave attention to our state. It has stood out in so many fronts. I thank him and thank all the veterans.

I have a special day today. It's really not special. It's kind of a sad day. I came to this great city a few years ago—I won't be specific—but when I got here I had the task of trying to put together a team to help me answer all those constituent letters and take those phone calls. One of those people who joined me that first day I came to Lansing was a young lady by the name Ann Miller. The question that everyone used to ask, "Are you related to the Senator? Are you the Senator's sister? Are you the Senator's wife? Are you the Senator's cousin?" It was great, all the publicity we got just because her name was Miller also. So when I wasn't in Lansing, she was here representing me.

Today, Madam Governor, Ann Miller is deciding to say "good-bye" to this career in the Michigan Senate. Besides spending over 20 years with me, and I look back and say, "Where did the 20 years go?" She's been with me longer than some of my children have been with me in this world. We spent 20 great years together. She is really the person in my office who, like I said, took those irate phone calls, answered a lot of those letters, and in a way, there'll be kind of a void there now with her being gone. Now we'll have to find a real employee who is going to spend some time there, and not take all those coffee breaks and listen to the excuses—"Well, I was late today, boss, because I had to fix the locks." She must have more locks at her home than a locksmith. When you've been together for 20 years you hear those stories and you let them slide by.

I want to just say that my career here in Lansing has been a successful one and good-byes are hard to say, but she's been not only a great employee, she's been like part of my family. She's been with me longer than some of my family has. It's going to be hard to replace her and all the effort and everything. I just want this body to say that we take things for granted here. We're the ones who make the newspapers. We're the ones who sit here in this Chamber and vote but it's through people like Ann Miller who make our careers a little bit better.

Ann, you've been here with me for 20 years. You came here with Senator Pursell and a few other Senators you worked with. This body is going to miss you. I just want to say on behalf of myself and my family, you'll always be part of Art Miller's family. We wish you the best.

The following bill was read a third time:

**Senate Bill No. 490, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

The question being on the passage of the bill,  
 Senator Peters offered the following amendments:

1. Amend page 5, line 14, after “(9)” by inserting “SUBJECT TO SUBSECTION (11).”
2. Amend page 5, following line 21, by inserting:

“(11) BEFORE PLACING A CHILD IN THE HOME OF A RELATIVE, A CRIMINAL RECORD CHECK AND CENTRAL REGISTRY CLEARANCE SHALL BE PERFORMED BY THE DEPARTMENT.” and renumbering the remaining subsections.

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

Senator Gougeon offered the following amendment:

1. Amend page 23, line 15, by striking out all subdivision (F) and inserting:

“(F) AT THE TIME OF THE INITIAL TERMINATION HEARING, PARENTING TIME SHALL BE SUSPENDED UNLESS THE COURT DETERMINES THAT THE EXERCISE OF PARENTING TIME IS IN THE BEST INTERESTS OF THE CHILD. IF THE COURT ADJOURNS OR CONTINUES THE TERMINATION HEARING BEYOND THE ORIGINAL SCHEDULED DATE FOR ANY REASON, THE COURT SHALL SUSPEND PARENTING TIME IN THE INTERIM, UNLESS THE COURT DETERMINES THAT THE EXERCISE OF PARENTING TIME IS IN THE BEST INTERESTS OF THE CHILD.”

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

The question being on the passage of the bill,

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

**Roll Call No. 246**

**Yeas—34**

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

**Nays—0**

**Excused—2**

Smith, V. Stallings

**Not Voting—2**

Cherry Steil

In The Chair: President

The Senate agreed to the title of the bill.

Senator Stallings entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 272, entitled**

A bill to make and supplement appropriations for various state departments and agencies for the fiscal year ending September 30, 1997 and for the fiscal year ending September 30, 1996; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The question being on the passage of the bill,  
Senator O'Brien offered the following amendment:

1. Amend page 23, following line 26, by inserting:

**“DEPARTMENT OF TRANSPORTATION**

**APPROPRIATIONS SUMMARY:**

GROSS APPROPRIATION ..... \$ 24,000,000

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers ..... 0

ADJUSTED GROSS APPROPRIATION ..... \$ 24,000,000

Federal revenues:

Total federal revenues ..... 0

Special revenue funds:

Total local revenues ..... 0

Total private revenues ..... 0

Total other state restricted revenues ..... 0

State general fund/general purpose..... \$ 24,000,000

**ROAD AND BRIDGE PROGRAMS**

State trunkline federal aid and road and bridge construction..... \$ 24,000,000

GROSS APPROPRIATION ..... \$ 24,000,000

Appropriated from:

State general fund/general purpose..... \$ 24,000,000”

and adjusting all subtotals, totals and section 201 accordingly.

The question being on the adoption of the amendment,

Senator Berryman requested the yeas and nays.

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

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

**Roll Call No. 247**

**Yeas—18**

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

**Nays—19**

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

**Excused—1**

Smith, V.

**Not Voting—0**

In The Chair: President

Senator McManus offered the following amendments:

1. Amend page 21, following line 9, by inserting:

"REAL ESTATE	
Records and services .....	\$ 1,800,000
GROSS APPROPRIATION .....	\$ 1,800,000
Appropriated from:	
Delinquent property tax administration fund .....	250,000
Land sale fund .....	1,550,000
State general fund/general purpose.....	\$ 0"

and adjusting all subtotals, totals and section 201 accordingly.

2. Amend page 39, following line 8, by inserting:

"Sec. 641. (1) The land sale fund is created. An amount equal to the cost of maintenance and/or demolition of tax reverted properties, statewide land database development and operation, and administrative expenses associated with the sale of tax reverted lands shall be deducted from the sale proceeds and credited to the land sale fund. The balance of the proceeds from the sale of tax reverted lands shall be returned to the local units of government in which the land is situated pursuant to section 131, Act No. 406 of the Public Acts of 1984, being section 211.131 of the Michigan Compiled Laws.

(2) Statewide land database development for phase I market and business area analysis shall be developed cooperatively between user departments. If there is a geographic component of the statewide land database, it shall be built using the Michigan information center geographic framework. User departments will be assessed charges for the development of the database and the geographic framework."

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

Senator Bennett offered the following amendments:

1. Amend page 33, line 13, after "Sec. 402." by inserting "(1)".
2. Amend page 33, line 17 after "victed" by striking out "and served a sentence related to the commission".
3. Amend page 33, following line 19, by inserting:

"(2) Subsection (1) notwithstanding, a person who has been convicted of a felony that included the possession, use or distribution of a controlled substance after August 22, 1996 shall have their personal needs allowance and food stamp benefits reduced as follows:

(a) For the first such conviction, a 33% reduction limited to one year if the recipient tests negative for drug use at the end of that year.

(b) For the second such conviction, a 50% reduction for one year if the recipient tests negative for drug use at the end of that year.

(c) For the third such conviction, a 100% reduction for one year if the recipient tests negative for drug use at the end of that year."

The question being on the adoption of the amendments,

Senator Conroy offered the following amendment to the amendments:

1. Amend Senator Bennett's Amendment No. 3, page 33, following line 19, subsection (2), after "after" by striking out "August 22, 1996" and inserting "the effective date of this act".

The question being on the adoption of the amendment to the amendments,

Senator DeGrow moved that Senator Geake be excused from the balance of today's session.

The motion prevailed.

Senator Conroy requested the yeas and nays.

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

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

#### Roll Call No. 248

#### Yeas—17

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

**Nays—18**

Bennett	Dunaskiss	McManus	Schuette
Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Stille
Carl	Gougeon	Rogers	Van Regenmorter
DeGrow	Hoffman		

**Excused—2**

Geake	Smith, V.
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**Not Voting—1**

Steil

In The Chair: President

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

The question being on the adoption of the amendments offered by Senator Bennett, The amendments were not adopted, a majority of the members serving not voting therefor. Senator Shugars requested the yeas and nays.

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

The amendments were adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 249****Yeas—21**

Bennett	Dunaskiss	McManus	Schuette
Bouchard	Emmons	Miller	Schwarz
Bullard	Gast	North	Shugars
Carl	Gougeon	Posthumus	Stille
DeBeaussaert	Hoffman	Rogers	Van Regenmorter
DeGrow			

**Nays—14**

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

**Excused—3**

Geake	Smith, V.	Steil
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**Not Voting—0**

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 39, following line 8, section 641, following subsection (2), by inserting:

“(3) The department shall report on the status of the statewide land database development study to the senate and house appropriations subcommittees on natural resources by September 30, 1997.”.

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

Senator Stille offered the following amendment:

1. Amend page 9, following line 20, by inserting “Ottawa - Ensing’s Garage”.

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

The question being on the passage of the bill,

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

**Roll Call No. 250****Yeas—34**

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

**Nays—1**

Carl

**Excused—3**

Geake

Smith, V.

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4034, entitled**

A bill to amend 1931 PA 285, entitled “An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act,” by amending sections 1 and 3 (MCL 125.31 and 125.33), section 3 as amended by 1986 PA 5.

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. 251****Yeas—34**

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

**Nays—0****Excused—3**

Geake	Smith, V.	Steil
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**Not Voting—1**

Schwarz

In The Chair: President

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

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

Senator Schwarz entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 414, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 132, 151, 209, 212, 217, 301, 302, 303, 336, 344, 345, 404, 415, 421, 472, 489, 491a, 528, 551, 564a, 564b, 567, 602, 611, 631, 641, 701, 703a, 706, 707, 712, 724, 735, 751, 753, 762, 801, 805, 811, 817, 842a, 855a, 1011, 1041, 1042, and 1062 (MCL 450.1132, 450.1151, 450.1209, 450.1212, 450.1217, 450.1301, 450.1302, 450.1303, 450.1336, 450.1344, 450.1345, 450.1404, 450.1415, 450.1421, 450.1472, 450.1489, 450.1491a, 450.1528, 450.1551, 450.1564a, 450.1564b, 450.1567, 450.1602, 450.1611, 450.1631, 450.1641, 450.1701, 450.1703a, 450.1706, 450.1707, 450.1712, 450.1724, 450.1735, 450.1751, 450.1753, 450.1762, 450.1801, 450.1805, 450.1811, 450.1817, 450.1842a, 450.1855a, 450.2011, 450.2041, 450.2042, and 450.2062), sections 132, 212, 217, 301, 302, 303, 404, 415, 567, 602, 701, 706, 707, 762, 801, 817, and 1041 as amended and sections 336, 489, 491a, 564a, 703a, 724, and 855a as added by 1989 PA 121, sections 209, 344, 345, 472, 528, 551, 564b, 631, 712, 735, 753, 805, 811, 842a, 1042, and 1062 as amended by 1993 PA 91, and section 641 as amended by 1982 PA 407, and by adding sections 406, 488, and 736; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Bouchard offered the following amendments:

1. Amend page 9, line 23, after the first "share" by striking out "IS" and inserting "shall be".
2. Amend page 13, line 14, after "the" by striking out "resolution" and inserting "AMENDMENT".
3. Amend page 50, line 7, after "SECTION" by striking out "703A(2)(E)" and inserting "703A(2)".

4. Amend page 54, line 13, by striking out "OTHER" and inserting "TO ANOTHER".

5. Amend page 56, line 15, after the first "CORPORATION" by inserting "OR BENEFICIAL INTEREST IN ANOTHER ENTITY".

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

The question being on the passage of the bill,

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

**Roll Call No. 252**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Geake	Smith, V.	Steil
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 495, entitled**

A bill to amend 1986 PA 89, entitled "Michigan BIDCO act," by amending sections 102, 104, 105, 106, 211, 217, 301, 303, 305, 311, 315, 317, 401, 403, 405, 407, 503, 505, 507, 509, 511, 601, 603, 709, 711, 713, 801, 807, 813, and 905 (MCL 487.1102, 487.1104, 487.1105, 487.1106, 487.1211, 487.1217, 487.1301, 487.1303, 487.1305, 487.1311, 487.1315, 487.1317, 487.1401, 487.1403, 487.1405, 487.1407, 487.1503, 487.1505, 487.1507, 487.1509, 487.1511, 487.1601, 487.1603, 487.1709, 487.1711, 487.1713, 487.1801, 487.1807, 487.1813, and 487.1905).

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. 253**

**Yeas—35**

Bennett	DeBeaussaert	Koivisto	Schwarz
Berryman	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Stallings
Byrum	Emmons	O'Brien	Stille
Carl	Gast	Peters	Van Regenmorter

Cherry  
Cisky  
Conroy

Gougeon  
Hart  
Hoffman

Posthumus  
Rogers  
Schuette

Vaughn  
Young

**Nays—0**

**Excused—3**

Geake

Smith, V.

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 503, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 1988 PA 372.

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. 254**

**Yeas—35**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Carl  
Cherry  
Cisky  
Conroy

DeBeausaert  
DeGrow  
Dingell  
Dunaskiss  
Emmons  
Gast  
Gougeon  
Hart  
Hoffman

Koivisto  
McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Schwarz  
Shugars  
Smith, A.  
Stallings  
Stille  
Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—3**

Geake

Smith, V.

Steil

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 504, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding section 7b.

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. 255**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Geake	Smith, V.	Steil
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars, Peters, DeBeaussaert, McManus, Hart, Dunaskiss, Stille, Bullard, Conroy, Young, A. Smith and Stallings moved that they be named co-sponsors of the following bill:

**Senate Bill No. 503**

The motion prevailed.

Senators Shugars, Peters, DeBeaussaert, McManus, Hart, Bouchard, Dunaskiss, Stille, Bullard, Conroy, Young, A. Smith, Gougeon and Stallings moved that they be named co-sponsors of the following bill:

**Senate Bill No. 504**

The motion prevailed.

By unanimous consent the Senate returned to the order of

**Messages from the House**

**House Bill No. 4299, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 20, 99, and 107 (MCL 388.1611, 388.1620, 388.1699, and 388.1707), sections 11, 20, and 99 as amended and section 107 as added by 1996 PA 300, and by adding sections 104b and 105a.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 2, line 20, by striking out "\$8,233,527,000.00" and inserting "\$8,233,547,000.00".
2. Amend page 3, line 4, by striking out "\$8,280,327,000.00" and inserting "\$8,280,347,000.00".
3. Amend page 5, line 19, by striking out "\$8,004,086,300.00" and inserting "\$8,004,106,300.00".
4. Amend page 9, line 7, after "1963," by inserting "EXCEPT FOR A DISTRICT THAT WAS NOTIFIED OF SUCH A MILLAGE REDUCTION IN 1996 AFTER THE LAST PERMISSIBLE DATE TO SCHEDULE AN ELECTION TO OVERRIDE THAT MILLAGE REDUCTION,".
5. Amend page 18, line 18, by striking out "December" and inserting "OCTOBER".

6. Amend page 18, line 18, after "year" by inserting "AND ADJUSTED NOT LATER THAN DECEMBER 31 OF THE IMMEDIATELY PRECEDING FISCAL YEAR OR, FOR REPORTING IN 1996-97 ONLY, ADJUSTED NOT LATER THAN JUNE 30 OF THE IMMEDIATELY PRECEDING FISCAL YEAR".

7. Amend page 19, line 22, after "than" by striking out "JUNE 30" and inserting "December 31".

8. Amend page 19, line 23, after "year" by inserting "OR, FOR REPORTING IN 1996-97 ONLY, ADJUSTED NOT LATER THAN JUNE 30 OF THE IMMEDIATELY PRECEDING FISCAL YEAR".

9. Amend page 20, line 12, after "year." by inserting "FOR REPORTING OCCURRING IN 1996-97, IF A DISTRICT OR PUBLIC SCHOOL ACADEMY SUBMITS AN ADJUSTMENT TO THE DEPARTMENT AFTER DECEMBER 31, 1996 IN THE NUMBER OF PUPILS USED FOR DETERMINING PAYMENTS UNDER THIS SECTION, THE DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL INCLUDE WITH THE SUBMISSION AN EXPLANATION FOR THE ADJUSTMENT AND DOCUMENTATION SATISFACTORY TO THE DEPARTMENT TO JUSTIFY THE ADJUSTMENT."

10. Amend page 26, following line 23, section 104a, subsection (2), after "and science," by striking out "AND IF THE PUPIL OR PUPIL'S PARENT OR LEGAL GUARDIAN REQUESTS THE ENDORSEMENT AS PROVIDED UNDER SUBSECTION (4)."

11. Amend page 26, following line 23, section 104a, subsection (4), after the first "diploma." by striking out "FOR PUPILS SCHEDULED TO GRADUATE IN 1997, IF THE PUPIL'S PARENT OR LEGAL GUARDIAN OR, IF THE PUPIL IS AT LEAST AGE 18 OR IS AN EMANCIPATED MINOR, THE PUPIL REQUESTS THE ENDORSEMENT AND IF THE BOARD OF THE DISTRICT DETERMINES THAT A PUPIL QUALIFIES FOR A STATE-ENDORSED DIPLOMA, THE BOARD SHALL INDICATE ON THE PUPIL'S HIGH SCHOOL DIPLOMA AND TRANSCRIPT THAT THE PUPIL ACHIEVED THE PROFICIENCY NECESSARY FOR RECEIPT OF A STATE-ENDORSED DIPLOMA. BEGINNING WITH PUPILS SCHEDULED TO GRADUATE IN 1998, IF" and inserting "IF".

12. Amend page 26, following line 23, section 104a, subsection (5), after "test or assessment." by striking out "BEGINNING IN 1998,".

13. Amend page 26, following line 23, section 104a, subsection (5), after "awarded a state-endorsed diploma" by inserting "AS OTHERWISE PROVIDED IN THIS SECTION".

14. Amend page 34, following line 5, by striking out all of section 161A.

15. Amend page 34, following line 5, following section 161A, by striking out all of enacting section 1.

The House of Representatives has concurred in the Senate substitute (S-1) as amended and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 20, 31a, 99, 104a, and 107 (MCL 388.1611, 388.1620, 388.1631a, 388.1699, 388.1704a, and 388.1707), sections 11, 20, 31a, 99, and 104a as amended and section 107 as added by 1996 PA 300, and by adding sections 6b, 105a, and 105b.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate returned to the order of

### **Messages from the Governor**

The following messages from the Governor were received and read:

May 21, 1997

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointment to office:

#### **Michigan Asparagus Advisory Board**

Mr. James C. Shull, 3348 144th Avenue, Hart, Michigan 49420, county of Oceana, as a member representing growers at large, succeeding Mr. Mark C. Trommater of Hart, whose term has expired, for a term expiring on November 13, 1999.

Mr. Kurt B. Dowd, 59725 60th Avenue, Hartford, Michigan 49057, county of Van Buren, as a member representing growers from southern Michigan, succeeding himself, for a term expiring on November 13, 1999.

Mr. Kenneth Francis Oomen, 2157 E. Jackson Rd., Hart, Michigan 49420, county of Oceana, as a member representing growers at large, succeeding Mrs. Bernice H. Shafer of Hart, whose term has expired, for a term expiring on November 13, 1999.

Mr. Edwin A. Kerlikowske, Jr., 7754 U.S. 31, Berrien Springs, Michigan 49103, county of Berrien, as a member representing growers from southern Michigan, succeeding Mr. Joseph M. Sherer of Dowagiac, whose term has expired, for a term expiring on November 13, 1999.

Mr. Steven J. Vinke, 1005 S. Bluff Rd., Shelby, Michigan 49455-9331, county of Oceana, as a member representing growers at large, succeeding Mr. Calvin C. Lutz II of Kaleva, whose term has expired, for a term expiring on November 13, 1999.

May 21, 1997

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

**Site Review Board**

Mr. James Zelmanski, 28211 Cole, Roseville, Michigan 48066, county of Macomb, as a member representing municipalities, succeeding Dr. Eric A. Grulke of Williamston, whose term has expired, for a term expiring on December 13, 2000.

May 21, 1997

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

**State Child Abuse and Neglect Prevention Board**

Mr. Larry E. Julian, 257 N. M-13, Lennon, Michigan 48449, county of Genesee, as a member representing persons familiar with abuse, succeeding Mr. Russell A. Hendrick of Grand Haven, whose term has expired, for a term expiring on December 19, 1999.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Bullard, Shugars, Dunaskiss, Carl, DeGrow and Stallings introduced

**Senate Bill No. 526, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

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

Senators Rogers, Bennett, Stille, Steil, Hoffman, Gougeon, Cisky, Bullard and Shugars introduced

**Senate Bill No. 527, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Bennett, Rogers, Stille, Steil, Hoffman, Gougeon, Cisky, Bullard and Shugars introduced

**Senate Bill No. 528, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217 (MCL 257.217), as amended by 1996 PA 59.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Stille, Rogers, Bennett, Steil, Hoffman, Gougeon, Cisky, Bullard and Shugars introduced

**Senate Bill No. 529, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Rogers, Bennett, Stille, Steil, Hoffman, Gougeon, Cisky, Bullard and Shugars introduced

**Senate Bill No. 530, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 46a.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Koivisto introduced

**Senate Bill No. 531, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Bouchard, Gougeon, Shugars, Stille, Bennett, Schuette, Bullard and Steil introduced

**Senate Bill No. 532, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1995 PA 81, and by adding sections 5b, 5c, and 5d.

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

Senator Bouchard introduced

**Senate Bill No. 533, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," (MCL 722.111 to 722.128) by adding section 2b.

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

Senator Bouchard introduced

**Senate Bill No. 534, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80104, 80129, 80130, 80301, 80310, 80315, 81101, 81113, 81114, 81120, 82101, 82113, and 82156 (MCL 324.80104, 324.80129, 324.80130, 324.80301, 324.80310, 324.80315, 324.81101, 324.81113, 324.81114, 324.81120, 324.82101, 324.82113, and 324.82156), as added by 1995 PA 58, and by adding sections 80130a, 80130b, 80130c, 80130d, 80315a, 80315b, 80315c, 80319a, 81114a, 81114b, 81114c, 82156a, 82156b, 82156c, and 82160.

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

**House Bill No. 4162, entitled**

A bill to designate an official mammal of this state.

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

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

**House Bill No. 4456, 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," (MCL 791.201 to 791.283) by adding section 68a.

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

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

**House Bill No. 4635, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations," by amending sections 2 and 3 (MCL 28.292 and 28.293), section 2 as amended by 1996 PA 204.

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

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

**House Bill No. 4728, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 263 and 264 (MCL 750.263 and 750.264); and to repeal acts and parts of acts.

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

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

**House Bill No. 4729, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

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

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

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 97, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200, 201, 204, 204a, 205, 205a, 206, 207, 210, and 211 (MCL 750.200, 750.201, 750.204, 750.204a, 750.205, 750.205a, 750.206, 750.207, 750.210, and 750.211).

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

William Van Regenmorter  
Chairperson

To Report Out:

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

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, May 20, 1997, at 1:10 p.m., Room 100, Farnum Building

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

Excused: Senator Geake

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4465, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 54.

With the recommendation that the bill pass.

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

Loren N. Bennett  
Chairperson

To Report Out:

Yeas: Senators Bennett, Gast and DeBeaussaert

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4466, entitled**

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending the title and sections 1, 3, 7, 8, 13, 25, and 27 (MCL 141.1051, 141.1053, 141.1057, 141.1058, 141.1063, 141.1075, and 141.1077), the title and sections 3, 8, 13, and 27 as amended by 1996 PA 241, section 7 as amended by 1996 PA 391, and section 25 as amended by 1988 PA 316, and by adding section 16b.

With the recommendation that the bill pass.

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

Loren N. Bennett  
Chairperson



## To Report Out:

Yeas: Senators Bennett, Gast and DeBeaussaert

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 21, 1997, at 8:45 a.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bennett (C), Dunaskiss, Gast and DeBeaussaert

Excused: Senator Dingell

The Committee on Government Operations reported

**Senate Concurrent Resolution No. 31.**

A concurrent resolution to memorialize the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include Finland.

(For text of resolution, see Senate Journal No. 43, p. 690.)

With the recommendation that the concurrent resolution be adopted.

Bill Bullard, Jr.

Chairperson

## To Report Out:

Yeas: Senators Bullard, Emmons, Hoffman and Miller

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

**House Concurrent Resolution No. 34.**

A concurrent resolution to create a special committee to study and make recommendations regarding Michigan's campaign finance laws.

(For text of resolution, see Senate Journal No. 35, p. 515.)

With the recommendation that the concurrent resolution be adopted.

Bill Bullard, Jr.

Chairperson

## To Report Out:

Yeas: Senators Bullard, Emmons, Hoffman and Miller

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

**House Bill No. 4450, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2815 (MCL 333.2815), as amended by 1985 PA 20.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.

Chairperson

## To Report Out:

Yeas: Senators Bullard, Emmons, Hoffman and Miller

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submits the following:

Meeting held on Wednesday, May 21, 1997, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Bullard (C), Emmons, Hoffman and Miller

Excused: Senator Hart

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**Senate Bill No. 408, entitled**

A bill to repeal 1941 PA 309, entitled "An act to give the state board of examiners of barbers jurisdiction to investigate trade practices among barbers, haircutters, barber and haircutting schools and colleges; to enforce such regulations pertaining to reasonable service charges and reasonable hours of operation of barber shops, haircutting shops, barber and haircutting schools and colleges as will tend to eliminate unfair and insanitary practices; fixing territorial units for such regulations; regulating barber schools, haircutting schools and colleges and practices therein; and repealing all acts and parts of acts in conflict herewith," (MCL 338.651 to 338.662).

With the recommendation that the bill pass.

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

Bill Schuette  
Chairman

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon, Stallings and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**Senate Bill No. 438, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

With the recommendation that the bill pass.

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

Bill Schuette  
Chairman

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon and Stallings

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**Senate Bill No. 512, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 3a (MCL 436.3a), as added by 1996 PA 440.

With the recommendation that the bill pass.

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

Bill Schuette  
Chairman

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon and Stallings

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 4102, entitled**

A bill to regulate the manufacturing and assembling of public playground equipment; and to provide penalties.

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.

Bill Schuette  
Chairman

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon, Stallings and O'Brien

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 4520, entitled**

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 17h (MCL 436.17h), as amended by 1996 PA 379.

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 Schuette  
Chairman

To Report Out:

Yeas: Senators Schuette, Gougeon, Stallings and O'Brien

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Wednesday, May 21, 1997, at 1:15 p.m., Room 210, Farnum Building

Present: Senators Schuette (C), Shugars, Gougeon, Stallings and O'Brien

#### Scheduled Meeting

Technology and Energy and House Public Utilities Committees - Tuesday, May 27, at 9:00 a.m., 8th Floor Conference Room, Farnum Building (3-2417).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:13 p.m.

In pursuance of the order previously made, the President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, May 27, at 1:00 p.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

