

No. 86

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, November 12, 1997.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

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
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emmons—present

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

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

Senator Christopher D. Dingell of the 7th District offered the following invocation:

Lord, we thank You for today, fresh with the sparkling tracking snow, bright with the splendor of the morning sun and alive with all the livingness of Your perennial Spirit.

May we receive this day thoughtfully, graciously and tenderly. Thank You for the joy of good health, for the enthusiasm of youth, for the wisdom of mature years and for the insatiable thirst for the good, the true and the beautiful; for the promise of a new Heaven and a new Earth. May Your good work continue and be brought to fruition through the victory You offer. Amen.

Motions and Communications

Senators Emmons, Cisky, Geake and Stille entered the Senate Chamber.

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

Senator Van Regenmorter moved that Senators Bouchard, Bullard, Posthumus and DeGrow be temporarily excused from today's session. The motion prevailed.

Senator Van Regenmorter moved that Senator Dunaskiss be excused from today's session. The motion prevailed.

Senators Miller and Byrum entered the Senate Chamber.

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

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

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

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

Senate Bill No. 677, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 5 (MCL 29.5).
Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4273, entitled

A bill to amend 1945 PA 200, entitled "An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof," by amending sections 1, 2, 3, and 6 (MCL 565.101, 565.102, 565.103, and 565.106) and by adding sections 1a and 2a.
Substitute (S-1).

The Senate agreed to the substitute 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 proceeded to the order of
Introduction and Referral of Bills

Senators Bullard, Hoffman and Cisky introduced

Senate Bill No. 791, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 57, 57a, and 58 (MCL 211.57, 211.57a, and 211.58), section 57 as amended by 1993 PA 291.

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

Senators Byrum, Cherry, O'Brien, McManus, DeBeaussaert, Hart, Stille, Young, Conroy, A. Smith, Dingell, Peters, Koivisto, Berryman, Vaughn and North introduced

Senate Bill No. 792, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208b (MCL 257.208b), as added by 1997 PA 100.

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

Senators Steil, Rogers and Shugars introduced

Senate Bill No. 805, entitled

A bill to amend 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," by amending section 8 (MCL 408.558).

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

Senator Gougeon introduced

Senate Bill No. 806, entitled

A bill to amend 1965 PA 233, entitled "Fluid milk act of 1965," (MCL 288.21 to 288.29a) by amending the title, as amended by 1993 PA 5, and by adding section 1b; 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 Agriculture and Forestry.

House Bill No. 5303, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 19, 27, 29, and 50 (MCL 421.19, 421.27, 421.29, and 421.50), section 19 as amended by 1996 PA 535, section 27 as amended by 1995 PA 181, and sections 29 and 50 as amended by 1995 PA 25.

The House of Representatives has passed the bill.

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

Recess

Senator Van Regenmorter moved that the Senate recess until 10:30 a.m.

The motion prevailed, the time being 10:15 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senators DeGrow and Cherry entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4509

House Bill No. 4939

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 459, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30510 and 30512 (MCL 324.30510 and 324.30512), as added by 1995 PA 59.

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. 576**Yeas—31**

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

Nays—0**Excused—6**

Bouchard	Dunaskiss	Smith, V.	Stallings
Bullard	Posthumus		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 460, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 20 (MCL 125.220).

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. 577**Yeas—31**

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

Nays—0**Excused—6**

Bouchard	Dunaskiss	Smith, V.	Stallings
Bullard	Posthumus		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 461, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 20 (MCL 125.290).

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. 578**Yeas—31**

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

Nays—0**Excused—6**

Bouchard	Dunaskiss	Smith, V.	Stallings
Bullard	Posthumus		

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Bullard entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 462, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 5 (MCL 125.585), as amended by 1986 PA 191.

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. 579**Yeas—32**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars

Bullard	Emmons	Miller	Smith, A.
Byrum	Gast	North	Steil
Cherry	Geake	O'Brien	Stille
Cisky	Gougeon	Peters	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

Nays—0

Excused—5

Bouchard	Posthumus	Smith, V.	Stallings
Dunaskiss			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 463, entitled

A bill to amend 1950 (Ex Sess) PA 23, entitled "Airport zoning act," by amending section 24 (MCL 259.454).

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. 580

Yeas—32

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

Nays—0

Excused—5

Bouchard	Posthumus	Smith, V.	Stallings
Dunaskiss			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 761, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” (MCL 125.2681 to 125.2696) by adding section 8a.

The question being on the passage of the bill,

Senators Steil and Peters offered the following amendment:

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

“(D) THE BUSINESS REQUESTS APPROVAL FOR THE RELOCATION FROM THE LOCAL UNIT OF GOVERNMENT THAT CREATED THE RENAISSANCE ZONE AND THAT APPROVAL IS GRANTED.

(E) THE BUSINESS SUBMITS A DEVELOPMENT PLAN OUTLINING ITS BUSINESS PLAN FOR THE USE OF THE PROPERTY WITHIN THE RENAISSANCE ZONE AND FOR THE BUSINESS ACTIVITY AND USE OF THE PROPERTY OUTSIDE THE RENAISSANCE ZONE THAT IS TO BE RELOCATED UNDER THIS SECTION AND ENTERS INTO AN ENFORCEABLE DEVELOPMENT AGREEMENT WITH THE LOCAL UNIT OF GOVERNMENT REGARDING THE IMPLEMENTATION OF THAT BUSINESS PLAN.”.

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. 581

Yeas—32

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

Nays—0

Excused—5

Bouchard	Posthumus	Smith, V.	Stallings
Dunaskiss			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4149, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7405, 16106, 17708, 17751, and 17763 (MCL 333.7405, 333.16106, 333.17708, 333.17751, and 333.17763), section 7405 as amended by 1988 PA 30, section 17708 as amended by 1994 PA 384, and section 17763 as amended by 1993 PA 79.

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. 582**Yeas—32**

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

Nays—0**Excused—5**

Bouchard	Posthumus	Smith, V.	Stallings
Dunaskiss			

Not Voting—0

In The Chair: Schwarz

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

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title of the bill.

The following bill was read a third time:

Senate Bill No. 698, entitled

A bill to amend 1980 PA 450, entitled “The tax increment finance authority act,” by amending sections 1 and 12a (MCL 125.1801 and 125.1812a), section 1 as amended by 1996 PA 271 and section 12a as amended by 1996 PA 453.

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. 583**Yeas—32**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars

Bullard	Emmons	Miller	Smith, A.
Byrum	Gast	North	Steil
Cherry	Geake	O'Brien	Stille
Cisky	Gougeon	Peters	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

Nays—0

Excused—5

Bouchard	Posthumus	Smith, V.	Stallings
Dunaskiss			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 699, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1 and 13b (MCL 125.1651 and 125.1663b), as amended by 1996 PA 454.

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. 584

Yeas—32

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

Nays—0

Excused—5

Bouchard	Posthumus	Smith, V.	Stallings
Dunaskiss			

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 163

Senate Bill No. 34

Senate Bill No. 35

Senate Bill No. 36

Senate Bill No. 37

Senate Bill No. 38

The motion prevailed.

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 636, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 18 (MCL 436.18), as amended by 1994 PA 185.

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. 585**Yeas—32**

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

Nays—1

Van Regenmorter

Excused—4

Bouchard	Dunaskiss	Smith, V.	Stallings
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 682, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 18 (MCL 436.18), as amended by 1994 PA 185.

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. 586

Yeas—31

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

Nays—2

Shugars	Van Regenmorter
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Excused—4

Bouchard	Dunaskiss	Smith, V.	Stallings
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Bouchard entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4850, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 4 (MCL 436.4).

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. 587

Yeas—33

Bennett	DeGrow	Koivisto	Schuette
Berryman	Dingell	McManus	Schwarz
Bouchard	Emmons	Miller	Shugars
Bullard	Gast	North	Smith A.

Byrum
Cherry
Cisky
Conroy
DeBeaussaert

Geake
Gougeon
Hart
Hoffman

O'Brien
Peters
Posthumus
Rogers

Steil
Stille
Vaughn
Young

Nays—1

Van Regenmorter

Excused—3

Dunaskiss

V. Smith

Stallings

Not Voting—0

In The Chair: Schwarz

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

Pursuant to Joint Rule 20, the full title of the bill shall read as follows:

“An act to create a liquor control commission for the control of the alcoholic beverage traffic within the state of Michigan, and to prescribe its powers, duties and limitations; to provide for the control of the alcoholic liquor traffic within the state of Michigan and the establishment of state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges thereto; to provide for the licensing and taxation thereof, and the disposition of the moneys received under this act; to prescribe liability for retail licensees under certain circumstances; to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for the confiscation and disposition of property seized under the provisions of this act; to provide a referendum in certain cases; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title of the bill.

Senator Bouchard moved that rule 3.505 be suspended to allow him to vote “yea” on the passage of the following bill:

House Bill No. 4850

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

Senator Hart moved that rule 3.505 be suspended to allow him to vote “yea” on the passage of the following bill:

Senate Bill No. 636

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

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

Senate Bill No. 749

House Bill No. 4951

The motion prevailed.

The following bill was read a third time:

House Bill No. 4386, entitled

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending sections 3 and 8 (MCL 15.323 and 15.328), section 3 as amended by 1984 PA 184.

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. 588**Yeas—34**

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

Nays—0**Excused—3**

Dunaskiss	Smith, V.	Stallings
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Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate returned to the order of
Motions and Communications

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 11:01 a.m.

11:36 a.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senators V. Smith and Stallings entered the Senate Chamber.

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

Senate Bill No. 792

The bill was referred to the Committee on Transportation and Tourism.

The following communication was received:
Office of the Auditor General

November 7, 1997

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit, Including the Provisions of the Single Audit Act, of the Department of Attorney General, October 1, 1995, through September 30, 1996.

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

The communication was referred to the Secretary for record.

The Secretary announced that the Majority Leader has made the appointment of the following conference committee:
House Bill No. 5083 - Senators DeGrow, Schwarz and Conroy.

The conference committee appointment was approved, a majority of the Senators serving having voted therefor.

The Secretary announced that the Majority Leader has made the appointment of the following conference committee:
Senate Bill No. 178 - Senators DeGrow, Schwarz and Conroy.

The conference committee appointment was approved, a majority of the Senators serving having voted therefor.

The bill was referred to the Conference Committee on November 7, 1997.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, November 6:

House Bill No. 5303

The Secretary announced the printing and placement in the members' files on Thursday, November 6 of:

Senate Bill Nos. 790 793 794 795 796 797 798 799 800 801 802 803 804

The Secretary announced the printing and placement in the members' files on Friday, November 7 of:

House Bill Nos. 5345 5346 5347 5348 5349 5350 5351

The Secretary announced the printing and placement in the members' files on Monday, November 10 of:

Senate Bill Nos. 782 783 784 785 787 788

Senator DeGrow moved that the Committee on Finance be discharged from further consideration of the following bill:

House Bill No. 5309, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 36 (MCL 211.36), as amended by 1994 PA 343.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator DeGrow moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5309

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 5309, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 36 (MCL 211.36), as amended by 1994 PA 343.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 669, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 7 (MCL 28.725 and 28.727), section 7 as amended by 1996 PA 494.

Substitute (S-4).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 8, line 22, after "6." by inserting "THE COURT SHALL NOT IMPOSE SENTENCE, ENTER THE ORDER OF DISPOSITION, OR ASSIGN THE INDIVIDUAL TO YOUTHFUL TRAINEE STATUS UNTIL IT DETERMINES THAT THE INDIVIDUAL'S REGISTRATION WAS FORWARDED TO THE DEPARTMENT AS REQUIRED UNDER SECTION 6."

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

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

Senator DeGrow moved to reconsider the vote by which the House substitute to the following bill was not concurred in:

Senate Bill No. 719

The motion prevailed.

The bill was placed on the order of Messages from the House.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 719, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending the title and sections 4, 5, 22, 34, 36, and 41 (MCL 38.1304, 38.1305, 38.1322, 38.1334, 38.1336, and 38.1341), the title and sections 4, 22, and 34 as amended by 1996 PA 488, section 5 as amended by 1994 PA 272, section 36 as added by 1989 PA 194, and section 41 as amended by 1996 PA 278, and by adding section 113.

The question being on concurring in the substitute made to the bill by the House,

Senator Steil offered the following substitute to the House substitute:

Substitute (S-1)*.

The question being on the adoption of the substitute,

Senator Conroy offered the following amendment to the substitute:

1. Amend page 15, line 21, after "4%" by striking out "PLUS A PERCENTAGE" and inserting a period and "IN ADDITION TO THE 4%, THE RETIREMENT BOARD SHALL USE AN ADDITIONAL PERCENTAGE".

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as substituted,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 589

Yeas—35

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

Nays—0

Excused—1

Not Voting—1

Miller

In The Chair: Hoffman

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

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

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 8, 22, 25, 26, 34, 36, 41, and 91 (MCL 38.1304, 38.1308, 38.1322, 38.1325, 38.1326, 38.1334, 38.1336, 38.1341, and 38.1391), sections 4, 8, 22, 25, 26, 34, and 91 as amended by 1996 PA 488, section 36 as added by 1989 PA 194, and section 41 as amended by 1996 PA 278; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Bouchard, V. Smith, Stallings and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bouchard's statement is as follows:

I just wanted to mention that this was my worst trip ever from my home to Lansing. It took four hours and 10 minutes. That is why I missed a number of votes this morning. I wanted my frustration and also the reason to be recorded.

Senator V. Smith's statement is as follows:

I ran into the same problem this morning on the way to Lansing coming out of Detroit— three and a half hours, off of I-696 onto the back roads and the hinterlands. I finally got here, but I do want the record to reflect that I was late, missed a number of votes, and it was due to a very large traffic tie-up on I-696 and I-96.

Senator Stallings' statement is as follows:

I encountered the same manage of traffic leaving Detroit this morning. Even with the traffic being as heavy as it was, I would like to also, as a matter of record, thank the Oakland County Road Commission for allowing me to follow a salt truck for about 10 miles on the side, and the assistance of the State Police in terms of trying to get me here on time. After all of that assistance, it still took me over three and a half hours to get to Lansing, and as a result, I was not able to vote on a number of pieces of legislation that came before this body.

Senator Young's statement is as follows:

Governor Engler's state contracts wastes Michigan's precious resources. The other day, the Michigan Coalition of State Employees Unions, recently came out with a dirty dozen list of state contracts that are hurting state taxpayers. This list shows that the state is facing a problem. The problem is that state contracts are costing taxpayers instead of saving all of us money. This administration has pushed privatization saying that it will provide a big cost savings to Michigan taxpayers, but that has not been the case. Many of these contracts are costing taxpayers more money for less service. This administration favors privatization for privatization sake, no matter what the cost and no matter how small or nonexistent the benefits of the people of Michigan are. For example, a three-year contract with ABC Paving was approved this year, even though it will cost the state significantly more to have ABC maintain the roads than it would to have state employees do the work.

Another mess is the state campground reservation system. A major Republican contributor was awarded the contract to handle these reservations. There have been constant computer breakdowns that have prevented campers from enjoying our wonderful state parks. Many camp sights were vacant over the Labor Day holiday because of the ongoing failures of the system. The list goes on and on and on, and I could spend hours listing the problems and giving the details, but I won't do that today. The bottom line is that many of these contracts are not working. The administration's belief that the private sector can provide cheaper and more efficiently than public employees has been proven wrong again, again and again. I believe it is time for this Legislature to examine these contracts more closely and make the operation of the state government work for taxpayers, not just for the sake of some political benefactor.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 497, entitled

A bill to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan corrections officers killed in the line of duty; and to provide for an appropriation.

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.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 769, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 47315, 47330, 47331, and 47362 (MCL 324.47315, 324.47330, 324.47331, and 324.47362), as added by 1995 PA 57, and by adding section 47330a; and to repeal acts and parts of acts.

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.

Harry Gast
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4811, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 56i.

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.

Harry Gast
Chairperson

To Report Out:

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

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 Appropriations submits the following:

Meeting held on Wednesday, November 5, 1997, at 2:00 p.m., Senate Appropriations Room, Capitol Building

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

The Committee on Judiciary reported

Senate Bill No. 507, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6013 (MCL 600.6013), as amended by 1993 PA 78.

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, Rogers, Cisky, Geake, Dingell and Peters

Nays: Senator V. Smith

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 553, entitled

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

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

William Van Regenmorter
Chairperson

To Report Out:

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

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. 614, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by adding sections 128, 129, 130, and 131.

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, Rogers, Cisky, Geake, Dingell, Peters and V. Smith

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. 758, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1606b, 1606c, 1606d, and 1606e.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, 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, November 6, 1997, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submits the following:

Meeting held on Tuesday, November 4, 1997, at 2:30 p.m., Room 324, Capitol Building

Present: Senators Gast (C), Geake, Conroy, Posthumus and Cherry

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submits the following:
Meeting held on Wednesday, November 5, 1997, at 1:09 p.m., Room 210, Farnum Building
Present: Senators Schuette (C), Shugars, Gougeon, Stallings and O'Brien

Scheduled Meetings

Human Resources, Labor and Veterans Affairs Committee - Thursday, November 13, at 1:00 p.m., Room 210, Farnum Building (3-2420).

Judiciary Committee - Thursday, November 13, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 12:13 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Thursday, November 13, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

