

No. 91
STATE OF MICHIGAN
Journal of the Senate

89th Legislature
REGULAR SESSION OF 1997

Senate Chamber, Lansing, Tuesday, December 9, 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
Cherry—present
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

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

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

Senator Michael J. Bouchard of the 13th District offered the following invocation:

As we approach the holiday season, let us remember the important things as we deal with all the other peripheral issues that are attendant. Let us also keep in mind suggestions of those who have walked before us, like Ghandi, who suggested the seven deadly sins are wealth without work, pleasure without conscience, knowledge without character, business without morality, science without humanity, worship without sacrifice and politics without principle. Let us remain dedicated to the principles of helping others not only in this holiday season, but throughout the coming year with God's help and blessing. Amen.

Motions and Communications

Senators Bullard, Young, Gast, North, Schuette, Gougeon, Cisky, Emmons, Bennett, Stille, Steil, Dunaskiss, McManus, Geake and Rogers entered the Senate Chamber.

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

Senate Bill No. 825

Senate Bill No. 826

Senate Bill No. 827

Senate Bill No. 828

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

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

The motion prevailed.

The following communication was received:

Department of State

Administrative Rules Notice of Filing

November 17, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:37 p.m. this date, administrative rule (97-11-2) for the Department of Community Health, Health Legislation and Policy Development, entitled "*Childhood Immunization Registry*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Helen Kruger, Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:

Department of State

November 26, 1997

The enclosed is provided to certify that David Jaye was elected to fill the vacancy in the office of State Senator, District 12, at the special election conducted on November 25, 1997. The term of the office expires January 1, 1999.

The election was certified by the Board of County Canvassers today.

Sincerely,
Christopher M. Thomas
Director of Elections

United States of America
State of Michigan
Department of State

To All To Whom These Presents Shall Come:

I, Candice S. Miller, Secretary of State of the State of Michigan and Custodian of the Great Seal thereof, Do Hereby Certify that David Jaye of 8308 Waschull, Washington Township, Michigan 48094 has been elected a State Senator

from the 12th District for a term ending January 1, 1999 as shown by the returns certified by the Macomb County Board of Canvassers.

[SEAL]

In witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State in the Capital City of Lansing, this 26th day of November A.D. 1997.

Candice S. Miller
Secretary of State

The communication was referred to the Secretary for record.

The following communication was received:
Michigan Sentencing Commission

December 1, 1997

Pursuant to PA 445 of 1994, attached herewith is the report of the Michigan Sentencing Guidelines Commission, which was adopted by the Commission on November 25, 1997.

I believe that the proposals submitted herein, meet the requirements set forth in PA 445. I further believe that the Commission's recommendations represent a comprehensive approach to sentencing consistent with our enabling statute.

Therefore, on behalf of the members of the Commission, it is with great pleasure that I commend this report to the Legislature for consideration and deliberation.

Sincerely,
Paul L. Maloney
Chairman, Michigan Sentencing Commission
Circuit Court, Judge, County of Berrien

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

December 2, 1997

Enclosed is a copy of the following audit report and/or execute digest:

Performance Audit of the Coldwater Correctional Facilities, Florence Crane Women's Facility and Lakeland Correctional Facility, Department of Corrections, December 1997.

December 2, 1997

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Office of Purchasing, Department of Management and Budget, December 1997.

December 4, 1997

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of Saginaw Valley State University, December 1997.

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

The communications were referred to the Secretary for record.

The following communication was received:
Joint Committee on Administrative Rules

Certificate of Approval

Date: December 4, 1997
Subject: Trans. No. 97-60

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Environmental Quality Department, Land and Water Management Division, pertaining to Wetland Mitigation Banking, dated October 10, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

The communication was referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Thursday, December 4, 1997, at 9:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators North (C), Dingell and Byrum

Absent: Senators Schwarz and Van Regenmorter

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 4:

House Bill Nos. 4215 5114 5250 5251

The Secretary announced the printing and placement in the members' files on Friday, December 5 of:

House Bill Nos. 5406 5414

The Secretary announced the printing and placement in the members' files on Monday, December 8 of:

Senate Bill Nos. 816 817 818 819 820 821 822 823 824 829 830 831 832 833
834

House Bill Nos. 5387 5388 5389 5390 5392 5393 5394 5395 5396 5397 5398 5399 5400 5401
5402 5403 5404 5405 5407 5408 5409 5410 5411 5412 5413 5415 5416 5417

House Joint Resolution CC

Senators Posthumus and Van Regenmorter entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 181

The motion prevailed.

Senate Bill No. 788, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 316 (MCL 484.2316), as amended by 1995 PA 216; and to repeal acts and parts of acts.

Substitute (H-1).

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

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

Roll Call No. 647**Yeas—36**

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

Nays—0**Excused—1**

Byrum

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senators Peters and Shugars moved that they be named co-sponsors of the following bill:

Senate Bill No. 788

The motion prevailed.

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

The motion prevailed.

Senator Berryman's statement is as follows:

I appreciate the chance to make an announcement. Each of us in our offices are blessed with interns that are willing to come in and donate their time and energy to have the experience of working in a Senate office or a House office. I think all of them need to be congratulated, but once in a while you have a real special individual that works extremely hard, is extremely polite and I'm very fortunate that she's from my district, from Tecumseh. Corey Jenkins is a senior at Central Michigan University, a public relations major. Madam President, Corey, twice a week, as an intern—and I love all our interns from Michigan State that come across town, but Corey actually drives from Central Michigan University twice a week to come down and donate her time to work in the office. I'm extremely proud of what she's done and how well she's treated my constituents, so on behalf of our district, Corey, we would like to thank you, and if you would rise, I would like to have my colleagues thank you.

Senator Byrum entered the Senate Chamber.

Senate Bill No. 491, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 6232. (This bill was returned from the House without amendment on December 4, and the recommendation for immediate effect postponed. See Senate Journal No. 90, p. 1929.)

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title of the bill.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The motion prevailed.

Senator Berryman's statement is as follows:

As you know, Madam Governor, I have been very involved in these children's issues on abuse and neglect since I have come to the Michigan Senate. I do not think that there is anybody in this Capitol whose heart is anymore in the right spot than yours. If it had not been for you, Madam President, these bills would not be before us. It was an issue that was being neglected and being neglected and being neglected. I sincerely mean that. If it was not for you and your tenacity to make sure that we keep politics out of this as much as possible. I attended some of your commission's hearings and heard much of the same testimony that our Senate Democratic task force on protecting Michigan's children heard. Testimony that often times, in the day I visited yours, certainly brought a tear to everyone's eye in that hearing room. It is absolutely amazing what somebody, let alone a mother or a father, could do to a child. I think these bills will go a long way towards doing a better job of protecting our children in the state.

So congratulations to you and to Representative LaForge in the House and the Speaker of the House for making sure that these bills moved yet this year. Even though it is not headlines in the paper everyday, we still know that that abuse and neglect is going on. Very much from the bottom of my heart, where this issue is very very important to me, my congratulations goes to you and to your staff Madam Governor because again, we would not be here right now if you had not encouraged the Governor and others to do what is right for the kids of this state. Congratulations.

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.

Substitute (H-4).

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

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

Roll Call No. 648**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 492, 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 the title (MCL 722.111 to 722.128), as amended by 1994 PA 209, and by adding section 8b.

Substitute (H-4).

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

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

Roll Call No. 649**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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.

Substitute (H-4).

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

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

Roll Call No. 650**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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.

Substitute (H-4).

The question being on concurring in the substitute made to the bill by the House,
 The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 651

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 516, 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, 17, 17c, 19, and 19b of chapter XIIA (MCL 712A.13a, 712A.17, 712A.17c, 712A.18f, 712A.19, and 712A.19b), sections 13a and 17 as amended by 1996 PA 409, sections 17c and 19b as amended by 1994 PA 264, and section 19 as amended by 1996 PA 16, and by adding section 13c to chapter XIIA.

Substitute (H-4).

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

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

Roll Call No. 652**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the title as amended.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 517, entitled

A bill to amend 1984 PA 422, entitled "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties," by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74.

Substitute (H-3).

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

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

Roll Call No. 653**Yeas—37**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 543, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 4 (MCL 400.204).

Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House, The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 654

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 515, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 8 (MCL 722.627 and 722.628), section 7 as amended by 1995 PA 225 and section 8 as amended by 1988 PA 372, and by adding sections 8b and 8c.

Substitute (H-7).

The question being on concurring in the substitute made to the bill by the House, The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 655**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senators North and Gougeon asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator North's statement is as follows:

I wish to make a comment that my son asked that I forward to you from the upper peninsula. Judge North just said that it was a pleasure to serve with you. He congratulates you on getting these recommendations placed into statute and wants to congratulate you on a job well done. So I would add my congratulations to those of Senator Gougeon's.

The President of the Senate made a statement and requested that it be printed in the Journal.

The President's statement is as follows:

I can tell you that this is probably the proudest day of presiding for this presiding officer. It took a lot of work and it took a lot of people to help to put this comprehensive package of bills through the Legislature. I hate to start naming those who cooperated so well with us, but I will mention a few, starting with the Executive Order that established the Children's Commission. The Governor gave us the privilege of serving on that commission and the recommendations that came from that commission; the counsel that he allowed us to have, Nannette Bowler, who has been outstanding in guiding us through. The bipartisan cooperation has just been tremendous and all of the staff work that has been done by the staffs of the commission and by you individual Senators is really very heartwarming to get that kind; the courts of this state; the private agencies; the Director of our department of Family Independence Agency and her staff; House committee chair, Representative LaForge; House committee vice chair, Representative Horton; Speaker Hertel; Republican Leader, Representative Sikkema; Senate committee chair, Senator Gougeon; Senator Posthumus; and Senator Cherry are some of the major players.

It will be a while before it will really sink in as to the complex and comprehensive changes that we have made to bring better protection to the children of this state, and what a time for it to happen. It will certainly be a much happier Christmas for those abused and neglected children who we will now be giving much better protection and, hopefully, much better prevention from the serious abuse and neglect that has been happening because there had not been changes in our laws and in our policies compared to the changes in society and they way they treat children today.

So it is very heartwarming to me to thank everyone of you for the good work that you have done on the way to delivering these bills, and to let you know that from committee in the House to committee in the Senate, to the House floor and to the Senate floor, we had unanimous consent on every single bill. Thank you very much!

Senator Gougeon's statement is as follows:

There is one more bill in this phase of the Children's Commission package that has yet to come over to the Senate. In addition to that, I'd want the body to know that there's a phase 2 package that will start both in the House and the Senate, and we will be dealing with that in January. So we'll continue to hear more about this package as we go.

I'd like to announce that I'd like to thank you, Madam Governor, and the body for this very important package to protect children in the state of Michigan—a job well done and well appreciated by this Senator. Thank you.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 34, entitled

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," (MCL 38.1501 to 38.1555) by adding section 10b.

The question being on the passage of the bill,

Senator DeGrow offered the following amendment:

1. Amend page 1, line 2, after "OF" by striking out "EARLY".

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. 656

Yeas—37

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

Nays—0

Excused—0

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. 35, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19g.

The question being on the passage of the bill,

Senator DeGrow offered the following amendment:

1. Amend page 1, line 2, after "OF" by striking out "EARLY".

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. 657**Yeas—37**

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

Nays—0**Excused—0****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. 36, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1996 PA 390.

The question being on the passage of the bill,
Senator DeGrow offered the following amendment:

1. Amend page 29, line 19, after "OF" by striking out "EARLY".

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. 658**Yeas—37**

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

Nays—0

Excused—0

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. 37, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” (MCL 38.1001 to 38.1080) by adding section 23f.

The question being on the passage of the bill,

Senator DeGrow offered the following amendment:

1. Amend page 1, line 2, after “OF” by striking out “EARLY”.

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. 659

Yeas—37

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

Nays—0

Excused—0

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. 38, entitled

A bill to regulate benefits provided to certain public employee retirement system participants in this state; and to prescribe powers and duties of certain retirement systems, state departments, public officials, and public employees.

The question being on the passage of the bill,

Senator DeGrow offered the following amendment:

1. Amend page 1, line 2, after “of” by striking out “early”.

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

Senators DeGrow and Byrum offered the following amendment:

1. Amend page 3, following line 2, by inserting:

“Sec. 6. Notwithstanding any other provision of law, rule, ordinance, or resolution to the contrary, an elected public official who takes that elective office after the effective date of this act, who is a participation of a retirement system, and whose public office is not a full-time position is not eligible to receive credit for full-time service in that retirement system. Whether a position is a full-time position shall be determined by the state constitution or other applicable authorizing statute, charter, resolution, or ordinance. A retirement system shall grant proportionate service credit to an elected public official described in this section for less than full-time service on the basis of the number of hours that are considered full-time service. Notwithstanding section 4, as used in this section, “retirement system” does not include any of the following:

- (a) The state employees’ retirement system created by the state employees’ retirement act, 1943 PA 240, MCL 38.1 to 38.69.
- (b) The Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670.
- (c) The public school employees’ retirement system created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.
- (d) The Michigan state police retirement system created by the state police retirement act of 1986, 1986 PA 182, MCL 38.1601 to 38.1648.”.

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

Senator DeGrow offered the following amendment:

1. Amend page 3, following line 2, by inserting:

“Sec. 7. Notwithstanding any other provision of law, rule, ordinance, or resolution to the contrary, an elected public official who takes that elective office after the effective date of this act and who is a participant of a retirement system is eligible to combine credit for service as an elected public official with other service credit in another retirement system, but only in the manner prescribed in the reciprocal retirement act, 1961 PA 88, MCL 38.1101 to 38.1106. Notwithstanding section 4, as used in this section, “retirement system” does not include any of the following:

- (a) The state employees’ retirement system created by the state employees’ retirement act, 1943 PA 240, MCL 38.1 to 38.69.
- (b) The Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670.
- (c) The public school employees’ retirement system created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.
- (d) The Michigan state police retirement system created by the state police retirement act of 1986, 1986 PA 182, MCL 38.1601 to 38.1648.”.

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. 660

Yeas—36

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

Nays—0

Excused—0

Not Voting—1

Berryman

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator DeGrow moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 4643

The motion prevailed.

Senator Berryman stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

Senate Bill No. 38**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, Lieutenant Governor Binsfeld, designated Senator A. Smith Chairperson.

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

House Bill No. 4146, entitled

A bill to amend 1982 PA 455, entitled “The library privacy act,” by amending section 2 (MCL 397.602).

House Bill No. 5084, entitled

A bill to amend 1990 PA 345, entitled “State survey and remonumentation act,” by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268, and 54.272).

Senate Bill No. 486, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

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).

Senate Bill No. 312, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1304, 1304a, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1330, 1331, 1340, 1341, 1342, 1345, and 1346 (MCL 600.1304, 600.1304a, 600.1308, 600.1309, 600.1310, 600.1311, 600.1312, 600.1313, 600.1314, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1330, 600.1331, 600.1340, 600.1341, 600.1342, 600.1345, and 600.1346), sections 1304, 1310, 1311, and 1312 as amended by 1986 PA 104; and to repeal acts and parts of acts.

Senate Bill No. 780, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1a and 3 of chapter IX (MCL 769.1a and 769.3), section 1a as amended by 1996 PA 560 and section 3 as amended by 1982 PA 470.

Senate Bill No. 781, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 16 and 76 (MCL 780.766 and 780.826), as amended by 1996 PA 562.

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16909 (MCL 333.16909), as amended by 1996 PA 536.

The bills were 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. 825, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

Substitute (S-1).

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

1. Amend page 10, line 22, after "weight." by inserting "IF THE COURT BASES A DEPARTURE ON THE INADEQUATE OR DISPROPORTIONATE WEIGHT GIVEN A CHARACTERISTIC, THE COURT NEED NOT DETERMINE THE NUMERICAL SCORE THAT SHOULD HAVE RESULTED, BUT SHALL MAKE THE DEPARTURE PROPORTIONATE TO THE SERIOUSNESS OF THE OFFENSE."

2. Amend page 43, following line 34, by inserting:

"750.217B PUB SAF G IMPERSONATING PUBLIC UTILITY EMPLOYEE 2".

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.

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

Senate Bill No. 826, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; and to repeal acts and parts of acts.

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:

Senate Bill No. 827, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34, 34a, 36, and 65a (MCL 791.234, 791.234a, 791.236, and 791.265a), section 34 as amended by 1994 PA 345, section 34a as amended by 1994 PA 427, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13.

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.

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

Senate Bill No. 473, entitled

A bill to amend 1968 PA 289, entitled "An act to authorize circuit court judges to grant immunity to witnesses upon application of the prosecuting attorneys; to prescribe the procedures therefor; and to prescribe penalties for refusal to testify and for giving false testimony," by amending the title and sections 1, 2, and 3 (MCL 780.701, 780.702, and 780.703) and by adding section 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.

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

Senate Bill No. 474, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 6 and 19b of chapter VII (MCL 767.6 and 767.19b).

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.

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

Senate Bill No. 475, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 125, 157, 446, 453, and 461 (MCL 750.125, 750.157, 750.446, 750.453, and 750.461); and to repeal acts and parts of acts.

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.

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

Senate Bill No. 476, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).

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.

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

Senate Bill No. 718, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2955c.

Substitute (S-6).

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:

Senate Bill No. 300, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b.

Substitute (S-3).

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

1. Amend page 2, line 11, after "LOWING" by striking out "5" and inserting "7".

2. Amend page 2, following line 24, by inserting:

"(F) ONE MEMBER WHO IS A MICHIGAN K-12 TEACHER.

(G) ONE MEMBER WHO IS NOMINATED BY THE MICHIGAN CHAMBER OF COMMERCE."

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.

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

Senate Bill No. 712, entitled

A bill to amend 1905 PA 187, entitled "An act to insure the payment of subcontractors and wages earned and all materials or labor and certain supplies furnished and used in connection with and consumed in constructing, repairing or ornamenting public buildings and public works," by amending section 1 (MCL 570.101), as amended by 1982 PA 10. Substitute (S-3).

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

1. Amend page 2, line 7, after the first "A" by striking out the balance of the subsection and inserting: "COPY OF THE INSURED'S CURRENT MICHIGAN CERTIFICATE OF AUTHORITY WHICH IS OBTAINED BY THE CONTRACTOR FROM THE MICHIGAN INSURANCE BUREAU."

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.

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

Senate Bill No. 713, entitled

A bill to amend 1963 PA 213, entitled "An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts," by amending sections 1, 3, and 4 (MCL 129.201, 129.203, and 129.204), section 1 as amended by 1982 PA 11.

Substitute (S-3).

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

1. Amend page 3, line 7, after the first "A" by striking out the balance of the subsection and inserting: "COPY OF THE INSURED'S CURRENT MICHIGAN CERTIFICATE OF AUTHORITY WHICH IS OBTAINED BY THE CONTRACTOR FROM THE MICHIGAN INSURANCE BUREAU."

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.

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

Senate Bill No. 786, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 836 and 837 (MCL 418.836 and 418.837), as amended by 1994 PA 271.

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.

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

House Bill No. 4047, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3112b.

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. 4045, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101 and 3112a (MCL 324.3101 and 324.3112a).

Substitute (S-5).

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 amendments, the following bill:

Senate Bill No. 483, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the

receipt and expenditure of funds generated from the facilities,” by amending section 2 (MCL 252.52), as amended by 1995 PA 93.

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

1. Amend page 2, line 26, after “23 U.S.C. 111,” by inserting “AND DESCRIBED IN THE “MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS”, U.S. DEPARTMENT OF TRANSPORTATION AND FEDERAL HIGHWAY ADMINISTRATION, PART 2G (LOGOS),”.

2. Amend page 4, line 16, after “than” by striking out “60” and inserting “100”.

3. Amend page 4, line 23, after “the” by striking out the balance of the subsection and inserting “MICHIGAN TRANSPORTATION FUND ESTABLISHED UNDER SECTION 10 OF 1951 PA 51, MCL 247.660.”.

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

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

Senate Bill No. 484, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 676a (MCL 257.676a), as amended by 1995 PA 92.

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

1. Amend page 2, line 24, after “than” by striking out “60” and inserting “100”.

2. Amend page 2, line 8, after “U.S.C. 111,” by inserting “AND DESCRIBED IN THE “MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS”, U.S. DEPARTMENT OF TRANSPORTATION AND FEDERAL HIGHWAY ADMINISTRATION, PART 2G (LOGOS),”.

3. Amend page 3, line 4, after “the” by striking out the balance of the subsection and inserting “MICHIGAN TRANSPORTATION FUND ESTABLISHED UNDER SECTION 10 OF 1951 PA 51, MCL 247.660.”.

The Senate agreed to the amendments recommended by the Committee of the Whole and the bill as amended 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. 763, entitled

A bill to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,” by amending sections 2, 4, and 5 (MCL 256.602, 256.604, and 256.605), as amended by 1992 PA 169, and by adding sections 5a and 5b.

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 amendment, the following bill:

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 following is the amendment recommended by the Committee of the Whole:

1. Amend page 2, following line 11, by inserting:

“(5) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, A DRIVER TRAINING SCHOOL OPERATOR THAT ADVERTISES THE AVAILABILITY OF ITS SERVICES TO THE GENERAL PUBLIC SHALL INCLUDE IN THAT ADVERTISEMENT THAT NONPERSONAL INFORMATION RELATED TO THE DRIVING RECORD OF EACH INDIVIDUAL INSTRUCTOR IS AVAILABLE FOR REVIEW BY THE GENERAL PUBLIC AT THE BUSINESS ADDRESS OF THE OWNER. A DRIVER TRAINING SCHOOL OPERATOR THAT FAILS TO INCLUDE THE INFORMATION REQUIRED BY THIS SUBSECTION IN ITS ADVERTISING IS SUBJECT TO A FINE OF NOT MORE THAN \$500.00.” and renumbering the remaining subsections.

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

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

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 following are the amendments recommended by the Committee of the Whole:

1. Amend page 1, line 1, by striking out all of section 2 and inserting:

“Sec. 2. (1) The official state personal identification card shall contain the following:

(a) An identification number permanently assigned to the person.
(b) The full name, date of birth, sex, residential address, height, weight, eye color, image, and signature of the person to whom the identification card is issued.

(c) An indication that the identification card contains 1 or more of the following:

- (i) The blood type of the person.
- (ii) Immunization data of the person.
- (iii) Medication data of the person.
- (iv) A statement that the person is deaf.
- (v) A statement that the person has made an anatomical gift.
- (vi) Emergency contact information of the person.

(2) The secretary of state shall prescribe the form of the identification card. Except as otherwise required in this act, other information required on the identification card pursuant to this act may appear on the identification card in a form prescribed by the secretary of state.

(3) The identification card shall not contain a fingerprint or finger image of the applicant.

(4) The secretary of state may retain and use a person's image described in subsection (1)(b) only for programs administered by the secretary of state. Except as provided in this subsection, the secretary of state shall not use a person's image unless written permission for that purpose is granted by the person to the secretary of state or specific enabling legislation permitting the use is enacted into law. A law enforcement agency of this state shall have access to any information retained by the secretary of state under this subsection. The information may be utilized for any law enforcement purpose unless otherwise prohibited by law.

(5) If a person presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued or is the holder of an official state personal identification card, the secretary of state shall mark the person's identification card in a manner that clearly indicates that the cardholder is legally blind.

(6) If the secretary of state issues an official state personal identification card to a person who at the time of application is 20-1/2 years of age or less, the secretary of state shall mark the person's identification card in a manner that clearly indicates that the cardholder is less than 21 years of age.

(7) An official state personal identification card may contain an identifier for voter registration purposes. An official state personal identification card may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the secretary of state. The information shall be limited to the person's identification card number, birth date, expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the person's name, address, driving record, or other personal identifier. The identification card shall identify the encoded information.

(8) An official state personal identification card shall be issued only upon authorization of the secretary of state, and shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the identification card without ready detection.

(9) Except as otherwise provided in this act, an applicant shall pay a fee of \$6.00 to the secretary of state for each original or renewal identification card issued. Until January 1, 2002, a service fee of \$1.00 shall be added to each fee collected for an original or renewal identification card. The department of treasury shall deposit the fees received and collected under this section in the state treasury to the credit of the general fund. The legislature shall appropriate the fees credited to the general fund under this act to the secretary of state for the administration of this act. Appropriations from the Michigan transportation fund shall not be used to compensate the secretary of state for costs incurred and services performed under this section.

(10) An original or renewal official state personal identification card shall expire on the birthday of the person to whom it is issued in the fourth year following the date of issuance. The secretary of state shall not issue an official state personal identification card under this act for a period greater than 4 years. A person may apply for a renewal of an official state personal identification card by mail or by other methods prescribed by the secretary of state.

(11) The secretary of state shall waive the fee under this section if the applicant is a person 65 years of age or older, is a person who has had his or her operator's or chauffeur's license suspended, revoked, or denied under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because of a mental or physical infirmity or disability, is a person who presents evidence of statutory blindness as provided in 1978 PA 260, MCL 393.351 to 393.368, or is a person who presents other good cause for a fee waiver.

(12) A person who has been issued an official state personal identification card shall apply for a renewal official state personal identification card if the person changes his or her name.

(13) A person who has been issued an official state personal identification card shall apply for a corrected identification card if he or she changes his or her residential address. The secretary of state may correct the address on an identification card by a method prescribed by the secretary of state. A fee shall not be charged for a change of residential address.

(14) Except as otherwise provided in subsections (12) and (13), a person who has been issued an official state personal identification card may apply for a renewal official state personal identification card for 1 or more of the following reasons:

(a) The person wants to change any information on the identification card.

(b) An identification card issued under this act is lost, destroyed, or mutilated, or becomes illegible.

(15) A person may indicate on an official state personal identification card in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, a statement that the person is deaf, or a statement that the person has made an anatomical gift pursuant to part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109.

(16) If an applicant provides proof to the secretary of state that he or she is a minor who has been emancipated pursuant to 1968 PA 293, MCL 722.1 to 722.6, the official state personal identification card shall bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state.

(17) A VALID OFFICIAL STATE PERSONAL IDENTIFICATION CARD PRESENTED BY THE PERSON TO WHOM THE CARD IS ISSUED SHALL BE CONSIDERED THE SAME AS A VALID STATE OF MICHIGAN DRIVER LICENSE WHEN IDENTIFICATION IS REQUESTED.”.

2. Amend page 7, line 21, by striking out “January” and inserting “July”.

The Senate agreed to the amendments recommended by the Committee of the Whole and the bill as amended 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. 536, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 37a of chapter VII (MCL 767.37a) as added by 1994 PA 229, and by adding section 37b to chapter VII.

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.

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

Senate Bill No. 537, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 473 (MCL 750.473), as added by 1993 PA 140.

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.

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

Senate Bill No. 538, entitled

A bill to amend 1915 PA 31, entitled “Youth tobacco act,” by amending section 2 (MCL 722.642), as amended by 1988 PA 314.

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.

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

Senate Bill No. 539, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1021 and 8311 (MCL 600.1021 and 600.8311), section 1021 as added by 1996 PA 388.

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.

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

Senate Bill No. 828, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7ff (MCL 211.7ff), as added by 1996 PA 469.

Substitute (S-1).

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

1. Amend page 4, following line 14, by inserting:

“Enacting section 1. This amendatory act takes effect December 30, 1997.”.

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.

The Committee of the Whole reported back to the Senate the following bill, recommending that the bill be referred to the Committee on Appropriations:

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.

The Senate agreed to the recommendation of the Committee of the Whole and the bill was referred to the Committee on Appropriations.

The President, Lieutenant Governor Binsfeld, resumed the Chair.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that rule 2.106 be suspended to allow the Agriculture and Forestry and Economic Development, International Trade and Regulatory Affairs Committees to meet during Senate session.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator DeGrow moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 828

Senate Bill No. 712

Senate Bill No. 713

Senate Bill No. 786

Senate Bill No. 483

Senate Bill No. 484

Senate Bill No. 763

Senate Bill No. 792

Senate Bill No. 486

House Bill No. 4635

Senate Bill No. 312

Senate Bill No. 780

Senate Bill No. 781

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

The following bill was read a third time:

Senate Bill No. 828, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7ff (MCL 211.7ff), as added by 1996 PA 469.

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. 661

Yeas—36

Bennett
Berryman
Bouchar
Bullard
Byrum

DeGrow
Dingell
Dunaskiss
Emmons
Gast

Koivisto
McManus
Miller
North
O’Brien

Schwarz
Shugars
Smith, A.
Smith, V.
Stallings

Cherry
Cisky
Conroy
DeBeaussaert

Geake
Gougeon
Hart
Hoffman

Peters
Posthumus
Rogers
Schuette

Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stille

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Stille entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 712, entitled

A bill to amend 1905 PA 187, entitled "An act to insure the payment of subcontractors and wages earned and all materials or labor and certain supplies furnished and used in connection with and consumed in constructing, repairing or ornamenting public buildings and public works," by amending section 1 (MCL 570.101), as amended by 1982 PA 10.

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. 662

Yeas—37

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

Shugars
Smith, A.
Smith, V.
Stallings
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

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. 713, entitled

A bill to amend 1963 PA 213, entitled “An act to provide a procedure for bonding contractors for public buildings and public works of governmental units; and to repeal certain acts and parts of acts,” by amending sections 1, 3, and 4 (MCL 129.201, 129.203, and 129.204), section 1 as amended by 1982 PA 11.

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. 663

Yeas—37

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

Nays—0

Excused—0

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. 786, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 836 and 837 (MCL 418.836 and 418.837), as amended by 1994 PA 271.

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. 664

Yeas—37

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

Nays—0

Excused—0

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. 483, entitled

A bill to amend 1941 PA 205, entitled “An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities,” by amending section 2 (MCL 252.52), as amended by 1995 PA 93.

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. 665

Yeas—35

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

Nays—2

Berryman	Rogers
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Excused—0

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. 484, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 676a (MCL 257.676a), as amended by 1995 PA 92.

The question being on the passage of the bill,

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

The motion prevailed.

Resolutions

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

Senate Resolution No. 115

The resolution consent calendar was adopted.

Senators Young, Dingell, Conroy, Vaughn, O'Brien, Stallings, Byrum, Peters, DeBeaussaert, Miller, V. Smith, Hart, Berryman, Koivisto, Emmons, McManus, DeGrow, Posthumus, Geake, Van Regenmorter, Hoffman, North, Stille, Rogers, Steil, Shugars, Bennett, Schwarz and Cherry offered the following resolution:

Senate Resolution No. 115.

A resolution honoring the Girls Basketball Team at Bishop Gallagher High School as the 1997 Class D State Champions.

Whereas, In a brilliant display of poise, teamwork and consistency, the Bishop Gallagher High School Girls Basketball Team put together a truly remarkable, history-making season, earning the 1997 Class D State Championship Title. On behalf of everyone who supported this spirited group of student athletes, it is most appropriate to extend to them the highest praise and sincerest congratulations on their record-setting season; and

Whereas, With a balance of excellent scoring and tough defense, the Lady Lancers dominated much of the competition they faced all season long. Their victory train included a win over Benedictine in the Catholic League semi-final game and defeating Oakland Christian who had been rated #1 all year by both Detroit newspapers. Under the direction of Coach Ron Biotti, the team won the Class D State Championship trophy to be included with the trophy earned in 1977 by the girls basketball team; and

Whereas, Pitted against the Rapid River Rockets, a school with equally impressive talent, the Lady Lancers found themselves trailing in the third quarter by eight points. Turning it up a notch on both ends of the court, the Lancers exploded in the final quarter. With Krista Faison driving the lane, she dumped the ball to Julie Becker for the game-winning basket in a 39-37 win over the Rockets; and

Whereas, The Bishop Gallagher Lady Lancers blended well as a unit. In addition, the team displayed great poise in setting lofty goals for themselves at the beginning of the season and going out and making these dreams a reality through hard work and commitment. Many of the talents and characteristics they exhibited in reaching this goal will help them in all aspects of their lives; now, therefore, be it

Resolved by the Senate, That we hereby extend our sincerest congratulations to the Bishop Gallagher Girls Basketball Team on winning its first girls prep basketball championship in 20 years; and be it further

Resolved, That a copy of this resolution be transmitted to the following coaches and players of the Bishop Gallagher Girls Basketball Team as evidence of our esteem:

Head Coach: Ron Biotti

Assistant Coaches: Al Grayewski, Allyson Grayewski

Players: Emily Becker, Christina Biotti, Jennifer Burton, Rachel Eley, Krista Faison, Taenesha Gatson, Angelle Owens, Kristi Roberts and Audrey Skinner.

Senate Concurrent Resolution No. 54.

A concurrent resolution of the very highest praise, tribute, gratitude and thanksgiving offered as a memorial and celebration of the good life of the Honorable Coleman Alexander Young, Tuskegee Airman, Civil Rights Leader, Michigan Legislator and beloved Mayor of the people. He was the city of Detroit's first African American mayor and a legend in his own time. A strong and tenacious leader, he will be greatly missed by his family, friends, admirers and many people throughout the city of Detroit, the state of Michigan and the world.

(For text of resolution, see Senate Journal No. 90, p. 1531.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

House Bill No. 5058, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

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 Committee on Finance be discharged from further consideration of the following bill:

House Bill No. 5121, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2 and 11a (MCL 125.2152 and 125.2161a), section 2 as amended by 1996 PA 270 and section 11a as amended by 1996 PA 452.

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 Committee on Appropriations be discharged from further consideration of the following bill:

House Bill No. 5370, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 629, 1225, 1351, and 1351a (MCL 380.629, 380.1225, 380.1351, and 380.1351a), section 629 as amended by 1991 PA 187, section 1225 as amended by 1994 PA 103, section 1351 as amended by 1990 PA 352, and section 1351a as amended by 1994 PA 278.

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

By unanimous consent the Senate returned to the order of

Messages from the House

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4643, entitled

A bill to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

Senator DeGrow moved to reconsider the vote by which the House substitute was concurred in.

The question being on the motion to reconsider,

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

The motion prevailed.

Introduction and Referral of Bills

House Bill No. 4215, entitled

A bill to amend 1993 PA 327, entitled "Tobacco Products Tax Act," by amending the title and sections 2, 5, 6, 7, 8, 9, and 12 (MCL 205.422, 205.425, 205.426, 205.427, 205.428, 205.429, and 205.432), section 9 as amended by 1995 PA 118, and by adding sections 5a, 5b, 6a, 6b, and 7a.

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.

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

House Bill No. 4215

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

House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30306, 30307, and 30317 (MCL 324.30306, 324.30307, and 324.30317), section 30306 as added by 1995 PA 59, section 30307 as amended by 1995 PA 103, and section 30317 as amended by 1996 PA 530.

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. 5250, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 217 (MCL 38.2217), as amended by 1996 PA 525.

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 Appropriations.

House Bill No. 5251, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 821a.

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 Appropriations.

Statements

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

The motion prevailed.

Senator Dingell's statement is as follows:

I would like to comment on the fact that Santa Claus came a little bit early this year to those of us who were concerned with the vote we had last year on what we considered to be a raid on the Michigan land trust fund. I am pleased to call to all of your attentions the fact that Judge Giddings has overturned the state plan to earmark certain tax credits that are being used right now for the clean-up of brownfields. Instead, Judge Giddings has upheld the argument that I made last year that this money is earmarked by the state Constitution to buy park lands. I am very pleased by this. I hope that if it is challenged it is upheld by the appeals court. This is a wonderful thing. It means that we will have a good bit more park land for all of us to enjoy and our children also.

Senator Young's statement is as follows:

I believe today has been a very productive day here in the Michigan Senate. We have passed legislation that was sponsored by Senator Dianne Byrum that will prevent elected officials from taking advantage of early retirement programs that they themselves propose. I believe that when the public elects someone they expect them to look out for the public interests, not out for their own personal interest.

I'd also like to indicate that after considerable work, the Sentencing Guidelines Commission released its new guidelines. Today we addressed this issue and have readied this legislation for final passage and for final approval tomorrow. I want to applaud all members of the commission, including Senator Chris Dingell and Senator Gary Peters for their hard work, as well as Senator Virgil Smith who is also a member of the Senate Judiciary Committee.

These new sentencing guidelines do very important things. They help us to control and protect Michigan's prison population and also to let us know what space should be reserved for those who are violent offenders. Violent offenders will be locked up and will be kept locked up.

We also passed legislation to protect abused children. This nine-bill package of legislation will protect our most valuable resource, this important population, and that is our children. This comprehensive package revises the Juvenile Code, the Public Health Code, the Child Care Organizations Act, the Child Protection Law, and the Foster Care Review Board Act. This legislation will ensure that the Family Independence Agency is protecting children from abusive situations.

As well, the Senate passed a package of bills that was introduced by our Democratic Leader, Senator John Cherry, which will make it easier for crime victims to receive restitution. As well, I have to acknowledge our Lieutenant Governor, Connie Binsfeld, as well as our Chair of the Democratic Task Force on Children, which was chaired by Senator Jim Berryman, who helped bring out the glaring problems with our child protection system which this legislation also addresses.

With our work today, we have sent a strong message to the criminals and we have made Michigan safer for law-abiding citizens. For this reason, I suggest that this work day was productive, constructive and a clear example of what we Democrats are here for—that is to support Michigan residents.

Senator V. Smith's statement is as follows:

Madam President, just last Friday Ingham County Circuit Court Judge Giddings ruled that state prison officials can make high-security prisoners wear uniforms and can further restrict the amount of personal property prisoners can keep in their cells. I am pleased that Judge Giddings has ruled in favor of prisoner uniforms. When prisoners broke out of the Ryan Correctional Facility two years ago, they were in street clothes and blended in with the surrounding neighborhoods. Putting prisoners in uniforms will make it harder for them to escape and easier to recapture them if they do.

Last March, we voted unanimously in favor of my bill to put uniforms on prisoners in the top four security classes. Senate Bill No. 57 is now in the House. I will press for its swift passage to expand on Judge Giddings' order. Senate Bill No. 57 would also require that prisoners be in uniform while they are in a prison yard. This requirement would make it easier for guards to distinguish high-security from low-security prisoners. Some of the prisoners who escaped from Ryan were in security classes that were not supposed to be in the yard at the time of the breakout. Had they been in a uniform, the guards would have known this and could have kept them out of the yard.

Judge Giddings' ruling gives prison officials more control. With quick action on Senate Bill No. 57, we can add another level of security for our prison guards and the people living near these prisons.

Senator Posthumus' statement is as follows:

Madam President, first of all, I want to congratulate you for the hard work that you put in to bring about the recommendations on the Children's Commission report. The work that the Legislature did is a direct result of much of the work that you and your task force came to us with to let us know the needs of children across this state and to try to reduce the incidence of child abuse. So I congratulate you for that work. We do have a ways to go, but it would not have happened without you.

Secondly, I just wanted to say that today we really did begin some work. I think Senator Young made mention of it. I think he wanted to make it a little partisan, but in fact, it was a non-partisan effort of Republicans and Democrats. I want to congratulate Senator Van Regenmorter for bringing out the sentencing guidelines, as chairman of that committee. Certainly, that would not have happened had it not been for the majority party here. A lot of hard work went into the sentencing guidelines. We've taken the first steps.

But in addition to that, I want to remind everybody here that we have some additional work that needs to be done in the area of reducing youth crimes. Last month we received the final report of the Youth Gang Violence Task Force. As things were reported to them, that task force had gone throughout this state to listen to parents, law enforcement officials and community leaders talking about the illegal activities that were going on by young people in their communities. We were tragically reminded of this on Thanksgiving Day when a 20-year-old from Charlotte was murdered. One of those charged in that murder was a local leader of a street gang. And since that time, there's been discussion that that gang had put together a hit list of potential witnesses in that trial against this murderer. We had another reminder just last week when a trial began in Oakland County. Two gang members were accused of murdering a next door neighbor lady for trying to keep her son out of a gang. That mother was raped and then stomped to death in her own basement.

The death of these people are tragic reminders that we have got to come to grips with youth violence today. It's time for all of us to draw that line and say we are going to protect our children. The recommendations of the task force are being looked into by Senator Joel Gougeon, Senator Bob Geake and Senator Van Regenmorter. They are going to prepare drafts for legislation to come before us early next winter. I urge all of us in a non-partisan way to take action on these task force recommendations as soon as they get here and put that legislation on the Governor's desk as soon as possible. We have to take action soon in order to protect our children and to protect their future. I invite all of the colleagues of this Legislature to become involved in the statewide conversation on this critical topic. It is absolutely imperative for the future of our children.

Senator DeGrow's statement is as follows:

Normally, I wouldn't get up and make statements. When we changed our rules, I was under the impression that the reason we had statements was so Senators could talk about issues that were important and actually talk a little bit about the issues. Today, once again, we find the Senator from the 1st District getting up and bragging about the partisan efforts of certain ones on their side, particularly about the children's issue and sentencing guidelines. That bothers me a little that we're into that, given, Madam President, that it was you who headed up the task force. To talk about the good work of the Democrats, I'm not sure the Senator wants us to get into that habit every day. I'm more than willing to do things on a bipartisan basis and that's what we're going to try to stick to. But if he wants to get up and start claiming credit and bragging about his members, we'll play that game. But it's a very dangerous game for the minority to engage in. I hope in the future we would stray from that. I'm content to let the package stand on its merits—both of them. I'm obviously proud of the membership of the party that I represent, but I don't feel the need to get up and brag about it. The bills speak for themselves. But if the minority wants to continue down this road, I can assure them that in the future we'll be glad to do that. But I think it's a very dangerous road for them.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 828, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as added by 1996 PA 469.

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, 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, December 3, 1997, at 2:00 p.m., Senate Appropriations Room, Capitol Building

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

Excused: Senator Hoffman

The Committee on Human Resources, Labor and Veterans Affairs reported

Senate Bill No. 757, entitled

A bill to prohibit a state employer from expending money received from the state to provide certain benefits to persons not employed by that state employer.

With the recommendation that the bill pass.

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

Mike Rogers
Chairperson

To Report Out:

Yeas: Senators Rogers, Steil, Stille and DeBeaussaert

Nays: Senator Stallings

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Human Resources, Labor and Veterans Affairs submits the following:

Meeting held on Wednesday, December 3, 1997, at 3:10 p.m., Room 210, Farnum Building

Present: Senators Rogers (C), Steil, Stille, DeBeaussaert and Stallings

The Committee on Judiciary reported

Senate Bill No. 825, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 31, 33, and 34 of chapter IX as added and section 14 of chapter XI as amended by 1994 PA 445, and by adding chapter IXA.

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 and Geake

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. 826, entitled

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 34 (MCL 800.34), as amended by 1996 PA 83; and to repeal acts and parts of acts.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky and Geake

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. 827, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34, 34a, 36, and 65a (MCL 791.234, 791.234a, 791.236, and 791.265a), section 34 as amended by 1994 PA 345, section 34a as amended by 1994 PA 427, section 36 as amended by 1996 PA 554, and section 65a as amended by 1997 PA 13.

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 and Geake

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 Thursday, December 4, 1997, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Peters

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, December 2, 1997, at 1:09 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submits the following:

Meeting held on Wednesday, December 3, 1997, at 12:00 Noon, Elijah Myers Room, Capitol Building

Present: Senators McManus (C), Emmons and Schwarz

Excused: Senator Conroy

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, December 3, 1997, at 1:30 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Bennett, Gougeon and Berryman

Excused: Senator Miller

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 2:59 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Wednesday, December 10, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.