

No. 6
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 4, 1998.

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
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

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

Senator Walter H. North of the 37th District offered the following invocation:

Dear God, as we set about doing business representing those citizens from all areas of the state, let us keep an eye on the goal of doing what is best for the citizens of this great state. Let us put aside petty differences and have a common goal of doing what's best. And let's do it with the guidance that You have given us in the past and we ask for in the future. We ask this in Thy name. Amen.

Motions and Communications

Senator Jaye entered the Senate Chamber.

Senator DeGrow moved that Senators Schwarz, Posthumus and Hoffman be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senator Rogers be excused from today's session.

The motion prevailed.

Senator Berryman moved that Senators Miller and Young be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Miller entered the Senate Chamber.

The following communication was received:

Automobile Theft Prevention Authority

January 30, 1998

As chair of the Board of Directors of the Michigan Automobile Theft Prevention Authority (ATPA), I am pleased to submit our 1997 Annual Report to the Senate. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Engler and the Clerk of the House. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Michael Robinson
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 3:
House Bill Nos. 4503 4730 5294 5358 5473

Protest

Pursuant to rule 3.506, Senator Jaye submitted, in writing, his reasons for voting "no" on Senate Bill No. 816 on January 29.

It is my opinion that the effects and passage of SB 816 would have a detrimental impact on the daily lives of Michigan drivers. I am opposed to increasing the truck weight laws because the increase in weight amounts of trucks on Michigan highways and roads will add to the destruction of our great state's roadways. Michigan's current truck weight amount (164 tons) is twice as high as any other state in the nation. These excessively liberal weight "restrictions" mean that these heavy trucks are not allowed on the highways of other states. Passing this bill, especially during the winter when the roads are frozen and more susceptible to damage, would destroy any progress we have made in repairing Michigan roads.

This bill would also allow trucks to drive at a faster rate. Faster trucks cause more damage to Michigan roads and put Michigan drivers in harm's way. Not only is there a danger of having these trucks drive faster, but also the damage these heavy trucks exact on our roads will ultimately cost the taxpayers of Michigan more money repairing their vehicles.

The alternatives which I submit will benefit the roads of Michigan and more importantly these alternatives benefit the taxpayers of Michigan.

Fall, 1997

ALTERNATIVES TO A STATE GAS TAX INCREASE

Lansing, MI—twenty-four specific reforms of Michigan's road bureaucracy saving approximately \$640 million annually is offered as an alternative to increasing the gas tax.

1. Require State and local bureaucrats to contribute 5% of salary to their health care saving \$11 million.
 2. Cut State's and local bureaucrats' car fleet and travel allowances—no take home cars—saving \$40 million.
 3. End minority business set asides saving \$26 million in overcharges to taxpayers and eliminating \$2 million in MDOT minority oversight bureaucrats—total savings \$28 million.
 4. Require able bodied welfare recipients and low risk prisoners to perform road maintenance, keep all existing state & local maintenance bureaucrats, saving 10% of maintenance costs—saving \$18 million.
 5. End gas tax subsidy of other state operations saving—\$108 million:

A. Attorney General	\$2.5 million
B. Management & Budget	\$1.6 million
C. DNR/DEQ	\$0.8 million
D. Treasury	\$6.3 million
E. Legislative Auditor General	\$0.5 million
F. Secretary of State	\$81.6 million
G. State Police	\$5.7 million
H. Civil Service	\$4.2 million
 6. End the special 10% of gas tax money which goes to mass transit before any allocations to Act 51 funding formula—saving \$69 million.
 7. End special Detroit Subsidies of Trolley car \$500,000 and Detroit People Mover \$4.2 million, and maintenance of Detroit Highways \$25 million—total savings \$30 million.
 8. Eliminate state money for road and infrastructure improvements for new Tiger Stadium, transfer funds to improve existing local roads—saving \$55 million.
 9. Lawsuit reform by strictly limiting government liability for road maintenance Stille/Jaye Legislation: cutting lawsuits budget by 80% at MDOT, and also saving another 5% of maintenance in excessive tree removal and unnecessary signs—saving \$35 million.
 10. Eliminate the corporate welfare of special Diesel fuel tax breaks—saving \$12 million.
 11. Increase fares for non poor/handicapped uses of mass transit, people mover fare 50 cents, carnival rides cost \$1.25—saving \$9 million.
 12. Eliminate Corporate welfare of train freight and passenger subsidy—saving \$4.4 million.
 13. Eliminate Corporate welfare of commercial forest road maintenance—saving \$5 million.
 14. Repeal the union wage overcharges and pay local wage rate—saving \$35 million.
 15. Eliminate public Transportation Discretionary special grants—saving \$20 million.
 16. Sell State owned rail tracks—saving \$33 million.
 17. 10% cut in land acquisitions—saving \$6 million.
 18. 5% cut in capitol outlays—saving \$21 million.
 19. End subsidy of rich people and vacationers Drummond Island Boat ferry—saving \$1 million.
 20. Have private firms run rest stops not state bureaucrats—saving \$496,000.
 21. Moderate excessive environmental regulations on road & bridge projects like 2 for 1 wetland replacement—saving \$15 million
 22. Privatize the engineering functions at MDOT—10% savings \$75 million.
 23. Reduce Michigans' truck cargo weight laws which are the highest in the nation.
 24. Make farmers subject to all fuel taxes.
- * Michigan's higher speed limits means more gas burned and more gas tax generated.

Messages from the Governor

The following messages from the Governor were received and read:

February 3, 1998

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

Board of Real Estate Appraisers

Mr. David C. Maturen, 11911 Lee-Mar Drive, Vicksburg, Michigan 49097, county of Kalamazoo, as a member representing professionals, succeeding Mr. John A. Meyer of Alto, whose term has expired, for a term expiring on June 30, 2001.

Mr. John E. Craig, 2113 N. Gunn Road, Holt, Michigan 48842, county of Ingham, as a member representing professionals, succeeding Mr. Thomas E. Keipert of Roscommon, whose term has expired, for a term expiring on June 30, 2001.

February 3, 1998

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

Saginaw Valley State University Board of Control

Ms. Linda L. Sims, 783 Stoneham, Saginaw, Michigan 48603, county of Saginaw, as a member representing the general public, succeeding Ms. Donna J. Roberts of Midland, whose term has expired, for a term expiring on July 21, 2005.

February 3, 1998

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

Site Review Board

Mr. Max R. Chiddister, 29908 Westbrook Parkway, Southfield, Michigan 48076, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on December 13, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 181

The motion prevailed.

Senator Posthumus entered the Senate Chamber.

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, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 7, after "INCLUDE" by inserting "AN AGREEMENT SIGNED BY THE LICENSEE TO PROVIDE NOT LESS THAN 3 INDIVIDUALS IN A VEHICLE DURING A DRIVER TRAINING EXERCISE OR TEST ADMINISTERED BY THE LICENSEE OF A DRIVER TRAINING SCHOOL CUSTOMER WHO IS LESS THAN 18 YEARS OF AGE UNLESS THEY HAVE OBTAINED A WRITTEN WAIVER SIGNED BY A PARENT OR GUARDIAN AND".

2. Amend page 8, line 17, after "INSTRUCTOR." by striking out the balance of the line through "EMPLOYMENT." on line 22 and inserting "A DRIVER TRAINING SCHOOL LICENSEE OR THE DEPARTMENT SHALL ONLY DISCLOSE THE REPORT OR ITS CONTENTS TO A PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING THE APPLICANT'S QUALIFICATIONS FOR EMPLOYMENT, AND SHALL ONLY DISCLOSE TO THAT PERSON THOSE CRIMES DESCRIBED IN SECTION 5(4)(E).".

3. Amend page 9, line 21, after "SCHOOL." by striking out the balance of the line through "LICENSURE." on line 25 and inserting "THE DEPARTMENT SHALL ONLY DISCLOSE THE REPORT OR ITS CONTENTS TO A PERSON WHO IS DIRECTLY INVOLVED IN EVALUATING THE APPLICANT'S QUALIFICATIONS FOR EMPLOYMENT, AND SHALL ONLY DISCLOSE TO THAT PERSON THOSE CRIMES DESCRIBED IN SECTION 5(4)(E).".

4. Amend page 9, following line 27, by inserting:

"(4) THE DEPARTMENT SHALL NOT LICENSE A PERSON TO OPERATE A DRIVER TRAINING SCHOOL IF THE PERSON HAS A PRIOR FELONY OR MISDEMEANOR CONVICTION FOR CRIMINAL SEXUAL CONDUCT PURSUANT TO SECTIONS 520B TO 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B TO 750.520G, OR A FELONY CONVICTION FOR A CRIME IN WHICH AN ELEMENT OF THE CRIME IS THE USE OR THREAT OF USE OF PHYSICAL FORCE.".

5. Amend page 12, following line 19, by inserting:

“Enacting section 1. This amendatory act takes effect June 1, 1998.”.

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

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

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 House of Representatives has amended the bill as follows:

1. Amend page 2, following line 23, by inserting:

“Enacting section 1. This amendatory act takes effect June 1, 1998.”.

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Third Reading of Bills

Senator DeGrow moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 202

Senate Bill No. 207

Senate Bill No. 224

Senate Bill No. 715

Senate Bill No. 841

The motion prevailed.

Senator Schwarz entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 202, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 3, 5, 6, 11a, 613, 616, 617, 661, 687, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 932, 945, 1361, and 1732 (MCL 380.3, 380.5, 380.6, 380.11a, 380.613, 380.616, 380.617, 380.661, 380.687, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.932, 380.945, 380.1361, and 380.1732), sections 3, 5, 6, and 687 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, section 703 as amended by 1981 PA 87, section 705 as amended by 1994 PA 258, sections 857 and 858 as amended by 1992 PA 263, and section 945 as added by 1984 PA 154, and by adding sections 1206 and 1351c; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

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

“Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, ~~Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws~~ 1982 PA 162, MCL 450.2101 TO 450.3192, except that a public school academy corporation is not required to comply with sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws~~ 1931 PA 327, MCL 450.170 TO 450.177. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district’s boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district’s boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district’s boundaries, and a public school academy

authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 503(4), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(i) The name of the proposed public school academy.

(ii) The purposes for the public school academy corporation. This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.

(iii) The name of the authorizing body.

(iv) The proposed time when the articles of incorporation will be effective.

(v) Other matters considered expedient to be in the articles of incorporation.

(d) A copy of the proposed bylaws of the public school academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(i) The governance structure of the public school academy.

(ii) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(iii) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

(v) The age or grade range of pupils to be enrolled.

(f) Descriptions of staff responsibilities and of the public school academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.

(h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.

(j) A description of and address for the proposed physical plant in which the public school academy will be located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy

is in compliance with statute, rules, and the terms of the contract. AT LEAST ANNUALLY, EACH AUTHORIZING BODY SHALL FILE AN OVERSIGHT REPORT WITH THE STATE BOARD FOR EACH CONTRACT ISSUED BY THE AUTHORIZING BODY. EACH OVERSIGHT REPORT SHALL BE ACCOMPANIED BY A WRITTEN CERTIFICATION OF ITS ACCURACY SIGNED BY THE CHIEF ADMINISTRATOR OF THE AUTHORIZING BODY AND BY THE PRESIDENT OF THE AUTHORIZING BODY'S GOVERNING BOARD. AN OVERSIGHT REPORT SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING INFORMATION:

(A) NUMBER OF STAFF ASSIGNED TO OVERSIGHT ACTIVITIES, BOTH GENERALLY AND FOR THE SPECIFIC CONTRACT, ON A FULL-TIME EQUATED BASIS.

(B) QUALIFICATIONS, INCLUDING ANY PROFESSIONAL CERTIFICATION, OF STAFF ASSIGNED TO OVERSIGHT ACTIVITIES, BOTH GENERALLY AND FOR THE SPECIFIC CONTRACT.

(C) OVERSIGHT ACTIVITIES CONDUCTED AT THE SITE OF THE PUBLIC SCHOOL ACADEMY.

(D) ANY NONCOMPLIANCE WITH STATUTE, RULES, OR THE TERMS OF THE CONTRACT FOUND IN THE COURSE OF THE OVERSIGHT AND ANY AREAS OF PERFORMANCE FOUND TO BE IN NEED OF IMPROVEMENT.

(E) A DESCRIPTION OF THE SPECIFIC EVIDENCE THAT LED TO EACH FINDING DESCRIBED IN SUBDIVISION (D).

(F) SPECIFIC PLANS FOR REMEDIATION OF EACH NONCOMPLIANCE DESCRIBED IN SUBDIVISION (D).

(G) SPECIFIC SUGGESTIONS AND PLANS FOR IMPROVEMENT OF PERFORMANCE.

(H) AN ASSURANCE THAT THE AUTHORIZING BODY HAS MADE APPROPRIATE INQUIRY AND HAS DETERMINED THAT THE PUBLIC SCHOOL ACADEMY IS IN COMPLIANCE WITH THE PROVISIONS OF SUBSECTION (1) CONCERNING RELIGIOUS AFFILIATIONS.

(I) AN ASSURANCE THAT THE AUTHORIZING BODY HAS MADE APPROPRIATE INQUIRY AND HAS DETERMINED THAT THE PUBLIC SCHOOL ACADEMY IS IN COMPLIANCE WITH ALL APPLICABLE LAW, INCLUDING, BUT NOT LIMITED TO, THOSE PROVISIONS OF LAW SPECIFIED IN SECTION 503(6).

(J) ASSURANCE THAT THE AUTHORIZING BODY HAS EXAMINED STANDARDIZED TEST SCORES DESCRIBED IN SECTION 503(5) AND OTHER RELEVANT DATA TO DETERMINE THAT THE PUBLIC SCHOOL ACADEMY IS FULFILLING THE ACADEMIC GOALS SPECIFIED IN THE CONTRACT.

(K) ASSURANCE THAT THE AUTHORIZING BODY HAS EXAMINED THE QUALIFICATIONS OF THE PUBLIC SCHOOL ACADEMY'S INSTRUCTIONAL STAFF AND HAS DETERMINED THAT THE PUBLIC SCHOOL ACADEMY IS IN COMPLIANCE WITH SECTION 505.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend OR REVOKE the power of the authorizing body to issue new contracts to organize and operate public school academies, AND MAY ORDER THE AUTHORIZING BODY TO REPAY TO THIS STATE ANY FEE COLLECTED BY THE AUTHORIZING BODY FOR ISSUING A CONTRACT OR FOR PROVIDING OVERSIGHT OF A CONTRACT. A contract issued by the authorizing body during the suspension OR AFTER THE REVOCATION is void. A THE VALIDITY OF A contract issued by the authorizing body before the suspension OR REVOCATION is not affected by the suspension OR REVOCATION. WITH THE APPROVAL OF THE STATE BOARD, A CONTRACT MAY BE RENEWED BY THE AUTHORIZING BODY DURING A SUSPENSION.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.

(7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.

Sec. 503. (1) An authorizing body is not required to issue a contract to any person or entity. Public school academy contracts shall be issued on a competitive basis taking into consideration the resources available for the proposed public school academy, the population to be served by the proposed public school academy, and the educational goals to be achieved by the proposed public school academy.

(2) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more public school academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition shall contain all of the information required to be in the contract application under section 502(3) and shall be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition shall be filed with the secretary of the board. If the board receives a petition meeting the requirements of this subsection, the board shall place the question of issuing the contract on the ballot at its next annual school election held at least 60 days after receiving the

petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract.

(3) Within 10 days after issuing a contract for a public school academy, the board of the authorizing body shall submit to the state board a copy of the contract and of the application under section 502.

(4) An authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each public school academy subject to its jurisdiction.

(5) A contract issued to organize and administer a public school academy shall contain at least all of the following:

(a) The educational goals the public school academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(b) A description of the method to be used to monitor the public school academy's compliance with applicable law and its performance in meeting its targeted educational objectives.

(c) A description of the process for amending the contract during the term of the contract.

(d) All of the matters set forth in the application for the contract.

(e) For a public school academy authorized by a school district, an agreement that employees of the public school academy will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not public school academies.

(f) Procedures for revoking the contract and grounds for revoking the contract, including at least the grounds listed in section 507.

(g) A description of and address for the proposed physical plant in which the public school academy will be located.

(h) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

(6) A public school academy shall comply with all applicable law, including all of the following:

(a) The open meetings act, ~~Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws 1976 PA 267, MCL 15.261 TO 15.275.~~

(b) The freedom of information act, ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws 1976 PA 442, MCL 15.231 TO 15.246.~~

(c) ~~Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.217 of the Michigan Compiled Laws 1947 PA 336, MCL 423.201 TO 423.217.~~

(d) ~~Act No. 166 of the Public Acts of 1965, being sections 408.551 to 408.558 of the Michigan Compiled Laws 1965 PA 166, MCL 408.551 TO 408.558.~~

(e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

(7) A public school academy and its incorporators, board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of ~~Act No. 170 of the Public Acts of 1964, being section 691.1407 of the Michigan Compiled Laws 1964 PA 170, MCL 691.1407.~~ An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing a public school academy if the authorizing body or the person acted or reasonably believed he or she acted within the authorizing body's or the person's scope of authority.

(8) A public school academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a public school academy are exempt from all taxation including taxes imposed by ~~Act No. 134 of the Public Acts of 1966, being sections 207.501 to 207.513 of the Michigan Compiled Laws 1966 PA 134, MCL 207.501 TO 207.513.~~ A public school academy may not levy ad valorem property taxes or any other tax for any purpose. However, operation of 1 or more public school academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or any other tax.

(9) ~~A~~ SUBJECT TO SECTION 503B, A public school academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or by any other means, hold and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, a public school academy may proceed under the uniform condemnation procedures act, ~~Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws 1980 PA 87, MCL 213.51 TO 213.75, excluding sections 6 to 9 of that act, being sections 213.56 to 213.59 of the Michigan Compiled Laws MCL 213.56 TO 213.59,~~ or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

SEC. 503B. (1) ALL PROPERTY OWNED BY A PUBLIC SCHOOL ACADEMY IS STATE PROPERTY. IF A PUBLIC SCHOOL ACADEMY CEASES TO OPERATE, TITLE TO ALL REAL AND PERSONAL PROPERTY, INTERESTS IN REAL OR PERSONAL PROPERTY, AND OTHER ASSETS OF A PUBLIC SCHOOL ACADEMY SHALL REVERT TO THIS STATE. ANY MONEY INCLUDED IN THOSE ASSETS AND THE NET PROCEEDS

FROM THE SALE OF THE PROPERTY OR INTERESTS IN PROPERTY, AFTER PAYMENT OF ANY DEBT SECURED BY THE PROPERTY OR INTEREST IN PROPERTY, SHALL BE DEPOSITED IN THE STATE SCHOOL AID FUND.

(2) THIS SECTION DOES NOT IMPOSE ANY LIABILITY ON THIS STATE FOR ANY DEBT INCURRED BY A PUBLIC SCHOOL ACADEMY.

Sec. 504a. In addition to other powers set forth in this part, a public school academy may take action to carry out the purposes for which it was incorporated under this part, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) ~~To~~ SUBJECT TO SECTION 503B, TO acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the public school academy require.

(c) To receive and disburse funds for lawful purposes.

(d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, and maintenance of the public school academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the public school academy in the furtherance of its public purposes.

SEC. 504D. A PUBLIC SCHOOL ACADEMY SHALL NOTIFY THE PARENT OR LEGAL GUARDIAN OF EACH APPLICANT FOR ENROLLMENT THAT THE PUBLIC SCHOOL ACADEMY IS REQUIRED BY LAW TO PROVIDE SPECIAL EDUCATION PROGRAMS AND SERVICES DESIGNED TO DEVELOP THE MAXIMUM POTENTIAL OF EACH PUPIL ENROLLED IN THE SCHOOL WHO IS ELIGIBLE FOR SPECIAL EDUCATION.”.

Senators Hoffman and Young entered the Senate Chamber.

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

The question being on the adoption of the amendment,

Senator Berryman requested the yeas and nays.

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

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

Roll Call No. 10

Yeas—16

Berryman	DeBeaussaert	Koivisto	Smith, A.
Byrum	Dingell	Miller	Stallings
Cherry	Hart	O’Brien	Vaughn
Conroy	Hoffman	Peters	Young

Nays—19

Bennett	Emmons	McManus	Shugars
Bullard	Gast	North	Steil
Cisky	Geake	Posthumus	Stille
DeGrow	Gougeon	Schuette	Van Regenmorter
Dunaskiss	Jaye	Schwarz	

Excused—3

Bouchard	Rogers	Smith, V.
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Not Voting—0

In The Chair: President

Senator Bouchard entered the Senate Chamber.

Protests

Senators Emmons, Stille and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Byrum to Senate Bill No. 202.

Senator Emmons' statement, in which Senators Stille and North concurred, is as follows:

I did not support this amendment because this clouds the issue that we are dealing with. We need to make as many people have the ability to vote in school elections as we can. Participation is important. This was a red herring that was put across this to confuse this other issue. I believe that people need to vote in school elections on all the issues that are important to them. This issue is being taken care of in another avenue.

Senator Stille's statement, in which Senator North concurred, is as follows:

We have already dealt numerous times with expulsion from public schools. Recently we sent a bill over to the House on expulsion for teacher assaults. Basically, it's sitting over there and will probably die. I would inquire or request the other side of the aisle to pose a little bit of direction and pressure on their cohorts on the other end of the Capitol to move that bill and we would be addressing some of the issues the Senator from the 25th District talked about. I concur with her interest and concern about expulsions for weapons. We have a law in effect for that. Now, let's finish the job.

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. 11**Yeas—27**

Bennett	DeGrow	Hoffman	Schuette
Berryman	Dingell	Jaye	Schwarz
Bouchard	Dunaskiss	Koivisto	Shugars
Bullard	Emmons	McManus	Steil
Cherry	Gast	North	Stille
Cisky	Gougeon	O'Brien	Van Regenmorter
Conroy	Hart	Posthumus	

Nays—8

Byrum	Geake	Peters	Stallings
DeBeaussaert	Miller	Smith, A.	Vaughn

Excused—2

Rogers	Smith, V.
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Not Voting—1

Young

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators DeBeaussiaert, Peters and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 202.

Senators DeBeaussiaert and A. Smith moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator DeBeaussiaert’s statement, in which Senators Peters and A. Smith concurred, is as follows:

We’ve had some debate on the previous amendment but now that we’re on the final bill I want to raise a couple of concerns I have. We’ve had some discussion yesterday and today. Some people have said this bill is an attempt to increase turnout. I’ve heard others describe it as a bill to limit elections. It seems to me that it would be appropriate to have the greatest number of people participating in elections. It seems that this bill raises some serious concerns that I’d hope we’d think about.

As I understand this bill, it would put all the school board elections on a cycle of votes which would call for a November election. School boards would have annual elections the first Tuesday after the first Monday in November and school board members serve for four-year terms. The practical way that that works out is that some school board members will always be running in presidential years, some school board members will always be running in gubernatorial years and some school board members will be running in November elections where there is no other issue on the ballot. So, you have a wide discrepancy in the number of people who would be participating in those elections. The way the board members’ terms are staggered, you could very easily develop a situation where five of the seven school board members would be elected in those off-year elections. So, we’d have the same basic problem of the smaller number of voters controlling the board policies and a large number of voters participating in elections but only electing a minority of members of the board. It seems to me that that kind of inconsistency has to be thought out in terms of what impact that it has on the process. We had information distributed about the voter participation in elections. I’d be interested to see what the fall off is in the November general elections on the nonpartisan ballot. We have large turn outs of voters but there’s a very large drop off that occurs when we get to the nonpartisan ballots for judges and others. Frankly, I have not had a lot of people coming to my office or write letters to me suggesting that the problem with elections is that we need longer ballots in the general election. I hear a lot of complaints about the bed-sheet ballot and the length of time it takes for people to get through.

It complicates the matter when we add this issue because at least in my community—it may not be a statewide experience—but in my community, we have a lot of jurisdictions that do not coincide. We have school board boundaries that do not exist in the same way that the township boundaries do or county commissioner boundaries do, so that you could have people in one precinct having to do several different ballots at the same time. One precinct may be split between one county commissioner district and two school board districts. There are a lot of complications that I think have to be thought through.

The third issue I hope people would consider is that this bill calls for a November election but then suggests that the board members would only take office in January and that creates a lengthy lame-duck period of time for a school board to act. Even in the current short periods where most boards are elected and within a matter of weeks the new board is sworn in, in that one remaining board session, we have had experiences where a board that has been voted in effect out of office a majority then enters into long-term contracts agreements for administrators that then saddles that school district with obligations for a lengthy period of time that cannot be overturned without great financial risk. That’s the third reason I think this bill is flawed.

I would encourage our attempts to try to increase voter participation. I think that some very simple things like lifting the restrictions on absentee ballots and moving toward the idea of a school districts vote-by-mail process might be easier ways of addressing this problem without taking on some of these other complexities that I’ve addressed. That’s why I intend, at this point, to vote “no.”

Senator A. Smith’s statement is as follows:

I rise to oppose the bill. In listening to some of the speakers who have come before us, we have talked about the placement of elections and the frequency of elections. The November election is required by this bill for the election of school board members. The bill requires that school board members will be elected in November and the other opportunities for elections to be held are for those that may be bond and millage questions.

The frequency complaint, as I served as a school board member for a number of years, came to us because of the bond and millage issues. We tell you “no.” You come back in 45 days to 90 days and ask us again for the same thing. We tell you “no” again and you are back again. We can make fairly simple changes to the election law to require that millage and bonding questions are asked of the voters less frequently. As a matter of fact, we have already done that when we adopted legislation enacting Proposal A; when we said that local districts would no longer be able to conduct millage elections after a period of years—which was three; which we are now in—unless a majority of the districts in

an I.S.D. request an election. So we have already constrained the number of elections that local units, local school boards, could have in the bond and millage questions.

Senator DeBeaussaert made what I think is a very good observation. If we want to increase voter participation, we ought to make it easy for them to vote. We ought to eliminate those conditions on absentee ballots that make it more difficult for them to go to the polls, that make it necessary for them to dissemble, or some people would call it outright lying, when they want to get an absentee ballot.

The question of education, I think, is important enough to merit its own place on a ballot, so that people are focused on the issues of education, on the positions of people who are not going to be commanding much ink space in the newspapers because they are confronted with the more important, larger partisan elections. When the elections are held for school board in June, the local newspapers focus on those people running for the board and on those issues that they are discussing. When the November elections are up, I can tell you as a member of a local unit of government or as a member of the state Legislature, the newspapers do not put a whole lot of ink on our elections because they are focused on a gubernatorial election, on state Supreme Court elections, on state Board of Education elections; if we are lucky, they look at those. When they come down to the House of Representatives and the state Senate districts, it is kind of like: and they are also running. Where do you think we are going to get coverage of the same quantity and quality for school board issues that we currently get when those elections are held separately? I think education is of such great importance in this state, that we should want that particular focus on those issues. For those reasons I am opposing the bill.

The following bill was read a third time:

Senate Bill No. 207, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 17 and chapter XIV.

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. 12

Yeas—31

Bennett	Dingell	Koivisto	Shugars
Berryman	Dunaskiss	McManus	Stallings
Bouchard	Emmons	Miller	Steil
Bullard	Gast	North	Stille
Cherry	Gougeon	O'Brien	Van Regenmorter
Cisky	Hart	Posthumus	Vaughn
Conroy	Hoffman	Schuetz	Young
DeGrow	Jaye	Schwarz	

Nays—5

Byrum	Geake	Peters	Smith, A.
DeBeaussaert			

Excused—2

Rogers	Smith, V.
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 224, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and 168.972), section 501a as amended by 1995 PA 87, sections 509n, 509r, and 509gg as added by 1994 PA 441, section 544c as amended by 1993 PA 137, and section 972 as amended by 1989 PA 26.

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. 13

Yeas—28

Bennett	DeGrow	Hoffman	Schuetz
Berryman	Dingell	Jaye	Schwarz
Bouchard	Dunaskiss	Koivisto	Shugars
Bullard	Emmons	McManus	Steil
Cherry	Gast	North	Stille
Cisky	Gougeon	O’Brien	Van Regenmorter
Conroy	Hart	Posthumus	Young

Nays—8

Byrum	Geake	Peters	Stallings
DeBeaussiaert	Miller	Smith, A.	Vaughn

Excused—2

Rogers	Smith, V.
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 715, entitled

A bill to amend 1968 PA 173, entitled “An act naming certain state buildings,” by amending section 1 (MCL 19.131), as amended by 1982 PA 229.

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. 14

Yeas—36

Bennett	DeGrow	Jaye	Schwarz
Berryman	Dingell	Koivisto	Shugars
Bouchard	Dunaskiss	McManus	Smith, A.

Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Miller
North
O'Brien
Peters
Posthumus
Schuette

Stallings
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—2

Rogers

Smith, V.

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. 841, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," (MCL 552.501 to 552.535) by adding sections 4b and 4c.

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. 15

Yeas—36

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Jaye
Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Schuette

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

Nays—0

Excused—2

Rogers

Smith, V.

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators Posthumus, Cherry and DeGrow offered the following resolution:

Senate Resolution No. 131.

A resolution creating a Senate select committee to examine the qualifications of Senator Henry E. Stallings II and determine his fitness to continue holding the high office to which he was elected.

Whereas, Article IV, Section 16 of the Constitution of the State of Michigan provides in relevant part:

“...Each house shall be the sole judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected thereto and serving therein, expel a member. The reasons for such expulsion shall be entered in the journal, with the votes and names of the members voting upon the question. No member shall be expelled a second time for the same cause.”

; and

Whereas, Senate Rule 1.301 states:

“Each Senator shall conduct himself or herself to justify the confidence placed in him or her by the people and shall, by personal example and admonition to colleagues, maintain the integrity and responsibility of his or her office.”

; and

Whereas, Senate Rule 1.308 states:

“a) A Senator shall not convert for personal, business and/or campaign use, unrelated to Senate business, any supplies, services, facilities, or staff provided by the State of Michigan...”

; and

Whereas, Senate Rule 1.310 states:

“...A Senator determined to have violated the provisions of the rules regulating ethics and conduct may be reprimanded, censured, or expelled...”

; and

Whereas, Confidence in government is a prerequisite to the functioning of a democratic society; now, therefore, be it Resolved by the Senate, That there is created a Senate select committee to consist of six members, appointed by the Senate Majority Leader, three from the Senate Republican Caucus and three members of the Senate Democratic Caucus recommended by the Democratic Minority Leader, to examine the qualifications of Senator Henry E. Stallings II and determine his fitness to continue holding the high office to which he was elected. The Senate select committee shall report its findings and recommendations to the 1998 Legislature; and be it further

Resolved, That the committee may subpoena witnesses, administer oaths, and examine the books, records, and tapes of any person, partnership, association, or corporation, public or private, involved in the matter properly before the committee; may call upon the services and personnel of any agency of the state and its political subdivisions; and may engage such assistance as it deems necessary; and be it further

Resolved, That the members of the committee shall serve without compensation, but shall be entitled to actual and necessary travel and other expenses incurred in the performance of official duties, to be paid from the appropriation to the Senate; and be it further

Resolved, That a copy of this resolution be served on Senator Henry E. Stallings II and that he be given a reasonable opportunity to appear before the Senate select committee and be represented by counsel.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator DeGrow moved that the rule be suspended.

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

The resolution was adopted.

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

The Secretary announced that the Majority Leader has made the appointment of the following select committee:

Select Committee to Examine Qualifications of Senator Stallings (SR 131) - Senators Bullard (C), Emmons, Hoffman, A. Smith, Peters and Koivisto.

The select committee appointments were approved, a majority of the members serving voting therefor.

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

House Bill No. 5300, entitled

A bill to amend 1996 PA 522, entitled “The Michigan biologic products institute transfer act,” by amending the title and sections 3 and 5 (MCL 333.26333 and 333.26335) and by adding sections 3a and 3b.

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

The Secretary announced that the Majority Leader has made changes to the following standing committees:
Economic Development, International Trade and Regulatory Affairs - Senator Stallings removed.

Finance - Senator Stallings removed.

Human Resources, Labor and Veterans Affairs - Senator Stallings removed.

The standing committee changes were approved, a majority of the members serving voting therefor.

By unanimous consent the proceeded to the order of

Introduction and Referral of Bills

Senator Bouchard introduced

Senate Bill No. 860, 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 27, 27a, 27b, 68, 68a, and 68b of chapter X (MCL 710.27, 710.27a, 710.27b, 710.68, 710.68a, and 710.68b), section 27 as amended and sections 27a and 27b as added by 1994 PA 208 and sections 68, 68a, and 68b as amended by 1994 PA 373.

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

Senator Geake introduced

Senate Bill No. 861, entitled

A bill to regulate the servicing, repair, and maintenance of certain appliances and the compensation received by certain persons for those activities; to provide for certain disclosures and warranties regarding those activities; to limit certain representations by service dealers; and to provide for certain remedies.

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Geake, Shugars, Gast, Gougeon, North, McManus, Dunaskiss, Stille, Bennett, Rogers, Hoffman, Emmons, Steil and Bullard introduced

Senate Bill No. 862, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21528.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Senior Citizens.

Senator Cisky introduced

Senate Bill No. 863, entitled

A bill to amend 1982 PA 302, entitled "An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; and to provide for the promulgation of rules," by amending section 2 (MCL 18.422), as amended by 1989 PA 158.

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

House Bill No. 4503, 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 sections 3, 3a, 10b, and 11 (MCL 46.3, 46.3a, 46.10b, and 46.11), section 10b as amended by 1996 PA 40 and section 11 as amended by 1996 PA 396; and to repeal acts and parts of acts.

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

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

House Bill No. 4730, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11521a.

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. 5294, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 62501 and 62509 (MCL 324.62501 and 324.62509), as added by 1995 PA 57, and by adding sections 62509a and 62509b.

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. 5358, entitled

A bill to amend 1993 PA 330, entitled “State real estate transfer tax act,” by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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 Finance.

House Bill No. 5473, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82126 (MCL 324.82126), as amended by 1996 PA 500.

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 Transportation and Tourism.

Statements

Senators Byrum, Dingell and Emmons asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Byrum’s statement is as follows:

Today the Michigan Senate missed an opportunity to correct a serious deficiency in the oversight with Michigan’s charter schools. We had before us Senate Bill No. 202—an appropriate vehicle bill to address the necessary oversight in our public charter schools. I cited the findings of the Auditor General’s report, dated October 1997, to no avail. We had an opportunity today to address some serious problems. We heard that it’s best to introduce your own bill—we’re talking about school elections today; we’re not talking about charter schools.

I would like to point out to the body that there is a bill giving oversight in the Senate’s possession. It is House Bill No. 4395. It has been sitting in the Senate Education Committee since May 28. It has not moved forward. It is a bill dealing with the subject matter of oversight. I have made numerous attempts to draw this to your attention—to highlight it, to talk about serious deficiencies. We’re not talking about establishing new state requirements, state laws, only as they pertain to charter schools. What I’m talking about is making sure that charter schools adhere to the state law, for the protection of students.

We heard that parents are the best judges of how their child is being educated and how safe they are in that setting. But the parents expect that state laws would be obeyed. Parents expect that the state weapons policy will be adhered to. Parents expect that criminal background checks will be done on individuals hired at these charter schools. Parents expect that certified teachers will be in the school, in the classroom. The oversight I’m talking about is making sure that state law is obeyed and adhered to. That’s what parents expect. To do less is unconscionable. We are putting Michigan’s children at risk.

Senator Dingell’s statement is as follows:

I rise to share in the amusement I felt Monday, with the Governor’s announcement of a new \$50 million program to deal with the problem Michigan has with a lack of skilled trades persons. The reason I found it highly amusing is back

during the 1980s, when I first came here, I was the chief proponent of preserving such programs which had been in existence for quite some while. The thing that was amusing about it was that John Engler was the chief opponent of funding such programs, and he remained that way until he left the Michigan Senate. When he became Michigan Governor, one of the first things he did was propose a budget which wiped out those skill trades training programs.

The Governor talks about how some new shortage exists in skilled trades training programs—not at all. There has been an acute shortage of skilled trades persons for the whole of the '80s and the whole of the '90s—this is nothing new. One wonders if there is some new receptiveness to the ability to perceive such a shortage of skilled trades persons, based upon the fact that this is an election year. By the way, those skilled trades persons lost most of their rights to sue when injured on the job due to defective equipment and their ability to get worker's compensation or unemployment benefits when the things that are frequently the case arise in the workplace. Perhaps he begins to perceive that skilled trades people are rightly very upset with him. I think that skilled trades people have a right to be upset with him, and this new training program is a little bit too late; but I am pleased with this new epiphany.

Senator Emmons' statement is as follows:

I want to make clear to the people in Michigan who have children in public schools, whether they be in a geographic school or in a public school academy, that we have made a law that when a child brings a gun or a knife to school and threatens fellow students, that student is gone. That is a law, the school people understand it completely and are acting on that law. You should not be afraid to send your child to school and we intend that we will make any changes that we need to assure that that is true. We do have problems with the law in certain public schools across Michigan, but I have seen swift response when this situation is brought to the attention of any administrator. So you can feel calm and assured that this is a law and it is being enforced.

In addition, it is very important that the House members do act on the bill—which went out of this chamber with bipartisan support, to also have the same conditions for anybody who assaults school personnel if they are over the sixth grade. We need to have you know as parents and grandparents—when you put your kids on the bus, send them off to school, they are going to be safe. And I can stand here today in complete confidence and assure that's happening in all kinds of public schools.

Committee Reports

The Committee on Education reported

Senate Bill No. 555, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270, and by adding section 4a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 556, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503, and by adding section 3a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 557, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274) and by adding section 4a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 558, entitled

A bill to amend 1976 PA 228, entitled "Single business tax act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386, and by adding section 4a.

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

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386, and by adding section 4a.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

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

The Committee on Education reported

Senate Bill No. 559, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324) and by adding section 4a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 560, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47, and by adding section 4a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 561, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404) and by adding section 4a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussiaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 562, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283) and by adding section 3a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussiaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 563, entitled

A bill to amend 1976 PA 174, entitled "An act to provide free tuition for state resident North American Indians in Michigan public community colleges, public universities, and certain federal tribally controlled community colleges; and to prescribe certain powers and duties of certain state departments, commissions, and agencies," by amending section 1 (MCL 390.1251), as amended by 1993 PA 106, and by adding section 1a.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussiaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 564, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending sections 4a and 12 (MCL 390.1154a and 390.1162), section 4a as added by 1989 PA 96 and section 12 as amended by 1987 PA 206.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussiaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 565, entitled

A bill to amend chapter IX of 1927 PA 175, entitled "The code of criminal procedure," (MCL 769.1 to 769.34) by adding section 15.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussiaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Tuesday, February 3, 1998, at 1:05 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), DeGrow, Schuette, DeBeaussiaert and Peters

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Meeting held on Tuesday, January 27, 1998, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Geake (C), Schwarz, McManus, Conroy and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:

Meeting held on Monday, February 2, 1998, at 6:00 p.m., Kalamazoo Center for Medical Studies, 1000 Oakland Drive, Kalamazoo, Michigan

Present: Senator Shugars (C)

Excused: Senators Schwarz, Bullard, Byrum and O'Brien

COMMITTEE ATTENDANCE REPORT

The Legislative Council submits the following:

Meeting held on Tuesday, February 3, 1998, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Posthumus (C), DeGrow, Schwarz, Steil, Cherry and Schuette

Excused: Senators V. Smith, Cisky and O'Brien

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Wednesday, February 4, 1998, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators North (C), Van Regenmorter, Dingell and Byrum

Excused: Senator Schwarz

Scheduled Meeting

Health Policy and Senior Citizens Committee - Tuesday, February 17, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 11:38 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, February 5, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.