

**No. 41**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, May 14, 1997.

10:00 a.m.

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

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

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

Emmons—present  
Gast—present  
Geake—present  
Gougeon—present  
Hart—excused  
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—excused  
Vaughn—present  
Young—present

Bishop Alfred P. Singleton of Bethlehem Temple Church in Lansing offered the following invocation:

Heavenly Father, we come to You in humility thanking You for this opportunity, thanking You for the strength in our body. We thank You for the activities for the use of our limbs. We thank You for Your blessings You have given us.

Now, we come before You asking that You look down upon this assembly as the Senators prepare to do their work; prepare to make decisions that are vital to the future of this state. We ask that You give them direction. Father, we ask You, Lord God, to help us to remember who should be first in our lives. We thank You and we praise You. In Your name. Amen.

### Motions and Communications

Senator DeGrow moved that Senators Hoffman and Schwarz be temporarily excused from today's session. The motion prevailed.

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

Senators Hoffman and Young entered the Senate Chamber.

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

Senator V. Smith moved that Senator Hart be excused from today's session. The motion prevailed. Senator Hart is attending a funeral of a family member.

The following communication was received:  
Office of the Auditor General

May 9, 1997

Enclosed is a corrected copy of the Executive Digest for the Financial Audit Including the Provisions of the Single Audit Act of the Department of Natural Resources which was previously mailed to you on May 8, 1997.

We discovered, after mailing, that a very small number of executive digests for the Department of Natural Resources audit were incorrect. You may have received one of those executive digests. If so, please replace the previously sent executive digest with the enclosed digest.

We apologize for any inconvenience this may have caused.

Sincerely,  
John R. Suckow, C.P.A.  
Director of Administration

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, May 13:  
**House Bill Nos. 4589 4590 4593 4594 4595 4596 4597 4598 4599 4600 4601 4602 4603 4604**  
**4605 4610**

The Secretary announced the printing and placement in the members' files on Tuesday, May 13 of:  
**Senate Bill No. 501**

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of Senators Stallings and Shugars admittance to the Senate floor.

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

Senator Miller entered the Senate Chamber.

Senator DeGrow moved that rule 3.901 be suspended to allow photographers to film on the Senate floor, including the center aisle.

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

Senator V. Smith moved that Senator Dingell be excused from tomorrow's session.  
The motion prevailed.  
Senator Dingell's wife is having eye surgery.

### **Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:06 a.m.

10:16 a.m.

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

During the recess, Senator Shugars introduced to the Senate members of the All-State Academic and Athletic teams and their representatives.

Jon Woodrow of Vicksburg High School, Art Bombrys of Mendon High School, Mike Dudley of Mattawan High School and Jack Maggelson of Portgagge Northern High School responded briefly.

During the recess, Senator Schwarz entered the Senate Chamber.

### **Messages from the House**

#### **Senate Bill No. 229, entitled**

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," by amending section 8 (MCL 290.658), as amended by 1996 PA 216.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

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

#### **Senate Bill No. 230, entitled**

A bill to amend 1957 PA 4, entitled "Charter water authority act," by amending section 17 (MCL 121.17).

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

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

#### **Senate Bill No. 233, entitled**

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 77 (MCL 41.77), as amended by 1989 PA 77.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

#### **Senate Bill No. 234, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 142 (MCL 389.142), as amended by 1984 PA 299.

The House of Representatives has substituted (H-2)\* the bill.

The House of Representatives has passed the bill as substituted (H-2)\*, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

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

**House Bill No. 4220, entitled**

A bill to amend 1979 PA 152, entitled "An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments," by amending section 25 (MCL 338.2225), as amended by 1988 PA 461.

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

1. Amend page 1, line 2, after "manicurist," by inserting "NATURAL HAIR CULTURIST;"
2. Amend page 2, line 3, after "manicurist," by inserting "NATURAL HAIR CULTURIST;"
3. Amend page 2, line 8, after "manicurist," by inserting "NATURAL HAIR CULTURIST;"
4. Amend page 2, line 14, after "manicurist," by inserting "NATURAL HAIR CULTURIST;"

The House of Representatives has concurred in the Senate substitute (S-1) as amended and pursuant to Joint Rule 20, agreed to the full title of the bill.

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

**Third Reading of Bills**

The following bill was read a third time:

**Senate Bill No. 372, entitled**

A bill to amend 1969 PA 235, entitled "An act authorizing local units of government to regulate and control traffic in parking areas; and to provide a penalty for a violation of this act," by amending section 2a (MCL 257.942a).

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. 197****Yeas—36**

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

**Nays—0****Excused—2**

Hart

Van Regenmorter

**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. 373, entitled**

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without

publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code,” by amending section 1 (MCL 257.951), as amended by 1993 PA 225.

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. 198****Yeas—36**

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

**Nays—0****Excused—2**

Hart	Van Regenmorter
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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. 374, entitled**

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending sections 102 and 304b (MCL 484.2102 and 484.2304b), section 102 as amended and section 304b as added by 1995 PA 216.

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. 199****Yeas—36**

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

**Nays—0**

**Excused—2**

Hart Van Regenmorter

**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. 375, entitled**

A bill to amend 1921 PA 302, entitled "An act to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof," by amending section 8 (MCL 388.558).

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. 200**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hart Van Regenmorter

**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. 376, entitled**

A bill to amend 1972 PA 230, entitled “State construction code act of 1972,” by amending section 2 (MCL 125.1502), as amended by 1980 PA 371.

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. 201**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hart	Van Regenmorter
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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. 377, 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 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 section 34a (MCL 791.234a), as amended by 1994 PA 427.

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. 202**

**Yeas—36**

Bennett	DeBeaussaert	Koivisto	Schwarz
Berryman	DeGrow	McManus	Shugars

Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.
Byrum	Emmons	O'Brien	Stallings
Carl	Gast	Peters	Steil
Cherry	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Vaughn
Conroy	Hoffman	Schuetz	Young

**Nays—0**

**Excused—2**

Hart Van Regenmorter

**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. 378, entitled**

A bill to amend 1967 PA 291, entitled "An act to authorize state universities and colleges to enact parking, traffic and pedestrian ordinances and to provide for the enforcement of the ordinances; and to dispose of fines collected," by amending sections 1 and 2a (MCL 390.891 and 390.892a), section 1 as amended by 1992 PA 229 and section 2a as amended by 1991 PA 42.

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. 203**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hart Van Regenmorter



**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. 379, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 3 and 6 (MCL 400.703 and 400.706), as amended by 1996 PA 194.

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. 204****Yeas—36**

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

**Nays—0****Excused—2**

Hart

Van Regenmorter

**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. 380, entitled**

A bill to amend 1990 PA 325, entitled "Michigan museum act," by amending sections 110 and 210 (MCL 399.410 and 399.510).

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. 205****Yeas—36**

Bennett	DeBeaussaert	Koivisto	Schwarz
Berryman	DeGrow	McManus	Shugars

Bouchard  
Bullard  
Byrum  
Carl  
Cherry  
Cisky  
Conroy

Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hoffman

Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Smith, A.  
Smith, V.  
Stallings  
Steil  
Stille  
Vaughn  
Young

**Nays—0**

**Excused—2**

Hart

Van Regenmorter

**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. 381, entitled**

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 396 (MCL 16.496).

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. 206**

**Yeas—36**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Carl  
Cherry  
Cisky  
Conroy

DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hoffman

Koivisto  
McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

Schwarz  
Shugars  
Smith, A.  
Smith, V.  
Stallings  
Steil  
Stille  
Vaughn  
Young

**Nays—0**

**Excused—2**

Hart

Van Regenmorter

**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. 382, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 1, 22, 32b, 44, and 44d (MCL 125.1401, 125.1422, 125.1432b, 125.1444, and 125.1444d), section 1 as amended by 1984 PA 215, sections 22, 32b, and 44 as amended by 1996 PA 475, and section 44d as added by 1987 PA 86.

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. 207**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hart	Van Regenmorter
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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. 383, entitled**

A bill to amend 1964 PA 232, entitled "Rehabilitation act of 1964," by amending section 2 (MCL 395.82).

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. 208**

**Yeas—36**

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

Cisky  
ConroyGougeon  
HoffmanRogers  
SchuetteVaughn  
Young**Nays—0****Excused—2**

Hart

Van Regenmorter

**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. 384, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 1989 PA 193.

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. 209****Yeas—36**Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Carl  
Cherry  
Cisky  
ConroyDeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
HoffmanKoivisto  
McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
SchuetteSchwarz  
Shugars  
Smith, A.  
Smith, V.  
Stallings  
Steil  
Stille  
Vaughn  
Young**Nays—0****Excused—2**

Hart

Van Regenmorter

**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. 385, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 504, 514, 605, 701, 1296, 1311, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1756, 1757, and 1761 (MCL 380.4, 380.5, 380.6, 380.504, 380.514, 380.605, 380.701, 380.1296, 380.1311, 380.1321, 380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751, 380.1756, 380.1757, and 380.1761), section 5 as amended by 1995 PA 289, sections 504 and 1701a as amended and section 514 as added by 1994 PA 416, section 605 as amended by 1985 PA 86, section 1311 as amended by 1995 PA 250, section 1321 as amended by 1990 PA 163, and section 1724 as amended by 1994 PA 258.

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. 210**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hart	Van Regenmorter
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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. 386, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 51a and 105 (MCL 388.1651a and 388.1705), as added by 1996 PA 300.

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. 211**

**Yeas—36**

Bennett	DeBeaussaert	Koivisto	Schwarz
Berryman	DeGrow	McManus	Shugars
Bouchard	Dingell	Miller	Smith, A.
Bullard	Dunaskiss	North	Smith, V.

Byrum	Emmons	O'Brien	Stallings
Carl	Gast	Peters	Steil
Cherry	Geake	Posthumus	Stille
Cisky	Gougeon	Rogers	Vaughn
Conroy	Hoffman	Schuette	Young

**Nays—0**

**Excused—2**

Hart Van Regenmorter

**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. 387, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 509b, 40102, 40103, 40107, 70103, 81101, 81123, 81127, and 81133 (MCL 324.509b, 324.40102, 324.40103, 324.40107, 324.70103, 324.81101, 324.81123, 324.81127, and 324.81133), sections 40102, 40103, and 40107 as added by 1995 PA 57 and sections 70103, 81101, 81123, 81127, and 81133 as added by 1995 PA 58.

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. 212**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hart Van Regenmorter

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Conroy, Gougeon, North, Bullard, Vaughn, V. Smith, Peters, A. Smith, DeBeaussaert, Young, Stallings, Byrum and Koivisto moved that they be named co-sponsors of the following bills:

**Senate Bill No. 372**

**Senate Bill No. 373**

**Senate Bill No. 374**

**Senate Bill No. 375**

**Senate Bill No. 376**

**Senate Bill No. 377**

**Senate Bill No. 378**

**Senate Bill No. 379**

**Senate Bill No. 380**

**Senate Bill No. 381**

**Senate Bill No. 382**

**Senate Bill No. 383**

**Senate Bill No. 384**

**Senate Bill No. 385**

**Senate Bill No. 386**

**Senate Bill No. 387**

**Senate Bill No. 388**

**Senate Bill No. 389**

**Senate Bill No. 390**

**Senate Bill No. 391**

**Senate Bill No. 392**

**Senate Bill No. 393**

**Senate Bill No. 394**

**Senate Bill No. 395**

**Senate Bill No. 396**

**Senate Bill No. 397**

**Senate Bill No. 398**

**Senate Bill No. 399**

**Senate Bill No. 400**

**Senate Bill No. 401**

**Senate Bill No. 402**

The motion prevailed.

**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 Bennett as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 4352, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Genesee county; to prescribe conditions for the conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

**Senate Bill No. 437, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 796a (MCL 168.796a), as amended by 1996 PA 583.

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. 480, entitled**

A bill to amend 1929 PA 9, entitled "An act to regulate corporations, associations or persons engaged in the business of carrying and transporting natural gas through pipe lines and to regulate the production, purchase and sale of natural gas; to provide for the control and regulation of such corporations, associations and persons by the Michigan public utilities commission; to define the powers and duties of the commission relative thereto; to prescribe penalties for the violations of the provisions hereof; and to repeal Act No. 29 of the Public Acts of 1889," (MCL 483.101 to 483.120) by adding sections 1a and 1b.

Substitute (S-1).

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

1. Amend page 1, line 4, after the second "PIPELINE" by inserting "SUBJECT TO COMMISSION APPROVAL UNDER THIS ACT AND IS".

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. 413, entitled**

A bill to amend 1981 PA 125, entitled "An act to define and regulate secondary mortgage loans; to prescribe powers and duties of the financial institutions bureau and certain state agencies; to provide for the establishment of a financial institutions bureau operations fund; to provide for the promulgation of rules; and to provide for civil fines and penalties," by amending the title and sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 29, and 30 (MCL 493.51, 493.52, 493.53, 493.54, 493.55, 493.56, 493.58, 493.59, 493.60, 493.61, 493.62, 493.63, 493.64, 493.65, 493.67, 493.68, 493.70, 493.71, 493.72, 493.73, 493.74, 493.75, 493.76, 493.77, 493.79, and 493.80), the title and sections 1, 21, 22, and 27 as amended by 1995 PA 164, section 2 as amended by 1988 PA 164, sections 4, 8, 14, and 26 as amended by 1992 PA 77, and section 30 as amended by 1984 PA 124, and by adding sections 3a, 6a, 6b, and 12a; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 45, line 27, after "power." by inserting "THIS ACT DOES NOT APPLY TO AN AFFILIATE OR SUBSIDIARY OF A DEPOSITORY FINANCIAL INSTITUTION OR A DEPOSITORY FINANCIAL INSTITUTION HOLDING COMPANY IF THE DEPOSITORY INSTITUTION MAINTAINS AN OFFICE OR BRANCH OFFICE IN THIS STATE."

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

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 20**

**Senate Concurrent Resolution No. 11**

The motion prevailed.

Senator DeGrow moved that the following resolutions be referred to the Committee on Government Operations:

**Senate Concurrent Resolution No. 18.**

A concurrent resolution approving the proposed administrative rule of the Michigan Department of Consumer and Industry Services, Financial Institutions Bureau, Regulatory Loan Licensees, Transmittal No. 96-88.

**Senate Concurrent Resolution No. 19.**

A concurrent resolution approving the proposed administrative rule of the Michigan Department of Agriculture, Food Division, Smoked Fish (Regulation No. 569), Transmittal No. 96-87.

**Senate Concurrent Resolution No. 20.**

A concurrent resolution approving the proposed administrative rule of the Michigan Department of State Police, Motor Carrier Division, Motor Carrier Safety (Rescission), Transmittal No. 96-86.



**Senate Concurrent Resolution No. 21.**

A concurrent resolution approving the proposed administrative rule of the Michigan Department of Consumer and Industry Services, Director's Office, Occupational Therapists, Transmittal No. 96-83.

**Senate Concurrent Resolution No. 22.**

A concurrent resolution approving the proposed administrative rule of the Michigan Department of Consumer and Industry Services, Director's Office, Dentistry, Transmittal No. 96-82.

The motion prevailed.

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

The motion prevailed.

Senator Stille's statement is as follows:

I would just like to make a comment relative to some of the concerns we have within our education community today. We've received a significant number of communiques from teachers across the state, not only our own district, but from several other districts. And each one of these communiques, with those that we have picked out for today, have essentially highlighted the concern over violence within schools and assault on teachers. I picked these particular communiques out because we have a bill coming forward in the Education Committee here in the near future that would deal with assault on teachers. The four I picked out today are from Orchard View schools in Muskegon, the Plymouth schools in the Detroit area, West Bloomfield Hills and Muskegon Heights. Each one of these depict a different case, and these are comments from teachers about how they have been accosted, assaulted and had very little recourse in dealing with the concerns and the situation they had to meet with. I point this out because as we deal with a variety of education issues, we have to keep in mind the safety and the concern for our professional teachers. With this "Listen In" that Senator Emmons has been featuring, it has provided a great opportunity for teachers to communicate with each of us and to tell us of their concerns. I think this is probably one of the more prevalent ones that we have to deal with today, namely, protecting and providing safety for our professional teachers. I hope that you will join with all of us as these bills come forward to provide a new degree of safety in our educational institutions.

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

Senators Cisky, Gougeon and Bouchard introduced

**Senate Bill No. 503, entitled**

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

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

Senator Bennett introduced

**Senate Bill No. 504, entitled**

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

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

**House Bill No. 4589, entitled**

A bill to amend 1915 PA 59, entitled "An act to provide for the construction, improvement and maintenance of highways; for the levying, spreading and collecting of taxes and of special assessments therefor; to authorize the borrowing of money and the issuance of bonds under certain restrictions, regulations and limitations; to prescribe the powers and duties of certain officers with reference thereto; and to validate certain proceedings heretofore taken," by amending section 25 (MCL 247.425).

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

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

**House Bill No. 4590, entitled**

A bill to amend 1925 PA 381, entitled "An act to authorize certain counties to combine for the purpose of planning systems of inter-county highways, super-highways and limited access highways; to define the terms "super-highways" and "limited access highways"; to authorize the establishment of inter-county highway commissions; to prescribe their powers and duties; to provide for the appropriation of funds therefor; and to empower counties to legislate with respect thereto," by amending section 6 (MCL 252.6).

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

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

**House Bill No. 4593, entitled**

A bill to amend 1954 PA 70, entitled "An act relative to agreements providing for the final disposition of a dead human body; and to prescribe penalties for violations of the provisions of this act," by amending section 1 (MCL 328.201), as amended by 1982 PA 366.

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

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

**House Bill No. 4594, entitled**

A bill to amend 1965 PA 314, entitled "An act to authorize the investment of assets of public employee retirement systems or plans created and established by the state or any political subdivision; to provide for the payment of certain costs and investment expenses; to authorize investment in variable rate interest loans; to define and limit the investments which may be made by an investment fiduciary with the assets of a public employee retirement system; and to prescribe the powers and duties of investment fiduciaries and certain state departments and officers," by amending section 20c (MCL 38.1140c), as amended by 1996 PA 485.

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

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

**House Bill No. 4595, entitled**

A bill to amend 1909 PA 99, entitled "An act authorizing the county board of commissioners or the board of auditors in those counties having a board of county auditors, to designate a depository or depositories of public moneys received by county treasurers; prescribing the duties of certain officers; and prescribing penalties," by amending sections 1, 2, 3, 4, 6, 6a, and 10 (MCL 129.31, 129.32, 129.33, 129.34, 129.36, 129.36a, and 129.40).

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

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

**House Bill No. 4596, entitled**

A bill to amend 1932 (1st Ex Sess) PA 40, entitled "An act to provide for the designation of depositories for public moneys; to prescribe the effect thereof on the liability for such deposits; to suspend the requirement of surety bonds from depositories of public moneys; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 2 and 4 (MCL 129.12 and 129.14), by adding section 6; and to repeal acts and parts of acts.

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

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

**House Bill No. 4597, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 1988 PA 239.

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

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

**House Bill No. 4598, entitled**

A bill to amend 1909 PA 321, entitled "An act to provide for the depositing and safeguarding of public moneys belonging to villages within the state of Michigan," by amending sections 1 and 3 (MCL 129.41 and 129.43) and by adding section 5.

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

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

**House Bill No. 4599, entitled**

A bill to amend 1934 (1st Ex Sess) PA 23, entitled "An act authorizing the investment in bonds of the home owners' loan corporation and bonds of federal home loan banks by the state and all its departments and political subdivisions, including municipal corporations, and instrumentalities, and by any insurance company, building and loan association or company, savings and loan association or company, bank, trust company or other financial institution, and by any executor, administrator, guardian, trustee or fiduciary; authorizing the use of such bonds as security by any depository of funds; and authorizing certain deposits with the state treasurer to be in such bonds," by amending section 1 (MCL 129.81).

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

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

**House Bill No. 4600, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622, 1221, and 1223 (MCL 380.622, 380.1221, and 380.1223), sections 622 and 1223 as amended by 1986 PA 132 and section 1221 as amended by 1994 PA 416.

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

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

**House Bill No. 4601, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending sections 3 and 7 (MCL 21.143 and 21.147), section 3 as amended by 1990 PA 8 and section 7 as amended by 1994 PA 44; and to repeal acts and parts of acts.

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

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

**House Bill No. 4602, entitled**

A bill to amend 1982 PA 367, entitled "Surplus funds investment pool act," by amending section 2 (MCL 129.112).

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

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

**House Bill No. 4603, entitled**

A bill to amend 1969 PA 319, entitled "Banking code of 1969," by amending sections 171 and 231 (MCL 487.471 and 487.531), section 171 as amended by 1996 PA 405 and section 231 as amended by 1991 PA 12.

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 4604, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 508 (MCL 487.3508) and by adding section 302a.

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 4605, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 606 (MCL 491.606), as amended by 1987 PA 106, and by adding section 300a.

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 4610, entitled**

A bill to amend 1932 (1st Ex Sess) PA 40, entitled "An act to provide for the designation of depositories for public moneys; to prescribe the effect thereof on the liability for such deposits; to suspend the requirement of surety bonds from depositories of public moneys; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 2 and 4 (MCL 129.12 and 129.14) and by adding section 6.

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

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

**Committee Reports**

The Committee on Transportation and Tourism reported

**House Bill No. 4436, entitled**

A bill to co-designate a part of Michigan state highway M-85 as Matt McNeely boulevard; and to prescribe the duties of the state transportation department.

With the recommendation that the bill pass.

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

Douglas Carl  
Chairperson

To Report Out:

Yeas: Senators Carl, Stille, North and Hart

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Transportation and Tourism submits the following:

Meeting held on Wednesday, May 7, 1997, at 3:00 p.m., Room 405, Capitol Building

Present: Senators Carl (C), Stille, North, O'Brien and Hart

The Committee on Judiciary reported

**House Bill No. 4093, 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 section 65a (MCL 791.265a), as amended by 1994 PA 217.

With the recommendation that the bill pass.

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

William Van Regenmorter  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

The Committee on Judiciary submits the following:

Meeting held on Tuesday, May 13, 1997, at 1:00 p.m., Room 100, Farnum Building

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

Excused: Senator Geake

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on School Aid (K-12) and Department of Education submits the following:  
Meeting held on Tuesday, May 13, 1997, at 1:00 p.m., Senate Appropriations Room, Capitol Building  
Present: Senators DeGrow (C), Schwarz and Conroy

**Scheduled Meetings**

Judiciary Committee - Tuesday, May 20, at 1:00 p.m., Room 100, Farnum Building and Thursday, May 22, at 7:00 p.m., Grand Rapids City Hall, 9th Floor Commission Chambers, 300 Monroe, N.W., Grand Rapids (3-6920).

Michigan Law Revision Commission - Monday, June 9, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-7536).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 11:16 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, May 15, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

