

No. 53

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 11, 1997.

10:00 a.m.

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

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

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

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

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

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

Our Father, who art in Heaven, hallowed be Thy name; Thy kingdom come, Thy will be done in the Michigan Senate, as it is in Heaven. We pray Your guidance upon all of us today. Amen.

Senators Hart and A. Smith entered the Senate Chamber.

Motions and Communications

Senator DeGrow moved that Senators Carl, Dunaskiss, Emmons, Hoffman, McManus and Posthumus be temporarily excused from today's session.

The motion prevailed.

Senators Rogers, Conroy, V. Smith, Byrum, Posthumus and Cherry entered the Senate Chamber.

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

Senators Miller, Dunaskiss and Carl entered the Senate Chamber.

Messages from the Governor

The following message from the Governor was received and read:

June 9, 1997

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

Michigan Historical Commission

Mrs. Ann Preston Koeze, 3290 Rogue River Road, Belmont, Michigan 49306, county of Kent, as a member representing the general public, succeeding herself, for a term expiring on May 21, 2003.

Sincerely,
John Engler
Governor

The appointment was referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 128, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2882 (MCL 333.2882), as amended by 1996 PA 307.

(For text of amendment, see Senate Journal No. 52, p. 866.)

The question being on concurring in the amendment made to the bill by the House.

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

Roll Call No. 341

Yeas—34

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

Nays—0

Excused—4

Emmons

Hoffman

McManus

Stallings

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title of the bill. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

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

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

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

House Bill No. 4052, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241, and by adding sections 48a and 48b.

Senate Bill No. 415, 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 section 39 of chapter X (MCL 710.39), as amended by 1996 PA 409.

Senate Bill No. 543, entitled

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

Senate Bill No. 566, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 1990 PA 277.

House Bill No. 4329, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284 (MCL 380.1284), as amended by 1995 PA 289.

House Bill No. 4391, entitled

A bill to authorize a political subdivision to enact an ordinance allowing certain electrically powered vehicles to be operated on a highway within the political subdivision's boundaries; to require certain equipment for electrically powered vehicles; to provide for restrictions and limitations; to provide for exceptions; and to define terms.

House Bill No. 4766, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 33 (MCL 257.33), as amended by 1995 PA 140.

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 amendment, the following bill:

Senate Bill No. 494, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 302 (MCL 37.2302).

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

1. Amend page 2, line 8, by striking out all of subsection (2) and inserting:

"(2) THIS SECTION DOES NOT PROHIBIT AN ENCLOSED MALL OR ENCLOSED SHOPPING CENTER FROM ENFORCING A RULE OR POLICY THAT PROHIBITS A MINOR LESS THAN 16 YEARS OF AGE FROM BEING PRESENT IN AN ENCLOSED SHOPPING CENTER OR ENCLOSED SHOPPING MALL AFTER 6:00 P.M. ON A FRIDAY OR SATURDAY, UNLESS THAT MINOR IS A PARENT OR IS ACCOMPANIED BY A PARENT OR ANOTHER INDIVIDUAL 19 YEARS OF AGE OR OLDER. THIS SECTION DOES NOT APPLY TO A MOVIE THEATER."

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

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

Senate Bill No. 521, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 113, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

Substitute (S-2).

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

1. Amend page 4, line 6, after "WELFARE" by striking out "KNEW" and inserting "HAD ACTUAL KNOWLEDGE THAT".

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. 532, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations;

to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 1995 PA 81, and by adding sections 5b, 5c, and 5d.

Substitute (S-1).

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

1. Amend page 7, line 14, after "INDIVIDUAL." by striking out the balance of the subdivision.
2. Amend page 7, line 22, after "SECTION." by inserting "THE DEPARTMENT SHALL REQUIRE THE INDIVIDUAL TO SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE FOR THE CRIMINAL HISTORY AND CRIMINAL RECORDS CHECKS DESCRIBED IN SUBSECTION (1).".
3. Amend page 7, line 26, after "WITHIN" by striking out "30" and inserting "45".
4. Amend page 8, line 6, after "WITHIN" by striking out "30" and inserting "7".
5. Amend page 9, following line 7, by inserting:
"(8) THE DEPARTMENT OF STATE POLICE MAY CHARGE A FEE FOR A CRIMINAL HISTORY CHECK OR A CRIMINAL RECORDS CHECK DESCRIBED IN SUBSECTION (1) THAT DOES NOT EXCEED THE ACTUAL COST OF CONDUCTING THE CHECK." and renumbering the remaining subsection.
6. Amend page 11, line 27, after "INDIVIDUAL." by striking out the balance of the subdivision.
7. Amend page 12, line 8, after "SECTION." by inserting "THE CHILD CARE ORGANIZATION SHALL REQUIRE THE INDIVIDUAL TO SUBMIT HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF STATE POLICE FOR THE CRIMINAL HISTORY AND CRIMINAL RECORDS CHECKS DESCRIBED IN SUBSECTION (1).".
8. Amend page 12, line 13, after "WITHIN" by striking out "30" and inserting "45".
9. Amend page 12, line 20, after "WITHIN" by striking out "30" and inserting "7".
10. Amend page 13, line 5, after "(6)" by inserting "EXCEPT AS PROVIDED IN THIS SUBSECTION,".
11. Amend page 13, line 7, after "(5)." by inserting "IF THE CHILD CARE ORGANIZATION DETERMINES IT IS NECESSARY TO EMPLOY AN INDIVIDUAL AND IT HAS RECEIVED THE RESULTS OF THE CRIMINAL HISTORY CHECK ON THE INDIVIDUAL, IT MAY EMPLOY THE INDIVIDUAL AS A CONDITIONAL EMPLOYEE BEFORE RECEIVING THE REPORT DESCRIBED IN SUBSECTION (5). SUBSECTION (8) APPLIES TO THAT CONDITIONAL EMPLOYEE.".
12. Amend page 14, following line 19, by inserting:
"(10) THE DEPARTMENT OF STATE POLICE MAY CHARGE A FEE FOR A CRIMINAL HISTORY CHECK OR A CRIMINAL RECORDS CHECK DESCRIBED IN SUBSECTION (1) THAT DOES NOT EXCEED THE ACTUAL COST OF CONDUCTING THE CHECK.".

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. 165, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 1998; to implement the appropriations within the budgetary process; to make appropriations for planning and construction of state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

Substitute (S-1).

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

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

Senate Bill No. 526, entitled

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

Substitute (S-1).

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

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

House Bill No. 4523, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160a. Substitute (S-4).

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

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

Senate Bill No. 544, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 2 (MCL 722.952) and by adding sections 4a and 4b.

Substitute (S-1).

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

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

House Bill No. 4774, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1234 (MCL 380.1234).

Substitute (S-1).

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

During the Committee of the Whole, Senators Hoffman, McManus, Emmons and Stallings entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 494
House Bill No. 4052
Senate Bill No. 521
Senate Bill No. 415
Senate Bill No. 543
Senate Bill No. 544
Senate Bill No. 113
Senate Bill No. 532
Senate Bill No. 566
Senate Bill No. 165
House Bill No. 4329
House Bill No. 4774
House Bill No. 4391
House Bill No. 4766
House Bill No. 4523

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

The following bill was read a third time:

Senate Bill No. 494, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 302 (MCL 37.2302).

The question being on the passage of the bill,

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

The motion prevailed.

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4052, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 27 (MCL 38.27), as amended by 1987 PA 241, and by adding sections 48a and 48b.

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. 342

Yeas—36

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

Nays—0

Excused—1

Hoffman

Not Voting—1

Dunaskiss

In The Chair: President

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

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

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

"An act to provide for a state employees' retirement system; to create a state employees' retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; and to prescribe penalties and provide remedies,".

The Senate agreed to the full title of the bill.

The following bill was read a third time:

Senate Bill No. 521, entitled

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

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. 343**Yeas—35**

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

Nays—2

| | |
|---------|-----------|
| Dingell | Smith, A. |
|---------|-----------|

Excused—1

Hoffman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator A. Smith, under her constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 521.

Senator A. Smith's statement is as follows:

This is another situation which we retroactively allow a tax break to companies that fail to comply with the state requirement. It seems, in this case, the companies were told by the municipality in which they were relocating, that they would have a state tax exemption—something that the municipalities were not empowered to authorize—and without negotiating with the state or in any way letting the companies know that they would not be eligible for a state tax exemption unless the state provided it. The municipalities negotiated it on the state's behalf. Now, were coming back as a legislature to make that negotiation okay.

Essentially, what we are saying with this legislation is that any local unit of government can go forth and negotiate a state tax exemption and the state legislature will make that okay. I certainly think that is the wrong message to be sending to any business or any municipality in the state of Michigan. Therefore, I voted "no."

The following bill was read a third time:

Senate Bill No. 415, 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 section 39 of chapter X (MCL 710.39), as amended by 1996 PA 409.

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. 344

Yeas—36

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

Nays—1

Smith, A.

Excused—1

Hoffman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator A. Smith, under her constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 415.

Senator A. Smith’s statement is as follows:

I appreciate the objective of the sponsor of this bill and what they are trying to achieve, but I have some concerns with the elimination of a due process right to an individual who is automatically terminated of his parental rights because a mother decides to terminate her parental rights, and he has made little or no effort to exercise responsibility toward support. Often, that effort is rejected. On occasion, a father doesn’t know in advance of a birth that he is about to become a parent, and I think with the automatic termination of rights we are actually threatening the due process rights of another individual. Therefore, I voted “no.”

The following bill was read a third time:

Senate Bill No. 543, entitled

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

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

1. Amend page 1, line 6, by striking out all of line 6 through "CASEWORKER," on line 7.
2. Amend page 2, line 14, after "SUBSECTION (1)," by inserting "AND THE CHILD'S ATTORNEY OBJECTS TO THE ACTIONS OF THE AGENCY;"

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

The question being on the passage of the bill,

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

Roll Call No. 345

Yeas—37

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

Nays—0

Excused—1

Hoffman

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. 544, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 2 (MCL 722.952) and by adding sections 4a and 4b.

The question being on the passage of the bill,

Senator Gougeon offered the following amendment:

1. Amend page 6, line 4, after "(10)" by striking out the balance of the subsection and inserting "IF A CHILD UNDER THE CARE OF A SUPERVISING AGENCY HAS SUFFERED SEXUAL ABUSE, SERIOUS PHYSICAL ABUSE OR MENTAL ILLNESS, THE SUPERVISING AGENCY SHALL HAVE AN EXPERIENCED AND LICENSED MENTAL HEALTH PROFESSIONAL AS DEFINED UNDER MCL 330.1100b(14)(a) OR (b) OR A SOCIAL WORKER CERTIFIED UNDER SECTION 1606 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1606, WHO IS TRAINED IN CHILDREN'S PSYCHOLOGICAL ASSESSMENTS PERFORM AN ASSESSMENT OR PSYCHOLOGICAL EVALUATION OF THE CHILD. THE COSTS OF EVALUATION SHALL BE BORNE BY THE SUPERVISING AGENCY;"

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

The question being on the passage of the bill,

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

Roll Call No. 346**Yeas—37**

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

Nays—0**Excused—1**

Hoffman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 544

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 113, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

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. 347**Yeas—37**

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

Nays—0

Excused—1

Hoffman

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. 532, entitled

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

The 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. 348

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 | Van Regenmorter |
| Conroy | Hart | Schuette | Vaughn |

Nays—0

Excused—1

Hoffman

Not Voting—1

Young

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 532

The following bill was read a third time:

Senate Bill No. 566, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 321 (MCL 600.321), as amended by 1990 PA 277.

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. 349

Yeas—29

| | | | |
|-----------|----------|-----------|-----------------|
| Bennett | Emmons | North | Smith, A. |
| Bouchard | Gast | O’Brien | Stallings |
| Bullard | Geake | Posthumus | Steil |
| Carl | Hart | Rogers | Stille |
| Cherry | Koivisto | Schuette | Van Regenmorter |
| Cisky | McManus | Schwarz | Vaughn |
| DeGrow | Miller | Shugars | Young |
| Dunaskiss | | | |

Nays—8

| | | | |
|----------|--------------|---------|-----------|
| Berryman | Conroy | Dingell | Peters |
| Byrum | DeBeaussaert | Gougeon | Smith, V. |

Excused—1

Hoffman

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. 165, entitled

A bill to make appropriations for a capital outlay program for the fiscal year ending September 30, 1998, to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and September 30, 1998 conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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. 350**Yeas—35**

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

Nays—2

| | |
|---------|---------|
| Dingell | Shugars |
|---------|---------|

Excused—1

Hoffman

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4329, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284 (MCL 380.1284), as amended by 1995 PA 289.

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. 351**Yeas—37**

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

Nays—0

Excused—1

Hoffman

Not Voting—0

In The Chair: President

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 4774, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1234 (MCL 380.1234).

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. 352

Yeas—37

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

Nays—0

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 4391, entitled

A bill to authorize a political subdivision to enact an ordinance allowing certain electrically powered vehicles to be operated on a highway within the political subdivision’s boundaries; to require certain equipment for electrically powered vehicles; to provide for restrictions and limitations; to provide for exceptions; and to define terms.

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. 353

Yeas—37

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

Nays—0

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4766, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 33 (MCL 257.33), as amended by 1995 PA 140.

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. 354

Yeas—37

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

Nays—0

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senator DeGrow moved that the bill be given immediate effect.

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 4523, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 160a.

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. 355**Yeas—37**

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

Nays—0**Excused—1**

Hoffman

Not Voting—0

In The Chair: President

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

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,”.

The Senate agreed to the full title of the bill.

Recess

Senator DeGrow moved that the Senate recess until 3:00 p.m.

The motion prevailed, the time being 11:45 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

During the recess, Senator Hoffman entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator DeBeaussaert as Chairperson.

Recess

Senator DeGrow moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 3:05 p.m.

4:19 p.m.

The Committee of the Whole was called to order by the Chairperson, Senator DeBeaussaert.

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 with amendment, the following bill:

Senate Bill No. 580, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 621 (MCL 418.621), as amended by 1994 PA 271.

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

1. Amend page 2, line 6, after "secured" by inserting "AND, EXCEPT FOR CONSTRUCTION ON STATE, FEDERALLY, OR LOCALLY FUNDED TRANSPORTATION PROJECTS, THE COST OF CONSTRUCTION AT THE SITE, NOT INCLUDING THE COST OF LAND ACQUISITION, WILL EXCEED \$65,000,000.00,".

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

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

Senate Bill No. 581, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 801 and 802 (MCL 257.801 and 257.802), section 801 as amended by 1995 PA 226 and section 802 as amended by 1996 PA 551.

Substitute (S-1).

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

1. Amend page 6, line 11, after "hire," by striking out "\$1.00" and inserting "74 cents".
2. Amend page 6, line 20, after "operations," by striking out "\$1.00" and inserting "74 cents".
3. Amend page 8, line 8, after "208," by striking out "\$13.50" and inserting "\$10.00".
4. Amend page 8, line 18, after "organization," by striking out "\$13.50" and inserting "\$10.00".
5. Amend page 20, line 13, after "than" by striking out "\$68.00" and inserting "\$50.00".

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator DeGrow moved that the following bill be given immediate effect:

House Bill No. 4329

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

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

The motion prevailed.

Senator Young's statement is as follows:

This past Tuesday on June 10, I had several graduations which didn't allow me to be here. They were graduation speeches, one of which was to Joyce Elementary School which happens to have been recognized by the President of the United States as a Blue Ribbon School of Excellence. I think that was a fun program for me and there are 81,000 schools in the country of which only 265 I believe, or 262 I believe, receive that honor.

The other graduation I had to attend was Macomb Elementary School, which again is a "most improved" school, which is doing great work in the community. Had I been here, I would like to have the following votes recorded as if I had been here.

On Senate Bill No. 487, voted "no." The following bills I would have voted "yes": House Bill Nos. 4520, 4237, Senate Bill Nos. 410, 351, 513, 515, 516, 517, House Bill Nos. 4101, 4117, 4587, 4588, 4589, 4590, 4591, 4592, 4593, 4594, 4595, 4596, 4597, 4598, 4599 and finally, 4600.

Introduction and Referral of Bills

Senators Steil, Gougeon, Cisky, Stille, Rogers, Shugars, Geake, Van Regenmorter, Emmons, Koivisto, North, O'Brien, McManus, Bennett and Gast introduced

Senate Bill No. 603, 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.

Senators Steil, Gougeon, Cisky, Stille, Rogers, Shugars, Geake, Van Regenmorter, Emmons, Koivisto, North, O'Brien, McManus, Bennett and Gast introduced

Senate Bill No. 604, entitled

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 3 and 8 (MCL 722.623 and 722.628), section 3 as amended by 1994 PA 177 and section 8 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 Emmons introduced

Senate Bill No. 605, entitled

A bill to provide for a casino facility tax; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owners of certain facilities; and to prescribe the powers and duties of certain officers of this state and local governmental units.

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

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Hearing held on Monday, June 9, 1997, at 6:00 p.m., Eberhardt Center, 301 West Fulton, Conference Rooms C and D, Grand Rapids, Michigan

Present: Senator Stille (C)

Excused: Senator Bennett

Absent: Senators Dunaskiss, Hart and O'Brien

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 5:15 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, June 12, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.