

No. 18
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 5, 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 Assistant 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 Joe Conroy from 29th District offered the following invocation:

As we start the business of the state's work today, may we think of those people who need the most help—to make certain that their lives are better and that the public is well-served by the decisions each of us make. Amen.

Motions and Communications

Senator Dunaskiss entered the Senate Chamber.

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

Senator DeGrow moved that Senator Schuette be temporarily excused from today's session. The motion prevailed.

Senator O'Brien entered the Senate Chamber.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:05 a.m.

11:18 a.m.

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

During the recess, Senators Schuette and Stallings entered the Senate Chamber.

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

Senate Bill No. 146

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

The Secretary announced the printing and placement in the members' files on Tuesday, March 4 of:

Senate Bill Nos.	229	230	231	232	233	234	235	236	237	238	239	240	241	242
	243	244	245	246	247	248	249	250	251	252	253	254	255	256
	257	258	259	260	263									
House Bill Nos.	4391	4395	4396	4397	4398									

Messages from the Governor

The following messages from the Governor were received and read:

March 3, 1997

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

Construction Safety Standards Commission

Mr. Charles A. Gatecliff, 2199 Pine Hollow, Brighton Michigan 48116, county of Livingston, representing employers in the construction industry, succeeding himself, for a term expiring March 18, 2000.

Mr. Carl E. Davis, 4279 East Outer Drive, Detroit, Michigan 48234, county of Wayne, representing public employees, succeeding himself, for a term expiring on March 18, 2000.

Mr. Daniel J. Corbat, 1513 Bookness Street, Midland, Michigan 48640, county of Midland, representing employees in the construction industry, succeeding Mr. Edward Anguilm of Belleville, whose term has expired, for a term expiring on March 18, 1999.

Mr. Andrew R. Lang, 4270 Francis Shores, Sanford, Michigan 48657, county of Midland, representing employees in the construction industry, succeeding Mr. Timothy Nichols of Washington, D.C., whose term has expired, for a term expiring on March 18, 1999.

March 3, 1997

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:
Michigan Board of Physical Therapy

Mr. Ronald L. Vance, 609 N. Court Street, Gaylord, Michigan 49735, county of Ostego, as a member representing professionals, succeeding himself, whose term has expired, for a term expiring on December 31, 2000.

March 3, 1997

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:
Michigan Technological University Board of Control

Mr. Claude A. Verbal, 1800 Valley Lane, Flint, Michigan 48503, county of Genesee, as a member representing the general public, succeeding Mr. Fredrick Gonzalez of Pontiac, whose term has expired, for a term expiring on December 31, 2004.

March 3, 1997

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

Michigan Veterans' Facilities Board of Managers

Mr. Leo J. LeRoux, 14215 Grandmont, Detroit, Michigan 48227, county of Wayne, as a member representing Disabled American Veterans', succeeding Mr. Richard A. Straub II of Cedar Springs, whose term has expired, for a term expiring on February 28, 2003.

Mr. Jasper T. McCain, 12644 Ilene, Detroit, Michigan 48238, county of Wayne, as a member representing Amvets, succeeding himself, whose term has expired, for a term expiring on February 28, 2003.

March 3, 1997

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:
Northern Michigan University Board of Control

Mr. Scott L. Holman, 5252 N. River Road, Freeland, Michigan 48623, county of Saginaw, as a member representing the general public, succeeding Mr. Richard J. Celello of Iron Mountain, whose term has expired, for a term expiring on December 31, 2004.

March 4, 1997

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

Ms. Deanna S. Stamp, 2875 Wood Road, Marlette, Michigan 48453, county of Sanilac, as a member representing Republicans, succeeding Mr. David J. Crumbaugh of St. Louis, whose term has expired, for a term expiring on December 31, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

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 Byrum 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 bill:

Senate Bill No. 126, entitled

A bill to repeal 1965 PA 280, entitled "An act to provide for licensing and regulating of slaughterhouses, edible rendering establishments and wholesale fabricating, processing or storage establishments of meat; to provide for the

antemortem and postmortem inspection and reinspection of slaughtered meat animals; to prescribe the duties and powers of the department of agriculture; to prescribe license fees; to provide for the transfer of personnel and the rights of employees affected by this act; to provide for inspection of large wild game animals; and to provide penalties for violation of the provisions of this act," (MCL 287.571 to 287.582).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 140, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101) and by adding sections 3131, 3132, and 3133.

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. 33, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970, by amending sections 3 and 6a (MCL 722.23 and 722.26a), section 3 as amended by 1993 PA 259 and section 6a as added by 1980 PA 434, and by adding sections 11 and 12.

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. 188, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 43b.

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. 146, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504 and 514 (MCL 380.504 and 380.514), section 504 as amended and section 514 as added by 1994 PA 416.

Substitute (S-4).

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

1. Amend page 3, line 21, after "THAN" by striking out the balance of the line through "(ii)" on line 22 and inserting "PUBLIC SCHOOL ACADEMIES LOCATED IN A SCHOOL DISTRICT THAT, AS OF THE TIME THE CONTRACT IS ISSUED, HAS AT LEAST 2,000 PUPILS OR 50% OF ITS MEMBERSHIP ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE LUNCH PROGRAM".

2. Amend page 3, line 26, after "THAN" by striking out the balance of the line through "(ii)" on line 27 and inserting "PUBLIC SCHOOL ACADEMIES LOCATED IN A SCHOOL DISTRICT THAT, AS OF THE TIME THE CONTRACT IS ISSUED, HAS AT LEAST 2,000 PUPILS OR 50% OF ITS MEMBERSHIP ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE LUNCH PROGRAM".

3. Amend page 4, line 2, after "subdivision." by striking out the balance of the subdivision.

4. Amend page 11, line 27, after "THAN" by striking out the balance of the line through "(ii)" on line 1 of page 12 and inserting "PUBLIC SCHOOL ACADEMIES LOCATED IN A SCHOOL DISTRICT THAT, AS OF THE TIME THE CONTRACT IS ISSUED, HAS AT LEAST 2,000 PUPILS OR 50% OF ITS MEMBERSHIP ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE LUNCH PROGRAM".

5. Amend page 12, line 5, after "THAN" by striking out the balance of the line through "(ii)" on line 6 and inserting "PUBLIC SCHOOL ACADEMIES LOCATED IN A SCHOOL DISTRICT THAT, AS OF THE TIME THE CONTRACT IS ISSUED, HAS AT LEAST 2,000 PUPILS OR 50% OF ITS MEMBERSHIP ELIGIBLE FOR THE FEDERAL FREE OR REDUCED PRICE LUNCH PROGRAM".

6. Amend page 12, line 8, after "subdivision." by striking out the balance of the subdivision.

7. Amend page 18, line 11, by striking out all of enacting section 2.

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

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

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

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

Senate Bill No. 146

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

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

The motion prevailed.

Senator Rogers' statement is as follows:

As someone who not only has supported charter schools, but helped start a charter school in Livingston County, I can tell you the difference it's made in children's lives. It's made that difference because a whole group of people got together to try to make their lives a little better. In the matter of nine months, they took a concept and made a school. They had to overcome hurdles and naysayers and people saying that they were doing a complete harm to the public school system, and this is bad for kids and it's bad for the community. But they stuck to their guns because the children were the most important quality and the most important concern in that whole equation—our children.

They said, "You're getting the creme of the crop, Senator Rogers. You're stealing all the cream of the crop from the schools in this area—that's all you're doing." As a matter of fact, that is exactly the opposite of what happened in this school. There was one particular student who failed the public school system, decided he was going to drop out and his mother begged and pleaded with him to come down to the Livingston Technical Academy and just check it out—a school which focuses on high skill, high wage jobs and high-tech manufacturing skills, in addition to all the reading, writing and science. He went down there and they asked him, "What do you like to do?" He happened to like cars so they sent him down in an externship part of this program was very innovative; it's longer than the traditional school year, seven weeks in the classroom, seven weeks out of the classroom. And in the seven weeks out of the classroom they sent him to a high performance engine machine shop. He got to work on a computer milling machine for the first time in his life. He came back to that school and he told the principal, "I've got to understand math and I've got to understand science, if I want to do what I love most, and that's work on cars."

Today, that student who had failed and by all intensive purposes we had lost as a good citizen of Michigan, is getting a 3.6 grade point average in the Livingston Technical Academy.

That is opportunity. That is care. That is concern about our state's children. Public schools cannot be all things to all people. Charter schools are an extremely important equation into healing the wounds and making it better for all our children. What we're saying today is, "Let's go to Detroit, Flint and Lansing and all the places that are experiencing trouble and give those kids an opportunity."

I'll never forget the words when I talked with this young man. He said, "This school gave me a sense of worth." If we can do that for just one student in any one of those schools, we have hit a grand slam. Don't stand up today and argue for the status quo. Let's argue for that underprivileged child who is going to benefit so much from what little we do today.

I heard the one quote from one of the Senators who said that all they want is a quality neighborhood school down the street. It's naive to believe that doing nothing will allow that to happen. Today you can join us in creating that quality school, right in the neighborhood, right up the street.

I, too, would encourage your President in understanding that children should come before any institution or organization or special interest. I encourage you to stand with us today for the future of our children in our inner cities and all across this state and say, "Yes, we want to be part of your solution and giving you an opportunity for a better education."

The following bill was read a third time:

Senate Bill No. 146, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 502, 504, 512, and 514 (MCL 380.502, 380.504, 380.512, and 380.514), sections 502 and 512 as amended by 1995 PA 289 and section 504 as amended and section 514 as added by 1994 PA 416; and to repeal acts and parts of acts.

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

1. Amend page 7, following line 25, by inserting:

“(8) IF AN AUTHORIZING BODY FINDS THAT MEAP TEST PERFORMANCE OF STUDENTS IN A PUBLIC SCHOOL ACADEMY REMAINS BELOW THE PERFORMANCE OF STUDENTS IN THE SCHOOL DISTRICT IN WHICH IT IS SITUATED FOR THREE CONSECUTIVE YEARS, IT SHALL PLACE THE PUBLIC SCHOOL ACADEMY’S CONTRACT IN PROBATIONARY STATUS, SUBJECT TO REVIEW AND REVOCATION BY THE STATE BOARD OF EDUCATION.”.

2. Amend page 15, following line 24, by inserting:

“(7) IF AN AUTHORIZING BODY FINDS THAT MEAP TEST PERFORMANCE OF STUDENTS IN A PUBLIC SCHOOL ACADEMY REMAINS BELOW THE PERFORMANCE OF STUDENTS IN THE SCHOOL DISTRICT IN WHICH IT IS SITUATED FOR THREE CONSECUTIVE YEARS, IT SHALL PLACE THE PUBLIC SCHOOL ACADEMY’S CONTRACT IN PROBATIONARY STATUS, SUBJECT TO REVIEW AND REVOCATION BY THE STATE BOARD OF EDUCATION.”.

The question being on the adoption of the amendments,
Senator V. Smith requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 26

Yeas—17

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

Nays—20

Bennett	Dunaskiss	McManus	Schwarz
Boucharde	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Gougeon	Schuette	Van Regenmorter

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senator Dingell offered the following amendments:

1. Amend page 7, following line 25, by inserting:

“(8) NOTWITHSTANDING THE PROVISIONS OF EXECUTIVE ORDERS 1996-11 AND 1996-12, THE STATE BOARD OF EDUCATION SHALL RETAIN ALL POLICY MAKING AND OVERSIGHT AUTHORITY OVER PUBLIC SCHOOL ACADEMIES INCLUDING THE AUTHORITY TO SUSPEND THE POWER OF THE AUTHORIZING BODY TO ISSUE NEW CONTRACTS TO ORGANIZE AND OPERATE PUBLIC SCHOOL ACADEMIES.”.

2. Amend page 15, following line 24, by inserting:

“(7) NOTWITHSTANDING THE PROVISIONS OF EXECUTIVE ORDERS 1996-11 AND 1996-12, THE STATE BOARD OF EDUCATION SHALL RETAIN ALL POLICY MAKING AND OVERSIGHT AUTHORITY OVER PUBLIC SCHOOL ACADEMIES INCLUDING THE AUTHORITY TO SUSPEND THE POWER OF THE AUTHORIZING BODY TO ISSUE NEW CONTRACTS TO ORGANIZE AND OPERATE PUBLIC SCHOOL ACADEMIES.”.

The question being on the adoption of the amendments,

Senator Dingell requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 27

Yeas—16

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

Nays—21

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

Excused—1

Hoffman

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Schuette’s statement is as follows:

I’m happy we have a roll call vote. What the Governor did was right. He has a plan, he has a vision, he has a philosophy and if you disagree with it, show me the plan. What the Governor wants to do is what President Clinton wants to do—have more charter schools, give parents more responsibility, give kids more freedom. So, I’m glad that we’re going to have this roll call vote and we’re going to have more roll call votes about helping poor kids in cities so they have more freedom, more opportunity, more choice and that’s what America is about. That’s why we’re having this debate in these roll call votes when our President comes to town tomorrow.

Senator A. Smith offered the following amendments:

1. Amend page 7, line 16, after “3%” by inserting “OR \$1,500.00 PER ACADEMY, WHICHEVER IS LESS.”.

2. Amend page 15, line 18, after “3%” by inserting “OR \$1,500.00 PER ACADEMY, WHICHEVER IS LESS.”.

The question being on the adoption of the amendments,

Senator V. Smith requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 28**Yeas—16**

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

Nays—21

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

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senator DeBeaussaert offered the following amendment:

1. Amend page 18, following line 8, by inserting:

“Sec. 1278. (1) In addition to the requirements for accreditation under section 1280 specified in that section, if the board of a school district OR PUBLIC SCHOOL ACADEMY wants all of the schools of the school district OR THE PUBLIC SCHOOL ACADEMY to be accredited under section 1280, the board shall provide to all pupils attending public school in the district OR ATTENDING THE PUBLIC SCHOOL ACADEMY a core academic curriculum in compliance with subsection (3) in each of the curricular areas specified in the state board ~~recommended model~~ core academic curriculum content standards developed under subsection (2). The state board ~~model~~ core academic curriculum content standards shall encompass academic and cognitive instruction only. For purposes of this section, the state board ~~model~~ core academic curriculum content standards shall not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

(2) ~~Recommended model core~~ CORE academic curriculum content standards shall be developed and periodically updated by the state board, shall be in the form of knowledge and skill content standards that are ~~recommended as~~ state standards for adoption by public schools in local curriculum formulation and adoption, and shall be distributed to each school district AND PUBLIC SCHOOL ACADEMY in the state. The ~~recommended model~~ core academic curriculum content standards shall set forth desired learning objectives in math, science, reading, history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the “Michigan K-12 program standards of quality” to ensure that high academic standards, academic skills, and academic subject matters are built into the instructional goals of all school districts AND PUBLIC SCHOOL ACADEMIES for all children. The state board also shall ensure that the Michigan educational assessment program and the high school proficiency exam are based on the ~~state recommended model~~ core curriculum content standards, are testing only for proficiency in basic academic skills and academic subject matter, and are not used to measure pupils’ values or attitudes.

(3) The board of each school district OR PUBLIC SCHOOL ACADEMY, considering academic curricular objectives ~~defined and recommended pursuant to~~ ESTABLISHED UNDER subsection (2), shall do both of the following:

(a) Establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall AT LEAST MEET THE STATE BOARD CORE CURRICULUM CONTENT

STANDARDS DEVELOPED UNDER SUBSECTION (2), SHALL define academic objectives to be achieved by all pupils, and shall be based upon the school district's OR PUBLIC SCHOOL ACADEMY'S educational mission, long-range pupil goals, and pupil performance objectives. ~~The core academic curriculum may vary from the model core academic curriculum content standards recommended by the state board pursuant to subsection (2).~~

(b) After consulting with teachers and school building administrators, determine the aligned instructional program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

(4) The board may supplement the core academic curriculum by providing instruction through additional classes and programs.

(5) For all pupils, the subjects or courses, and the delivery of those including special assistance, that constitute the curriculum the pupils engage in shall assure the pupils have a realistic opportunity to learn all subjects and courses required by the SCHOOL district's OR PUBLIC SCHOOL ACADEMY'S core academic curriculum in order to give all pupils a reasonable opportunity to attain a state-endorsed diploma. A subject or course required by the core academic curriculum pursuant to subsection (3) shall be provided to all pupils in the school district OR PUBLIC SCHOOL ACADEMY by a school district, A PUBLIC SCHOOL ACADEMY, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(6) To the extent practicable, the state board may adopt or develop academic objective-oriented high standards for knowledge and life skills, and a recommended core academic curriculum, for special education pupils for whom it may not be realistic or desirable to expect achievement of novice level or initial mastery of the state board ~~recommended model~~ core academic content standards objectives or of a high school diploma.

(7) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the ~~model~~ core academic curriculum content standards developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its core academic curriculum.

(8) Excluding special education pupils, pupils having a learning disability, and pupils with extenuating circumstances as determined by school officials, a pupil who does not score satisfactorily on the 4th or 7th grade Michigan educational assessment program reading test shall be provided special assistance reasonably expected to enable the pupil to bring his or her reading skills to grade level within 12 months.

(9) Any course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist, 421 Mich 517 (1984), on April 13, 1990 shall continue to be offered to resident pupils of nonpublic schools on a shared time basis."

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 29

Yeas—16

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

Nays—21

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

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senator Berryman offered the following amendment:

1. Amend page 18, following line 8, by inserting:

“SEC. 1202A. IN ORDER TO MAXIMIZE AND ENCOURAGE PARENTAL INVOLVEMENT, THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT DECISIONS MADE AT THE SCHOOL BUILDING LEVEL ARE MADE USING SITE-BASED DECISION MAKING THAT INCLUDES THE PARTICIPATION OF TEACHERS, SCHOOL ADMINISTRATORS, PARENTS, PUPILS, AND OTHERS IN THE SCHOOL COMMUNITY.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 30**Yeas—16**

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

Nays—21

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

Excused—1

Hoffman

Not Voting—0

In The Chair: President

Senator A. Smith offered the following amendment:

1. Amend page 18, following line 8, by inserting:

“Sec. 1561. (1) Except as otherwise provided in this section, every parent, guardian, or other person in this state having control and charge of a child from the age of 6 to the child’s ~~sixteenth~~ EIGHTEENTH birthday shall send that child to a public school during the entire school year. The child’s attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

(2) A child becoming 6 years of age before December 1 shall be enrolled on the first school day of the school year in which the child's sixth birthday occurs. A child becoming 6 years of age on or after December 1 shall be enrolled on the first school day of the school year following the school year in which the child's sixth birthday occurs.

(3) A child is not required to attend a public school in any of the following cases:

(a) The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.

(b) The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

(c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

(d) The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

(e) The child has graduated from high school or has fulfilled all requirements for high school graduation.

(f) The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

(4) For a child being educated at the child's home by his or her parent or legal guardian, exemption from the requirement to attend public school may exist under either subsection (3)(a) or (3)(f), or both.

(5) IF THE PROGRAM IS OFFERED IN THE SCHOOL DISTRICT IN WHICH THE PUPIL RESIDES, A CHILD AGE 16 OR 17 MAY SATISFY THE SCHOOL ATTENDANCE REQUIREMENTS OF THIS SECTION BY ATTENDING A PROGRAM UNDER SECTION 1591 ACCORDING TO THE REQUIREMENTS OF THAT SECTION.

(6) IF A CHILD AGE 16 OR 17 PROVIDES TO THE SCHOOL DISTRICT PROOF THAT HE OR SHE IS ENGAGED IN REGULAR EMPLOYMENT AVERAGING 25 OR MORE HOURS PER WEEK AND THAT THE EMPLOYMENT IS NECESSITATED BY ECONOMIC HARDSHIP OR FAMILY NEED, THE CHILD MAY SATISFY THE SCHOOL ATTENDANCE REQUIREMENTS OF THIS SECTION BY ATTENDING A PUBLIC SCHOOL AT LEAST 15 HOURS PER WEEK.

SEC. 1591. (1) A SCHOOL BOARD MAY OFFER ANY OF THE FOLLOWING, AND A PUPIL AGE 16, 17, OR 18 MAY COMPLETE SOME OR ALL OF THE REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA BY SUCCESSFULLY COMPLETING 1 OR A COMBINATION OF THE FOLLOWING:

(A) AN ALTERNATIVE EDUCATION PROGRAM APPROVED BY THE DEPARTMENT.

(B) A PROGRAM OF VOCATIONAL EDUCATION THAT INCLUDES APPRENTICESHIP OR WORK STUDY AND THAT REQUIRES THE PUPIL TO ATTEND SCHOOL AT LEAST 10 HOURS PER WEEK FOR THE ENTIRE SCHOOL YEAR.

(C) A PROGRAM OF INDEPENDENT STUDY THAT IS APPROVED BY THE SCHOOL DISTRICT AND MEETS STATE BOARD GUIDELINES FOR INDEPENDENT STUDY.

(D) ACADEMIC COURSEWORK AT A COMMUNITY COLLEGE.

(2) A COMMUNITY COLLEGE OR, UPON REQUEST BY THE BOARD OF A CONSTITUENT SCHOOL DISTRICT, AN INTERMEDIATE SCHOOL BOARD, EITHER SOLELY OR AS PART OF A CONSORTIUM OF INTERMEDIATE SCHOOL DISTRICTS, MAY PROVIDE SERVICES OR CONDUCT COOPERATIVE EDUCATIONAL PROGRAMS RELATED TO A PROGRAM DESCRIBED IN SUBSECTION (1). AN INTERMEDIATE SCHOOL BOARD MAY CHARGE A CONSTITUENT SCHOOL DISTRICT FOR THE COSTS OF SERVICES PROVIDED UNDER THIS SUBSECTION.

Sec. 1596. (1) The board of a school district other than a primary school district may establish 1 or more ungraded schools for the instruction of certain pupils classified in subsection (2). The board may require the pupils to attend an ungraded school or a department of the school as the board directs.

(2) ~~The following cases of persons, aged~~ A CHILD AGE 7 to ~~the sixteenth~~ HIS OR HER EIGHTEENTH birthday ~~residing~~ WHO RESIDES in the school district ~~shall be deemed~~ AND WHO MEETS 1 OR MORE OF THE FOLLOWING IS CONSIDERED A juvenile disorderly ~~persons~~ PERSON and in the judgment of the proper school authorities may be assigned to the ungraded school or department:

(a) ~~Class 1, habitual truants~~ A HABITUAL TRUANT from the school in which ~~they are~~ HE OR SHE IS enrolled as ~~pupils~~ A PUPIL.

(b) ~~Class 2, children~~ A CHILD who, while attending school, ~~are~~ IS incorrigibly turbulent, disobedient, and insubordinate, or who ~~are~~ IS immoral in conduct.

(c) ~~Class 3, children~~ A CHILD who ~~are~~ IS not attending school and who habitually ~~frequent~~ FREQUENTS streets and other public places, having no lawful business, employment, or occupation."

Senator V. Smith moved that Senator Hart be excused from the balance of today's session.
The motion prevailed.

The question being on the adoption of the amendment,
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 31**Yeas—15**

Berryman	DeBeaussaert	O'Brien	Stallings
Byrum	Dingell	Peters	Vaughn
Cherry	Koivisto	Smith, A.	Young
Conroy	Miller	Smith, V.	

Nays—21

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

Excused—2

Hart	Hoffman
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Not Voting—0

In The Chair: President

Senator Conroy offered the following amendment:

1. Amend page 18, following line 8, by inserting:

“SEC. 1160. THE BOARD OF A SCHOOL DISTRICT IN WHICH 50% OF PUPILS ARE ELIGIBLE FOR FREE LUNCH SHALL ENSURE THAT CLASS SIZE IN EACH GRADE, KINDERGARTEN THROUGH THIRD GRADE, AVERAGES 17 PUPILS, WITH NO ONE CLASS HAVING MORE THAN 19 PUPILS.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The President pro tempore, Senator Schwarz, assumed the Chair.

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

Roll Call No. 32**Yeas—16**

Berryman	Conroy	Miller	Smith, V.
Byrum	DeBeaussaert	O'Brien	Stallings

Cherry
Cisky

Dingell
Koivisto

Peters
Smith, A.

Vaughn
Young

Nays—20

Bennett
Bouchard
Bullard
Carl
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—2

Hart

Hoffman

Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in response to the cordial, Lenten olive branch that the Minority Leader expressed and also the Senator from Flint. I think Senator Conroy's amendment is a good one. I think everyone would like to have smaller class sizes. I think if everyone in this room could vote for smaller class sizes, we would. I think it's interesting the focus is on charter schools today, giving kids greater opportunities. We'll have appropriation bills upcoming and I think that's where your amendment is best placed.

In comments from others your amendments are a \$200 million item. Now during appropriations time when you speak with Senator Gast and others, will that come from the environment? Will that come from mental health? Will that come from transportation funding? I earlier asked, "Show me the plan." Now I'm asking, "Show me the money." If you can show me the money—and 37 other people—come the appropriations process how we would do all of this, then you have a marvelous initiative here.

What you're doing in Flint is a great thing and many people have benefitted from it. But in terms of the existing pot of money, we have to work that through. In terms of this amendment today, we're talking about charter schools and kids.

I am opposed to the Conroy amendment.

Senator Conroy's first statement is as follows:

Let me read the amendment. It says the board of the school district in which 50 percent of the pupils are eligible for free lunch shall ensure that the class size in each grade, kindergarten through third grade, averages 17 pupils with not one class having more than 19 pupils. Now that is exactly the target group that the Governor is going after and those are the groups that do have the lower scores on the MEAP test. The reason, of course, that I put this in is that there are twenty-seven school districts that fit this description. Let me read them to you. They are generally speaking, the urban school districts, but not exclusively: Muskegon Heights, Baldwin, Benton Harbor, Covert, Ecorse, Walkerville rural, Hamtramck, Detroit City, Beecher, Flint City, River Rouge, Saginaw, Sigel Township School District, White Cloud, Pontiac, Highland Park, Buena Vista, Muskegon City, Watervliet, Inkster, Grand Rapids City, Eau Claire, Bangor, Harrison—sounds like a train doesn't it—Albion, Westwood Community Schools and Battle Creek Public Schools. Those schools all have over 50 percent of their children receiving a subsidized lunch—districts that have a majority of their enrollment that we consider to be poor and economically deprived.

Now this 17 to 1 is a ratio that the Lamar Alexander study in Tennessee showed they did exceedingly well in those first four grades. They did exponentially well. Kindergarten and first grade was 17 to 1. They did very well in the

second and third grade. Now after the third grade and into the fourth and fifth, the lower class size does not show statistically that it is favorable. Obviously, a teacher might want to have that, but it doesn't show by statistics that there's a huge increase in the learning curve.

I think it's because of the reading that takes place, the mathematics that takes place and the general age of reasoning takes place during that age group. We know it works in Flint because our class sizes are 17 to 1 and our scores have gone up. The reading scores went up 30 percent higher last year on reading, 16 percent higher on math. So we know that it works without even having the whole program phased in as of when that test was taken.

This year all of the Flint schools are under that umbrella. There is only one other school district that rivals that, and that's Port Huron School District that has 17 or fewer students in most all of its buildings. One of its building is, I think, up around 20 or so. As Clark Durante said when I proposed this to the State Board of Education, "It's quite important that you get that number down in order to get the results." This proposal was well received with virtually all of the State Board of Education members a week ago when I made this presentation to them. This would only affect those districts that have over 50 percent of the free lunch students; those that have less economics and they coincidentally are the same ones that are getting the lower test scores on a balance around the state.

Now our seventh grade in Flint did not do well on the MEAP test, but none of our low class sizes have gotten to that point yet. So we are still a few years away from those kids becoming seventh graders to take that MEAP test.

I would urge your adoption on this. This program has been borne out by over a \$5 million study by Lamar Alexander in the state of Tennessee, between the years of 1985 and 1990. They had 79 school districts in that study—over 300 buildings. The African American students did proportionately better under the low class size as well as did the very rural poor White children. So, it apparently is something that sustains that student better and gives that teacher more time to spend with each child, particularly these school districts where single moms are the rule and poor economics are also a marriage with that situation.

So I would urge your adoption of this amendment. This a good amendment. It goes right after the amendments that the Senator from Midland has been talking about quiet successfully.

Senator Conroy's second statement is as follows:

Surely it costs money. I certainly don't mean to say it doesn't. It's going to cost the Flint School District this year \$5 million, but we saw the results. We have seen a 30% increase in the reading scores. Now Bill Schuette's kids don't need all of that help because they have it at home. the Conroy kids had it; the Berryman kids had it. All of us have done well with our own kids. We're not talking about our kids and we're certainly not saying that because of the Headlee Amendment, we're afraid to do something. I mean, my God, one thing about Dick Headlee is he charged ahead, he took a position and he showed leadership. He did it whether you agreed with him or not. I disagreed with him most of the time, but I sure had a lot of admiration for his leadership. He was not afraid to traipse into the water. Your feet do get wet when you do this, but you won't drown.

The Governor is absolutely right when he says some of these school districts' scores are not acceptable. Well, they're not acceptable to the Senator from Port Huron or the leader of the Senate. They're not acceptable and they're not acceptable to me. This is a way to do something about it. You know, there's one little common thread that you could look at at St. Mary's of Mt. Morris or St. Joseph in Grand Rapids or the charter school wherever it is. They have low class sizes. They have teachers who can teach and it's not a fiasco managing 30 kids who may not have had the best upbringing; may not have been presented to that school in the most positive way; may not have heard much about words; may not have seen much about words; but maybe they listen to the radio a lot.

I think the poorer our children are, the less help they have been given when they were two, three, four and five years old before they went to school. This is a way of getting past that problem. This is a way that we can focus on it. Now the Senator from Port Huron says that the Headlee will affect us. Well, how does the Headlee affect Port Huron that has done it or Flint that's already done it? We have a \$184 million budget in Flint and we're spending \$5 million on this. By all reports, it's the best \$5 million we're spending. I mean, I am pleading with you to move this way. We have given you charter schools. We have not tripped over our toes saying that charter schools are absolutely a bad idea. But we have taken the money out of what we got from the state of Michigan and devoted it to low class sizes. Just because the superintendent of some school district may call you up and say, "Well, Senator Posthumus, I don't want you to vote for this Conroy amendment because this would make us do this." I believe at some point we have got to step up and say we think this is the best thing to do.

After the kids get to the fourth grade and they don't know how to learn, talk to the social services department. The guy over there who wants to build a new camp says, "Senator, we see it in the fourth grade. We see them starting to wind themselves right into the penal system"—the costly system that we have put out there as a net for people. And we don't mean that in a positive way. It's a negative way and it's a costly way. This doesn't cost much money. Out of \$184 million, the city of Flint schools are going to spend \$5 million this year on this project—\$5 million. What better way to do it. It costs \$80,000 a year to put one kid in Maxey. We're pumping out more kids who qualify for Maxey every year. You all have voted for that money for Maxey and you need to look at a program here that's going to make

a difference. Dan DeGrow knows it makes a difference. He knows darn well it does. His kids grew up in that system and he knows it works. Lamar Alexander was the one who commissioned \$5 million just to study this idea and they found that it is effective.

I would urge your adoption of this amendment. Let's go to the schools that have the worst results on the tests and start with them to see if we can make a difference there. I urge your support.

Senator Conroy's third statement is as follows:

The city of Flint schools do it out its existing budget. They don't get extra money from the state. They do it out of the money that this state sends them; the same way with Port Huron. So if you want me to live with no extra money, I mean, I'll abide by that because that's the way we've done it. What did Barry Goldwater say? "Pull yourself up by your bootstrap." We have pulled ourselves up by our bootstraps with the allocated dollars that come to our district from the state of Michigan—no special treatment.

That is what this amendment says and it only says it about the 27 worst districts in the state. It doesn't say it about Grosse Pointe, East Grand Rapids, Saginaw Township and Grand Blanc; it doesn't say it about them. Certainly not about Berkley. We wouldn't want to tell them what to do. But it does say it about these districts that don't test well. The Governor has made that a big point.

This is one way of helping those test scores in the future years. I urge your adoption.

Senator Byrum offered the following amendment:

1. Amend page 18, following line 8, by inserting:

“SEC. 1531. NOTWITHSTANDING THE PROVISIONS OF EXECUTIVE ORDERS 1996-11 AND 1996-12 THE STATE BOARD OF EDUCATION SHALL RETAIN ALL POLICY MAKING AND OVERSIGHT AUTHORITY OVER TEACHER CERTIFICATION, QUALIFICATION, AND LICENSING PURSUANT TO STANDARDS SET BY THE LEGISLATURE.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 33

Yeas—16

Berryman	DeBeaussaert	O'Brien	Stallings
Byrum	Dingell	Peters	Stille
Cherry	Koivisto	Smith, A.	Vaughn
Conroy	Miller	Smith, V.	Young

Nays—20

Bennett	DeGrow	Gougeon	Schuette
Bouchard	Dunaskiss	McManus	Schwarz
Bullard	Emmons	North	Shugars
Carl	Gast	Posthumus	Steil
Cisky	Geake	Rogers	Van Regenmorter

Excused—2

Hart	Hoffman
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Not Voting—0

In The Chair: Schwarz

Senator Berryman offered the following amendment:

1. Amend page 18, following line 8, by inserting:

“SEC. 1310. THE PUBLIC SCHOOLS OF THIS STATE ARE ENCOURAGED TO ADOPT POLICIES TO REQUIRE PUPILS TO WEAR SCHOOL UNIFORMS AT SCHOOL AND SCHOOL RELATED FUNCTIONS.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 34

Yeas—15

Berryman	DeBeaussaert	O'Brien	Stallings
Byrum	Dingell	Peters	Vaughn
Cherry	Koivisto	Smith, A.	Young
Conroy	Miller	Smith, V.	

Nays—20

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

Excused—2

Hart	Hoffman
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Not Voting—1

Bouchard

In The Chair: Schwarz

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. 35

Yeas—20

Bennett	Dunaskiss	McManus	Schwarz
Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Gougeon	Schuette	Van Regenmorter

Nays—16

Berryman	Conroy	Miller	Smith, V.
Byrum	DeBeaussaert	O'Brien	Stallings

Cherry
Cisky

Dingell
Koivisto

Peters
Smith, A.

Vaughn
Young

Excused—2

Hart

Hoffman

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Peters, A. Smith, DeBeaussaert, Conroy, Berryman and Stallings, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 146 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement, in which Senator A. Smith concurred, is as follows:

I’m going to have to reluctantly rise to talk against this bill and not support this bill. It’s unfortunate that this bill has moved so rapidly because I’m not against this because I do not believe that charter schools are a part of what we want to be doing in this state. I do believe that charter schools do offer alternatives for some children and should continue to be pursued. Unfortunately, this bill just moved way too fast. It came through committee, we didn’t get full understanding of the implications. We’re not sure actually how many school districts are going to be impacted because the definition has yet to be refined.

I’m afraid that this bill is moving more because it is going to make a political statement for some individuals who have a particular agenda. It’s not moving because it’s good public policy. Good public policy requires a refinement of the implications of what is going to happen as a result of the passage of this bill. We heard the previous speaker talk about some success stories in charter schools. In fact, he mentions one charter school that I’m very familiar with. In fact, I visited that school. I don’t know if the speaker visited that school. I was there, I talked to students, in fact, I got some quotes from students as I stood in those classrooms.

Most of those students were previously in a private school. This is a school that was a private school for many years but then converted to a charter school. There weren’t that many students who actually came from the public schools. I asked those students who had come from the public schools, “What is different about this charter school than your public school?” The answer that I got was, “This charter school is a lot easier. This is a lot easier than the public school that I went to.” I filed that away, thinking, “Well, maybe they’re enjoying it more or there are other reasons why that it’s easier.” But then this very school that I visited, where I got that response, is the school that was mentioned in that eccentric newspaper article that talked about their MEAP scores being substantially below the public school system that they are located in.

Maybe it makes sense that it’s easier, and it probably makes sense why they have such low MEAP scores. It’s because they’re not challenging those students. Maybe those students are then going home and telling their parents, “Boy, this school is fun, I’m having a good time.” But it’s actually failing them and they’re not going to find out that it’s failing them until they want to go on with their lives, perhaps if they want to go on to college, or go on further. They’re going to find that they didn’t get the tools. I think that’s going to be a real sham on those poor students, who now don’t have the skills and the talents that they need to be successful in the future. We have let them down.

We had an opportunity to go back and assess some of these charter schools with the amendments that we dealt with. I’m very disappointed that an amendment that I put forward that would put some accountability into our charter school system was defeated. Members of this Legislature, at least some of the members of this Legislature, don’t believe that charter schools should be accountable, that if they’re failing we should perhaps take a look to see why they’re failing and find out some of those reasons. I’m very disappointed.

I'm also disappointed that this Legislature didn't take the opportunity to actually improve our public school system. We hear a lot of rhetoric about choice and parents want freedom. But I bet if you asked most parents the choice that they want, they'll tell you the choice they want is a quality neighborhood school just down the street from them. That is the choice that they want, is that quality school. Yet, we're walking away from that.

We had an opportunity today to address that in a number of areas. One of those was Senator Conroy's amendment dealing with class size. One that we know, absolutely, has a tremendous impact on student performance particularly in those early grades. We also learned that it can be done in a very cost-effective fashion. Even if it does cost money in order to implement that, I would contend that it makes more sense to have a quality neighborhood school that every parent has a choice that they can send their child to, rather than letting some of them perhaps find another alternative, leaving those who are unable to get into a charter school or unable to move to a different district to suffer in the process. We need to stand up to our commitment to every single neighborhood school.

I was also disappointed that site-based decision making amendment offered by Senator Berryman was defeated. We heard a lot of rhetoric about local control and how parents need to be involved and how local teachers and administrators have to be involved, yet that amendment was defeated. That amendment was defeated at the same time we have our Governor talking about state control of schools, that we shouldn't have local control of schools, that local parents are failing the system and we need to have state bureaucrats go in. I suppose that makes sense coming from a Governor who has continually fought against citizen input into the policy-making process and the same Governor who is now trying to dismantle some key authority that our elected state board has.

It is unfortunate that Senator Byrum's amendment wasn't adopted. That would have restored some of that authority in elected officials, that for some reason, some of my colleagues and the Governor seem to be afraid of allowing elected officials exercise power that was granted to them by the people of this state.

On balance, I do believe that charter schools are a very valid experiment. But we have to realize that right now they are only impacting 12,000 students out of 1.6 million currently in our system and that we, as a Legislature, need to worry about the 1.6 million just as much as those 12,000 who are going to charter schools. Yes, we should continue to experiment, but we should also hold them accountable. We should also test that experiment. We should be sure that it's working for every child before we open up the flood gates.

The second factor mentioned by my colleague, Senator DeBeaussiaert, is crucial in that this bill is actually a discriminatory bill as well for individuals suffering from disabilities. Because of language in this bill, we're very likely to lose \$74-80 million in money going into special education programs in this state. Special education is a vital part of our educational system here in this state and we, as a Legislature, have a commitment to those students and to those parents. By hastily passing this legislation without fully understanding the impact it's going to have on federal money is doing those individuals a real disservice. We should not vote for this bill. We should step back, think about the public policy implications of what we are doing, not be in such a rush to make political statements, but instead be committed to do what's right for Michigan students and Michigan parents. I urge a "no" vote on the bill.

Senator DeBeaussiaert moved that the statements he made during the discussion of the amendment he offered be printed as his reasons for voting "no."

The motion prevailed.

Senator DeBeaussiaert's first statement, in which Senator Conroy concurred, is as follows:

Tomorrow we will be welcoming the President. In his State of the Union speech, and in other speeches, he has stated his issue is a call to action for America that will basically assure his number one priority for the next four years become America's priority—and that education in this country be the focus. His 10 point call for action is designed to guarantee all the students of America have an opportunity to have an educational system that will provide them with excellence and will prepare them for the competition in the global economy we find ourselves in.

We have had a lot of debate so far today about one point in the proposals for educational change. I think there is agreement that there is a place in all these discussions for charter schools as a component of bringing about change and moving forward our educational system so all of our people are prepared.

The fact is today in Michigan we have about 12,000 students in charter schools. If we doubled that to get the 24,000—it pales in comparison to the 1.6 million students who attend public school at-large in this state. It seems to me this legislature needs to live up to its responsibility to provide all those students with the kind of quality education and high standards the people were promised when discussion occurred surrounding Proposal A.

It seems to me the legislature made a mistake when it repealed the requirement in law that schools follow a mandated core curriculum. We have had that debate. It seems to me if we are talking about honoring the President's call to action to ensure educational excellence in this country, we do it for all the pupils of this state. The state should be a leader in establishing high standards, but we have moved away from that. We have backed away from our call to excellence in this state by repealing the requirement for a mandatory core curriculum. During that debate we were told, "Well, you don't need a mandatory core curriculum because you are going to have the proficiency exam out there."

What hasn't been noted is last year when we talked about the proficiency exam, the Senate passed a bill—over our objections—that would allow school districts to develop multiple kinds of proficiency exams that could be established, rather than one. Just yesterday the Education Committee reported a bill—interesting enough, that bill does not appear on the Committee Reports today—that would basically give a state endorsement to every student who takes the state proficiency examination, regardless of the score they receive. There are numerous problems with proficiency examinations, and we can get into that at a later date. But, once again, here we are—moving away from standards, moving away from our commitment to excellence.

It seems to me that on behalf of all the students of this state, we must revisit this issue. We must move forward and, once again, put into place a mandatory core curriculum so all the students in this state will be afforded excellence in educational opportunity regardless of the school district in which they reside or attend.

Senator DeBeaussaert's second statement, in which Senator Conroy concurred, is as follows:

This amendment doesn't tell districts how and in what way to teach the curriculum, but it does set a standard. It says that this state expects every school to achieve a certain standard, a certain content of the curriculum. Each district can go about whatever way they see fit to accomplish that purpose, but, there has to be a standard.

The state has a massive obligation in terms of funding education, we have a massive responsibility to ourselves and to our future to insure that all students have a quality education—that's what this amendment is attempting to secure—that every student, regardless of the district, will have the same basic core curriculum that we believe is necessary to be successful in the future. I ask for your support.

Senator DeBeaussaert's third statement, in which Senator Conroy concurred, is as follows:

This is a flawed bill and it is the result of a flawed process. It's not surprising that when bills move as quickly as they do, that we are asked to vote on them before we can know the full impact. This bill did move very quickly. But, the debate today has been enlightening, I think.

Once again, we see the majority refusing to acknowledge the need to develop high standards and curriculum and require that every student have that basic core curriculum in this state. We can't afford a system that leads to winners and losers in educational opportunity—a system where we fail to provide a basic core curriculum for every child regardless of the school system that they attend. My view of the need in this state is to develop a system in which everybody wins. That doesn't mean just giving an endorsement to everybody who takes a test. It means establishing a high standard and sticking with it and providing that opportunity to every student in this state. The world is tougher than just getting an endorsement for showing up. We need high standards and we must end the constant retreat in this state on standards for education. But, our amendments failed and now we have before us this bill and it is still a seriously flawed bill.

Regardless of your views of the other content that we have debated at great length, I would ask you now to take some time to look at what this bill started as before it was amended in Committee. On your desks I've distributed a letter, a memorandum from the Citizen's Alliance to Uphold Special Education. They ask you to oppose this bill. This bill for the first time would create in this state an educational system that authorizes discrimination against children with disabilities based on their disability. You have that memo, and the memo outlines the concern that, if we, in fact, adopt this bill that we run the risk of losing federal funding for being in violation of the Civil Rights Act. Over \$80 million are at risk. But, it's more than the money involved here that concerns me. Seems to me that this bill asks us to endorse the notion of telling a student with a disability that they cannot be part of a program that would benefit them because of their disability. President Clinton would not support legislation which would discriminate against children with disabilities, neither should you, vote "no" on the bill.

Senator Berryman's statement is as follows:

I'm going to vote "no" on the passage of Senate Bill No. 146, and I want to commend our Senators on this side of the aisle, Senators DeBeaussaert and Peters, for leading this debate on a very important issue.

I'm voting "no" because I think the bill is flawed. I guess I resent the Senator from the 35th District time and time again today, as he did yesterday, to get up and mention this administration and President Clinton in the same sentence and the same breath, and somehow give an indication that President Clinton and Democrats are coming over to John Engler and the Republican party in this Legislature's way of thinking on charters and choice. This visit has nothing to do with this bill.

This bill is before us today because the President is coming. Another political move because the President is coming and somehow that the President is endorsing this. I don't believe the President is endorsing this kind of legislation. I'm speaking for myself and I am not speaking for the President, but my views of the President and charters do not mirror John Engler's thinking of public education. I think our President is much more innovative, believes in quality, believes in choice, and believes in responsibility. To somehow relate this bill and his coming to the state of Michigan as endorsing this administration's policies, this Republican-controlled Legislature's policies toward education, I think is misguided.

Senator Stallings' statement is as follows:

I've been sitting over here being very quiet, listening to the debate going forward on this particular piece of legislation, and although the legislation appears to have some merit on its face, there is a question I'd like to raise before this body. Actually a couple of questions. One, because this bill seeks to only address a certain segment of the population with respect to the bill's language—it allows the creation of charter schools that can limit their enrollment to students with certain disabilities and for court-placed youths. It also has special exemptions that exempt those students who receive or who qualify to receive federal funds, or subsidized free lunch. On its face it appears to be a special act. As I look at this particular act, it raises some very serious concerns of mine.

My concern is that as I look at charter schools and I see the benefit of charter schools across Michigan and understand the President's coming to talk about the advancement and the continuation of his educational agenda. One of the things that we have to be very mindful of, and I've been up here before, and that is as we move toward creating these charter schools where we have a tendency of moving the brightest and the lightest and the smartest school students from public school facilities into these charter schools, we end up creating a situation that was addressed over 200 years ago in "Brown v. Board of Education," where we moved away from separate but equal school systems. It appears to me that then it was a discrimination based on color. Today, what we are looking at is a discrimination based on economics. Only those students who are the brightest, smartest, and have the ability to go to these various charter schools are able to make use of the advances that the various Senators who have stood here before us, particularly the Senator from the 35th District, have talked about the successes in their districts. The other Senators in the other districts who have charter schools talk about these successes, but no one has talked about the issue of the public school system across this state and how the money is going to leave those particular school systems and move toward the charter established schools, along with the money leaving those schools in blight, leaving those students under served, leaving those students not served in the best interests of the state.

I raise this question, Mr. President, and that question is: Does, in fact, this bill pertain to Section 4, Article 29, where it particularly prohibits the Legislature from passing local or special acts in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question? That is a ruling I seek from the Chair.

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

The motion prevailed.

Senator Schuette's first statement is as follows:

You know, this is a significant day. We have an opportunity, because of the leadership of Chair Emmons, to give kids from low income families who desire to go to a different public school hope. We have a chance on this significant day to give kids from low income families, who want to go to a different public school, another option, and we have an opportunity on this significant day to give kids from low income families an opportunity to have more freedom.

Our President, Bill Clinton, comes here tomorrow. I think it would be good on this day if we can, by voting on this bill, show Bill Clinton the faces of Michigan's new schools. The faces of Michigan's new schools dot the map of the Great Lakes State. They're at the Colin Powell Academy in Detroit. They're at Casa Maria, where kids who have had hard luck, hard times, and can't be in any other public school because they've been thrown out, are given a new opportunity for hope. The faces of Michigan's new schools are at the Nataki Talibah Schoolhouse in Detroit and they're at the Academy of Detroit in Southfield. You talk to Bill Allen there, and you get some of the quotes of his students at this school and it's striking. These are the faces of the kids in Michigan's new schools.

Joveta Johnson who's in the eighth grade says, "This is a good learning environment. It is safe and I can concentrate on learning." That's one of the faces of kids in Michigan's new schools. It's the student who says, "Look out the window. It's peaceful, calm. I don't feel fearful here,;" or another one who said, "It's clean. I feel safe here." These are the faces of kids in Michigan's new schools.

You know, we have roughly 70 other schools with kids and the new faces of our public school system. What we are trying to do here in this legislation is to give a new road to hope for other areas across the state of Michigan. There are 555 school districts and what we are trying to do is have more new faces of Michigan's new schools. In 23 districts, roughly, whether it's Muskegon Heights, Jackson, Benton Harbor, Saginaw, Flint or Detroit trying to give poor kids from low income families a new road to hope.

What I find interesting is that if you look at a Michigan leader who has made significant strides on education, here are his quotes: "The charter schools initiatives will take the National Education Association into yet another dimension of school improvement." At their core, speaking to charter schools, Keith Geiger, head of the National Education Association says, "Charter schools will uphold the Democratic principles that are the foundations of all public education." That's what Keith Geiger of the National Education Association says about charter schools.

You look at another American taking a strong stance on charter schools, President Clinton. Here's what the President says about charter schools. He's talking about new faces and new schools across America. President Clinton said in his 1997 State of the Union, "We should make it possible for more parents and teachers to start charter schools. Schools

that set and meet the highest standards and exist only as long as they do. Our plan will help America to create 3,000 of these charter schools by the next century.” We’re trying to do that in Michigan. We’re trying to meet the President’s goal. We are working hand in hand here in the Senate, Governor Engler, and Bill Clinton, to plant seeds of hope for more opportunity for poor kids from low income schools to have more freedom. That’s what we are doing today.

The President will come here tomorrow. I’m excited about that. I do want to make a comment to the Senator from Pontiac who said, “Well, gee, these charter schools are an experiment.” No, uh-uh. America is really the experiment. America is the experiment about freedom and choice and opportunity, where people decide. We don’t control them. We don’t decide. The parents do. The kids do. That’s not an experiment. What charter schools are about is a fresh start, new hope for kids and families. This isn’t an experiment.

I hope when the President comes here tomorrow, all of us here in this room will have voted “yes” on this bill, for more charter schools, for more hope and more freedom. We can look him in the eye and say, “Mr. President, we agree with you about the need to have 3,000 more charter schools across America. We have done it in Michigan.”

Senator Schuette’s second statement is as follows:

I wanted to respond to my colleague from Pontiac. I’m pretty amazed that you are going to vote against Bill Clinton and you’re going to vote against Keith Geiger, pretty strong supporters of charter schools, both of which are and, certainly the President, are from your party.

Charter schools are not an experiment. As I’ve said before, we live everyday in a nation that was an experiment and we change everyday. At the core are freedom and choice and opportunity and responsibility and that’s what charter schools are all about.

I’m also struck by your picking out this statement about a child who said it was easy. Now, I don’t know the context in which that was said but Bill Allen, who runs the school, with whom I had a conversation at my desk, he was there at that meeting, too. Here’s what the kid said also, “Look out the window, it’s peaceful, calm, I don’t feel fearful here. It’s clean, I feel safe here.” This is a school which is about 95 percent African American and here’s their progress update: This was no experiment, a 96 percent rate on immunizations. A parent group was established with 70 parents showing up for the first meeting. Seventy parents at the first meeting at the school, that’s no experiment! Project Clean Sweep was put on by a group of 25 parents who came into the school on Saturday to help clean the building. And, on Monday morning—this is no experiment friends—assemblies take place every week wherein the pledge to the flag, the anthem, “Lift Every Voice and Sing” and the school motto are performed. That’s no experiment. Those are good things and that’s the other side of the story of this meeting about kids at this academy, at a charter school, that the President wants to see 3000 of, that are good things for America’s future.

Senator Rogers’ statement is as follows:

Today I bring you both sad news and exciting news. The sad news is that we are going to lose here in the state, in the Senate, a talented and dedicated person who has worked with great commitment to help make the laws of Michigan benefit all Michiganders. Yvonne Balagna is leaving us today, or actually tomorrow is her last day. She has worked here as an assistant majority council working on workers’ compensation issues, unemployment issues and contract negotiations. I’m excited that she is leaving in the fact that I know that the entrepreneurial spirit that has kept the economic engine of this great country and this great state moving. She is going out and starting her own business with her husband, Michael. They are starting LPL Financial Associates, providing a range of financial and legal services. She certainly will be missed here in the Senate for all her great work and her wise counsel. We are going to miss her, but we are excited again that she is embarking on a new and exciting career that will benefit both our community and her family.

I am excited also that they are locating that business right down in Brighton, Michigan, in the heart of the Twenty-sixth Senate District. So I will have the honor and privilege to represent them during my term in the Michigan Senate. I know that as they go out and take that huge risk, that only good things are going to come of it. I want to ask that my colleagues please here today recognize her good work and please give her a round of applause for her continued success in the private sector and for the great work she has done.

Senator Emmons’ statement is as follows:

This has been an interesting debate—amendments to protect the present system, the present Board of Education, some red herrings, side issues, any distraction to keep from talking about choice for poor kids.

I’m particularly upset that people suggest that parents don’t care and they degrade their ability to choose what is good for their children I include poor parents, as well as any mother who ever walked on this earth who did not want for her child the very best. The reason I am so pleased with this particular bill is that I think that it includes people who are left out because they don’t have the finances to make the choices that a lot of us in this room do.

I’m also sorry, Mr. President, we tried to roll out a red carpet for you, and the Democrats wiped their muddy boots on it.

Senator DeGrow moved that rule 2.106 be suspended to allow all committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

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

Senate Resolution No. 22

The motion prevailed.

Senators Dingell, Miller, V. Smith, Hart and Schwarz offered the following concurrent resolution:

Senate Concurrent Resolution No. 15.

A concurrent resolution to memorialize the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include Poland.

Whereas, The North Atlantic Treaty Organization has proven itself to be a stabilizing factor in Europe. Through a wide variety of programs and the channels of communications it has opened, NATO has helped to secure the peace, economic development, and cooperation among its member nations and other countries; and

Whereas, Poland, a free and democratic nation with a long and proud history, enjoys numerous ties with NATO member nations. Poland is committed to the preservation of freedom and the strengthening of democracy. This nation's well-being as a sovereign country has long been dependent upon the overall stability of central Europe; and

Whereas, The people of Poland wish to exercise their responsibilities within NATO. This country desires to become part of NATO's mission to prevent the excesses of nationalism; and

Whereas, The United States is dedicated to maintaining its friendship with Poland, a country that is pivotal to the continued stability of this area of the world; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include Poland; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Young, Stille and McManus were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 18.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Whereas, The State of Michigan will be honored on March 6, 1997, by a visit and address from the President of the United States, the Honorable William Jefferson Clinton; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Thursday, March 6, 1997, at 10:00 a.m., for the purpose of receiving an address by the Honorable William Jefferson Clinton, the President of the United States of America.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

House Concurrent Resolution No. 19.

A concurrent resolution to welcome the President of the United States to a joint convention of the Senate and the House of Representatives and to request him to continue his commitment to education as the key to America's quality of life in the twenty-first century.

Whereas, Michigan has a long and proud tradition of leadership in education. From the pioneer era, when building a log schoolhouse was among the first tasks a settlement would undertake, to today's classroom technology, our state has struggled to prepare our children for the future. Michigan was the first state to provide for a superintendent of public instruction in its constitution and the first state west of the Appalachians to establish a teachers college; and

Whereas, President Clinton's presentation to the Michigan Legislature, "A Call to Action for American Education in the 21st Century," reflects closely the tasks facing Michigan. Educators, parents, lawmakers, and business and community leaders are working hard to make sound decisions to enable our children to succeed, to promote reading, to prepare excellent teachers, to provide learning at an early age, to secure the proper environment, and to open more doors of education to our people; and

Whereas, Michigan's recent history includes vivid images of the struggles involved in adjusting to the demands of the global economy and integrating new technology and knowledge. Our principal industries have been redesigned. Our workers have revamped their own personal abilities in factories, farms, offices, and shops across our peninsulas. We know the job of education is hard. More importantly, we know how much harder life is without education; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we welcome the President of the United States to a joint convention of the Senate and the House of Representatives and request him to continue his commitment to education as the key to America's quality of life in the twenty-first century; and be it further

Resolved, That a copy of this resolution be transmitted to President Clinton as evidence of Michigan's shared commitment to education.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senator V. Smith moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the concurrent resolution.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Appropriations Committee - Senator O'Brien replacing Senator Young.

The standing committee appointment was approved, a majority of the members serving voting therefor.

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Thursday, March 6, at 9:30 a.m.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Carl and Shugars introduced

Senate Joint Resolution H, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 41 of article IV, to prohibit casino and riverboat gambling and electronic gaming devices that award cash prizes or prizes redeemable for cash.

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

Senators Gast and Geake introduced

Senate Bill No. 272, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1997; and to provide for the expenditure of the appropriations.

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

Senators Gast, McManus, Koivisto, Bennett and Steil introduced

Senate Bill No. 273, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82113 (MCL 324.82113), as added by 1995 PA 58.

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

Senators Carl and Shugars introduced

Senate Bill No. 274, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 30.

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

Senators DeBeaussaert, Peters, A. Smith, Dingell, Koivisto, Young, Vaughn, Hart, O'Brien, Byrum, V. Smith, Conroy, Cherry, Berryman, Miller and Stallings introduced

Senate Bill No. 275, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278 (MCL 380.1278), as amended by 1995 PA 289.

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

Senators Schuette, Van Regenmorter, North, Emmons, McManus, Rogers, Carl, Stille, Cisky, Steil, Bennett, Gougeon, Geake and Shugars introduced

Senate Bill No. 276, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.216) by adding section 17.

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

Senators Schwarz, Gast, Cisky, Hoffman, Conroy, Koivisto, Vaughn, McManus, Stille and O'Brien introduced

Senate Bill No. 277, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 8 (MCL 830.418), as amended by 1994 PA 252.

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

Senators Van Regenmorter, Hoffman, Bullard, Bennett, McManus, Rogers, Shugars, Steil, Cisky and Gougeon introduced

Senate Bill No. 278, 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 sections 34 and 34a (MCL 791.234 and 791.234a), section 34 as amended by 1994 PA 345 and section 34a as amended by 1994 PA 427.

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

Senators Van Regenmorter, Hoffman, Bullard, Bennett, McManus, Rogers, Shugars, Steil, Cisky and Gougeon introduced

Senate Bill No. 279, entitled

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

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

Senators Van Regenmorter, Miller, Cisky, Hoffman, Bullard, Bennett, McManus, Rogers, Shugars, Steil, Gougeon, V. Smith, Cherry, O’Brien and Schwarz introduced

Senate Bill No. 280, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 1996 PA 249.

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

Senators Rogers, Miller, Cisky, Hoffman, Bullard, Bennett, McManus, Shugars, Steil, Gougeon, V. Smith, Cherry, O’Brien and Schwarz introduced

Senate Bill No. 281, 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 sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

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

Committee Reports

The Committee on Education reported

Senate Bill No. 146, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 504 and 514 (MCL 380.504 and 380.514), section 504 as amended and section 514 as added by 1994 PA 416.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Carl and Bullard

Nays: Senators DeBeaussaert and Peters

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Tuesday, March 4, 1997, at 1:05 p.m., Room 810, Farnum Building
Present: Senators Emmons, Carl, Bullard, DeBeaussaert and Peters

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Tuesday, March 4, 1997, at 1:30 p.m., Room 402, Capitol Building
Present: Senators DeGrow, Steil and A. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Tuesday, March 4, 1997, at 3:00 p.m., Senate Appropriations Room, Capitol Building
Present: Senators McManus, Gast and Koivisto

Scheduled Meetings

Appropriations Committee - Tuesday, March 11; Wednesday, March 12; Thursday, March 13, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Capital Outlay Joint Subcommittee - Thursday, March 13, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Colleges Appropriations Subcommittee - Tuesday, March 11, at 11:00 a.m., Rooms 402 and 403, Capitol Building (3-6960).

Families, Mental Health and Human Services Committee - Thursday, March 13, at 1:00 p.m., Room 100, Farnum Building (3-1777).

Scheduled Meeting Canceled

Capital Outlay Joint Subcommittee - Thursday, March 6, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 2:53 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, March 6, at 9:30 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.