

No. 47

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, May 28, 1997.

10:00 a.m.

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

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

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

Emmons—present
Gast—present
Geake—present
Gougeon—present
Hart—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

Rabbi Ernst J. Conrad of Temple-Kol-Ami in West Bloomfield offered the following invocation:

Rock of all ages, righteous in every generation, how great are Your works, O God, how very deep Your designs. Your sublime majesty and creative power are especially revealed to us at this season of the year as the colors and fragrance of spring surround us throughout this blessed state of ours.

We give thanks for the men and women, chosen by the citizens, serving in this body, charged with the guardianship of our rights and our liberties. Endow them, O God, with wisdom and understanding, with patience and consideration to enact laws for the well-being of all and the hurt of none. May they become Your instruments to heal the wounds of our society, violence and injustice, poverty and pain. May they insure peace and tranquility among all of the inhabitants of this state.

Our special concern extends to the children, the builders of the future. May there be ample opportunity for all of them to receive an education which will prepare them for constructive roles as citizens of our beloved democracy, as sufficient resources are provided for their instruction and enlightenment.

Also, let us ever remember the aging, the infirmed and the forgotten who require added measures of nurture and care, as their anguished cries reach the throne of God's glory.

We ask for a double portion of Your gracious gifts of good health and serenely upon our legislators, the judges and executives of this state of Michigan.

Shalom alechem, peace be upon you. May the favor of the Eternal be upon us that all that we put our hands on prosper. O prosper the work of our hands. Amen.

Senator Bullard entered the Senate Chamber.

Motions and Communications

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

Senator DeGrow moved that rule 3.902 be suspended to allow the guest of Senator Bullard admittance to the Senate floor.

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

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

House Bill No. 4162

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

The following communication was received:
Family Independence Agency

May 16, 1997

Attached is a copy of the Michigan Family Independence Agency's March 1997 Information Packet prepared by the Policy Analysis Division in the Administration for Legislation, Budget and Analysis. The Information Packet illustrates MFIA's programs and clients and is intended for use with community groups, the press and the public.

If you need additional copies or have questions on the packet, please contact the Policy Analysis Division at (517) 373-6830.

Sincerely,
Marva Livingston Hammons

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 27:

**House Bill Nos. 4051 4149 4382 4391 4440 4522 4542 4543 4544 4545 4546 4547 4548 4549
4550 4551 4552 4553 4573 4766 4768 4773 4774**

The Secretary announced the printing and placement in the members' files on Tuesday, May 27 of:

Senate Bill Nos. 518 519 520 522 523 524 525

The Secretary announced the printing and placement in the members' files on Wednesday, May 28 of:

**House Bill Nos. 4809 4811 4813 4814 4815 4816 4817 4818 4819 4820 4821 4822 4823 4824
4825 4826 4827 4828**

Messages from the Governor

The following message from the Governor was received and read:

May 22, 1997

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

State Board of Architects

Mr. James H. Granger, 119 South E. Street, Cheboygan, Michigan 49721, county of Cheboygan representing Board of Professional Surveyors, succeeding himself, for a term expiring March 31, 2001.

Mr. James W. Bauer, 468 E. Hamilton Lane, Battle Creek, Michigan 49015 county of Calhoun representing Board of Architects, succeeding himself, for a term expiring March 31, 2001.

Mr. Donald R. Birgel, Scottish Hills Club Condominium, 5134 Plude Road, Gladwin, Michigan 48624, county of Gladwin, representing the general public, succeeding Mr. Ben J. Landheer of Fremont, who has resigned, for a term expiring on March 31, 2001.

Ms. Kathleen H. Reheel, 775 Hickory Heights Drive, Bloomfield Hills, Michigan 48304, county of Oakland, representing architects, succeeding Mr. J. Robert D'Alessandro of Bloomfield Hills, who term has expired, for a term expiring on March 31, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

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

The following joint resolution was read a third time:

Senate Joint Resolution L, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX and adding section 38 to article IX, to levy special assessments on the taxable value of the property assessed.

The question being on the adoption of the joint resolution,

The joint resolution was adopted, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 258

Yeas—37

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

Nays—0

Excused—1

Byrum

Not Voting—0

In The Chair: President

The Senate agreed to the title of the joint resolution.

Senators Gougeon, Bennett, Shugars, North, Rogers, Stille, Koivisto and Schwarz moved that they be named co-sponsors of the following joint resolution:

Senate Joint Resolution L

The motion prevailed.

Senators Bouchard 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 Bouchard's statement is as follows:

This is a constitutional amendment that I believe goes a long way in keeping the faith both in word and in actions with the voters who feel they have protection from arbitrary and capricious tax increases on their properties. Proposal A limited it to 5% or inflation, whichever is less on taxes levied on property. A loophole was created when the Attorney General ruled that it did not apply to special assessments. We are finding across the state that communities are using district-wide assessments, which are nothing more than a tax. Certainly, it's a tax to those people having the money coming from their hard earned efforts and comes out of their wallets and out of their savings and out of their efforts to send their children to school or to retire. I applaud Senator Emmons for her efforts in bringing this package forward again, Senator Bullard for his leadership on the issue, and I appreciate the members' taking this action to keep faith with the voters, to give them some assurance and long-term predictability in what the taxes levied against their properties will be. This puts it into the Constitution where it goes hand-in-hand with other protections already in place from Proposal A, and keeps that faith a permanent bond and eliminates any questions about the legality of this that the Attorney may raise in the future. For all these reasons, I urge your support.

Senator Emmons' statement is as follows:

I would rise to support this resolution be put into the Constitution for all of the reasons that Senator Bouchard has outlined, but it's just a practical matter for people who are sending out tax notices that right now, their all on taxable value, except the special assessments if they followed the Attorney General's opinion.

We believe that we made a promise to the voters that their assessments would be capped and had we thought about special assessments in 1993 in the middle of the night, we probably would taken care of that problem then, but, it was strictly an oversight. We intend to give to the voters what we promised—taxable value capped in their property tax notice.

The following bill was read a third time:

Senate Bill No. 428, entitled

A bill to amend 1923 PA 116, entitled "Township and village public improvement and public service act," by amending section 4 (MCL 41.414), as amended by 1989 PA 82.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 3, following line 27, by inserting:

"(6) IF THE LEVY OF AN AD VALOREM SPECIAL ASSESSMENT ON THE PROPERTY'S TAXABLE VALUE IS FOUND TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, THE LEVY OF THE AD VALOREM SPECIAL ASSESSMENT MAY BE LEVIED ON THE PROPERTY'S STATE EQUALIZED VALUE.".

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

The question being on the passage of the bill,

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

Roll Call No. 259

Yeas—37

Bennett
Berryman

Dingell
Dunaskiss

McManus
Miller

Shugars
Smith, A.

Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O'Brien	Stallings
Carl	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille
Cisky	Hart	Rogers	Van Regenmorter
Conroy	Hoffman	Schuetz	Vaughn
DeBeaussaert	Koivisto	Schwarz	Young
DeGrow			

Nays—0

Excused—1

Byrum

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Byrum entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 429, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44c.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 1, line 3, after "27A." by inserting "IF THE LEVY OF AN AD VALOREM SPECIAL ASSESSMENT ON THE PROPERTY'S TAXABLE VALUE IS FOUND TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, THE COLLECTION OF THE AD VALOREM SPECIAL ASSESSMENT UNDER THIS ACT MAY BE COLLECTED ON THE PROPERTY'S STATE EQUALIZED VALUE.".

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

The question being on the passage of the bill,

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

Roll Call No. 260

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 430, entitled

A bill to amend 1954 PA 188, entitled “An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,” by amending sections 5 and 15b (MCL 41.725 and 41.735b), section 5 as amended by 1986 PA 180.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 3, following line 14, by inserting:

“(3) IF THE LEVY OF AN AD VALOREM SPECIAL ASSESSMENT ON THE PROPERTY’S TAXABLE VALUE IS FOUND TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, THE LEVY OF THE AD VALOREM SPECIAL ASSESSMENT MAY BE LEVIED ON THE PROPERTY’S STATE EQUALIZED VALUE.” and renumbering the remaining subsection.

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

The question being on the passage of the bill,

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

Roll Call No. 261

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Hoffman

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 432, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 1 (MCL 41.801), as amended by 1989 PA 81.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 6, following line 15, by inserting:

"(8) IF THE LEVY OF AN AD VALOREM SPECIAL ASSESSMENT ON THE PROPERTY'S TAXABLE VALUE IS FOUND TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, THE LEVY OF THE AD VALOREM SPECIAL ASSESSMENT MAY BE LEVIED ON THE PROPERTY'S STATE EQUALIZED VALUE.".

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

The question being on the passage of the bill,

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

Roll Call No. 262

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Gast's statement is as follows:

I voted for these bills because certainly the taxable value is the right way to go as opposed to assessed value. The concern I have on these bills simply is—aren't we aborting Proposal A when we allow special assessments? Special

assessments in my purview are benefits derived from an extension of a sewer, water line, street paving, street lighting or something of that nature—those are drains, those are special assessments. But, when we have ad valorem special assessments and they can be levied by a board without a vote of the people—aren't we in a sense then issuing the same as a mileage increase? I think we are and yet, I read, and the staff has dug into this a bit, the Supreme Court and the Attorney General have ruled that these ad valorem, special assessments—I think we're dealing with semantics here. A special assessment shall not be construed as an ad valorem tax.

I know that less than half the people are listening about what I am talking about, but I do think that we've got a situation that's going to come back to haunt us. I don't believe the people have a knowledge of what we're doing, and special assessments are construed by legislation and these determinations that's it's going to be the same as mileage—so what good did Proposal A do?

I would think that my colleagues had better brace up a little bit because they are going to have to answer that question. I have serious reservations about what we have done in ad valorem special assessments.

The following bill was read a third time:

Senate Bill No. 97, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 200, 201, 204, 204a, 207, 209, 210, and 211a (MCL 750.200, 750.201, 750.204, 750.204a, 750.207, 750.209, 750.210, and 750.211a); and to repeal acts and parts of acts.

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. 263

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4465, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 54.

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. 264**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 4466, entitled

A bill to amend 1985 PA 227, entitled “Shared credit rating act,” by amending the title and sections 1, 3, 7, 8, 13, 25, and 27 (MCL 141.1051, 141.1053, 141.1057, 141.1058, 141.1063, 141.1075, and 141.1077), the title and sections 3, 8, 13, and 27 as amended by 1996 PA 241, section 7 as amended by 1996 PA 391, and section 25 as amended by 1988 PA 316, and by adding section 16b.

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. 265**Yeas—38**

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

Cisky
Conroy
DeBeaussaert

Hart
Hoffman
Koivisto

Schuetz
Schwarz

Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to create the Michigan municipal bond authority and to prescribe its powers and duties; to provide for the issuance of, and terms and conditions for, notes and bonds of the authority; to authorize certain forms of assistance to governmental units including the creation and management of investments; to impose conditions on, grant certain powers to political subdivisions of the state regarding, and allow certain agreements regarding obligations of political subdivisions of the state purchased by the authority; to exempt the property, income, and operation of the authority, its bonds and notes, and the interest on its bonds and notes from certain taxes; and to grant powers and impose duties on officers and agencies of the state and political subdivisions of the state.”.

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 4450, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2815 (MCL 333.2815), as amended by 1985 PA 20.

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. 266

Yeas—38

Bennett
Berryman
Bouchard
Bullard
Byrum
Carl
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O’Brien
Peters
Posthumus
Rogers
Schuetz
Schwarz

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title of the bill.

The following bill was read a third time:

Senate Bill No. 408, entitled

A bill to repeal 1941 PA 309, entitled “An act to give the state board of examiners of barbers jurisdiction to investigate trade practices among barbers, haircutters, barber and haircutting schools and colleges; to enforce such regulations pertaining to reasonable service charges and reasonable hours of operation of barber shops, haircutting shops, barber and haircutting schools and colleges as will tend to eliminate unfair and insanitary practices; fixing territorial units for such regulations; regulating barber schools, haircutting schools and colleges and practices therein; and repealing all acts and parts of acts in conflict herewith,” (MCL 338.651 to 338.662).

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. 267

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 438, entitled

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

The question being on the passage of the bill,

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

Roll Call No. 268

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 512, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 3a (MCL 436.3a), as added by 1996 PA 440.

The question being on the passage of the bill,

Senator Young offered the following amendment:

1. Amend page 5, line 25, after "period." by inserting "A SPECIALLY DESIGNATED DISTRIBUTOR MAY PURCHASE LIQUOR FROM ANOTHER SPECIALLY DESIGNATED DISTRIBUTOR AT THE RETAIL PRICE IN EMERGENCY SITUATIONS."

The question being on the adoption of the amendment,

Senator Shugars 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. 269

Yeas—2

Conroy

Young

Nays—35

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

Excused—0**Not Voting—1**

Vaughn

In The Chair: President

Protests

Senators Cherry and Berryman, under their constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator Young to Senate Bill No. 512.

Senator Cherry moved that the statements he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cherry’s first statement is as follows:

In response to the good Senator from the 35th District, I can understand what his concern with the Young amendment is. It basically breaks our historical utilization of the three tier system to supply liquor on a wholesale basis, and that gives me some pause before we vote on this amendment. But, at the same time, what I am hearing the good chairman say is if there is a problem, he will entertain a solution. There is a problem, and I can understand what’s at work here, a very touchy issue back in December. There is obviously a partisan divide here, but that issue has been settled. It’s law. It’s been signed by the Governor. The system is being implemented. It’s behind us. I think what we now have to do, he and I and all of us, have to take our partisan hats off and recognize that when a problem exists, we need to fix it. I tend to look at the committee to do that. I can not believe that every member of this body has not found what I’ve found and that is simply, we are having a number of businesses in our districts not being able to get product. I am not an expert on this. I’ve heard that one solution might be performance standards. But it’s clear that we are not putting the Liquor Control Commission’s feet to the fire here. They deal with this everyday. They shouldn’t have to have a formal filed complaint to know that there are people out there not getting product, and if they are going to simply let this issue slide by, we need to step up to the plate here.

We need to have our committee putting forward a solution, holding the Liquor Control Commissions feet to the fire until they solve this problem. We don’t need to have three distributors out there telling our constituents and our businesses to take a hike; that they’ll get there product when they damn well please. That is not the way the system ought to run. If you or I owned those businesses, we would be in fear of that business’ survival. When you have a bar and you can’t get the right liquor and your competitor is getting the liquor, you are in danger of losing your business. A business perhaps most likely, you have spent a lifetime building up. This system ought to operate in a way to help you not hurt you. If the Liquor Control Commission can’t solve this problem, then we ought to. I would urge the good chairman from the 35th, that if he wants to avoid amendments that disrupt the three tier system, then we need to come up with solutions that solve the problem utilizing the three tier system. That is why the good Senator from the 1st District has an amendment before us, because no one is trying to solve the problem, other than on Mackinaw Island, and I commend the good Senator from the 37th for dealing with that issue. But it is an issue that affects every Senate

district in this state, and I would hope that the Senator from the 35th will begin to use some of the bills like this as vehicles for solving this problem. We all know it exists. We need to force the L.C.C. to step up to it, and make sure that when a person is given the franchise of distributing liquor to this state, that they actually serve the people who are retailing liquor in this state.

Senator Cherry's second statement in which Senator Berryman concurred is as follows:

I apologize for coming up a third time, but my staff reminded me that I wanted to draw this point to the attention of the Senator from the 35th. When I have a constituent who has a problem getting product and they call the Liquor Control Commission to complain, they are told by the Liquor Control Commission that they should call their Legislator because they're the ones who passed this bill that we organize the L.C.C. That is what the L.C.C. is telling our constituents when they call to complain about not receiving product. They put the blame on our shoulders. To the Senator from the 35th, I am willing to join you in maintaining the integrity of the three tiered system on voting "no" on this amendment, but I need you to continue to join me in protecting the integrity of the three tiered system; by making sure it works. Making sure that when our constituents call the L.C.C., they don't blame it on the legislature, that they blame it on who is the problem and that's that doggone wholesaler who's not doing their job. And if they are not doing their job, then they ought not enjoy this franchise.

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

The motion prevailed.

Senator Young's first statement is as follows:

This amendment was somewhat discussed yesterday and some of the conversation and discussion that took place on the other side of the aisle was a concern with whether or not the state would be losing taxes which we didn't find meritorious at all. In making sure that we address what this amendment is trying to address, we are willing to amend that amendment to quite frankly speak to and address the emergency situation.

If the membership were to recall what this is trying to get at, is that we have around the state, specifically in southeastern Michigan, a lot of our SDD licensed holders—which by the way are holders of a license to own liquor stores, have not been able to get in many cases of product on their shelves for three to five weeks. That means they're short in certain liquor items. They're also losing their customer base and I know for a fact that, as we have in a series of bills here, begun to address these concerns the state's responsibility is to make sure that we provide a business type climate in which all involved will benefit and, of course, the benefit of the product being sold, which generates taxes, which in turn assists us in making sure we are able to provide quality services in the state of Michigan

Basically, what this would say is specifically a designated distributor may purchase liquor from another specially designated distributor at a retail price in emergency situations only. The amendment attempts to get around what was discussed—it says that only in emergency situations and they must purchase that liquor at a retail price. I would hope that those of you who are aware of what the retail system is no SDD license holder would go out and purchase liquor at a retail price unless it was an emergency situation. It does not give them any one hand up on their competitors where it strictly says for instance if there is a type of brandy that's not on your shelf for three to five weeks, it's an emergency situation. Your customer is constantly asking for it. They intend to go to other places and, of course, they're going to believe just that shopping, but other shopping, so you lose your base that you would be able to purchase this at a retail price—not at the wholesale price, but at a retail price, and that would be only in an emergency situation. I think that addresses the concern, I think that answers whether or not there would be abuse in the system, because after all, what SDD holder is going to, in fact, purchase at a retail price?

I think that the other thing this gets at, and something that we had better realize here in this Chamber, is that under this whole privatization situation we're creating criminals—we're creating individuals who are going outside the system to purchase products so that, in fact, they can deliver service to their customers. I don't think that's what the intent is. The reason for that is that we have created a situation where we don't have enough investigators. As I was indicating, a recurring situation that we know for a fact that we have not provided enough investigators and the system is driving itself to create a situation in which our investigators with the Liquor Control Commission are responding to those individuals who are utilizing our staff to create an uncompetitive advantage against another store. Let me give you an example. Since we don't have the investigators to go and make sure that these regulations and rules and laws are adhered to and we get store A calling and snitching on store B, our staff responds by going to investigate Store B when Store A is really the culprit and in trouble and therefore, they come down on Store B. Store B then has to go before a hearing and possibly loses a license and therefore, Store A grows stronger. Now, that's coupled with the ADA, those three entities that we supposedly have competing who are trying to get the accounts to make sure that their business thrives, are in turn threatening the SDDs and withholding product from them to make a stronger position with other store owners. So, we end up with a very complicated scheme in which we, in fact, are creating criminals by not addressing that concern. So, our Store A doesn't have product and it could be because they're not able to receive products because the ADA are favoring Store B. Then what we have is a situation where Store A doesn't have a product, Store B continues to get the product and, therefore, the shift in customers and therefore, is what we have is a situation where Store A is going to have to go out of his or her way to make sure the product is there otherwise they're going to lose customer base. The simple way of addressing this—and discussion took place yesterday—is for Store A to have that product and we're saying at a retail price, so as not to be at an unfair advantage and competition with Store B.

I would hope that the membership would see that this is a way of doing it. As I indicated, I don't know one SDD who's going to run to another store constantly because their purchasing this liquor at a retail price—all they want to do is make sure they have the product on the shelf so they in turn can deliver a quality service. I would hope that the membership would support this amendment.

Senator Young's second statement is as follows:

I can appreciate that Senate Bill No. 512 addresses a specific problem and I think the Young amendment also addresses a specific problem. Just because one problem happens to occur in the Upper Peninsula and the other occurs in southeastern Michigan, I think we are a body which represents the whole state and I think what we are here to do is address concerns of all licensed holders, SDDs, not just those who appear up on Mackinaw Island or in the Upper Peninsula or in the western part of the state, but also those who serve the needs of the people in the state of Michigan throughout this state and that means southeastern Michigan as well.

Senator Young's third statement is as follows:

I find it particularly interesting that at certain particular times we want to act as if the process doesn't accommodate refinement and enhancement as it proceeds through the legislative process. We're acting as if all problems are addressed in committee, period, only, although I've seen amendments after amendments being offered on this floor. I've seen some problems being addressed, while not all problems are being addressed. But here we're talking about today and we're approaching this as if there has been no research, as if there has been no thought, as if the problem doesn't exist in its form of which it needs to be addressed. Quite frankly as we have discussion on this legislation, we have admitted that there are tremendous problems.

I, myself, am I here to destroy the system that was created? No. Did I support the system that was created? No. Is it my responsibility as a Senator from the 1st District to begin to address the needs and concerns of my constituency? Yes. As each of us sit here, we also think in terms of how we're going to address the concerns of our constituency, because quite frankly it's directly related to whether or not we get elected. But what's happening here today, is we're suggesting that in one geographical location, the problems and concerns should be addressed, while the other geographical location of the state should be forgotten.

I don't think that's what we're here for and quite frankly I know that's not what the sponsor's here for. The sponsor of Senate Bill No. 512, in my opinion, has offered this legislation to address a concern in his district as Joe Young, Jr. is offering an amendment to address a concern, not only in his district, but statewide.

The problem that we have is today, and ladies and gentlemen, it's real, that problem can be addressed by amending the legislation to provide the opportunity so that our SDDs, not the very few ADAs, but our SDDs can provide a product on the shelf by which their constituents can receive that service and they can keep their customer base. Are we in the process here of destroying SDDs because they don't exist on Mackinac Island? Are we here to make sure that the state is going to withdraw from its responsibility to make sure that our businesses are sound and whole so they can provide taxes so that we can distribute in equitable ways throughout the state to make sure that quality services are delivered to Michigan? I don't think so. I think that what we're talking about here is an opportunity to use this part of the process to address a real concern of which everyone wants to talk about, but yet to this day, we haven't been convinced that we ought to fix it.

I think the problem exists. I know the problem exists. I believe you, on the floor, know the problem exists as well. I think we have an opportunity to show the SDDs across the state and to demonstrate to the ADAs that we are serious about making sure that services are provided equitably, justifiably, and it is not restricted to where in a geographical location of this state, that this service is going to be provided. I would hope that the membership would support this amendment. Believe me, your SDDs need it.

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. 270

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

House Bill No. 4520

The motion prevailed.

Senator DeGrow moved that rule 3.901 be suspended to allow filming from the Gallery.

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

The following bill was read a third time:

House Bill No. 4162, entitled

A bill to designate an official mammal of this state.

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. 271

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Stille's first statement is as follows:

Yesterday, I turned in a resolution that I would like to encourage my colleagues to sign on. I believe most of them did yesterday, but it will be taken up later today. It is for the Grand Haven High School Science Olympiad team which won the national championship. This is the third time they have won the national championship and they previously had won the state championship for the seventh time. I would like to have all of my colleagues sign onto that resolution. I think we only missed a few yesterday. I would appreciate that.

On your desk there is a packet that is supporting House Bill No. 4162 and it has the picture of a white-tailed deer on it. Up in the balcony there is a group of approximately 30 youngsters from Borculo Christian Elementary School in Borculo, Michigan over in Ottawa County. This is the group of youngsters who literally took upon themselves the responsibility of circulating and requesting support from around the state and has turned in petitions somewhere in the neighborhood of 60,000 signatures. So, it has been quite a phenomenal feat.

This particular bill will be on the order of Third Reading of Bills today and they are going to wait right through the process until it is passed. I wanted to make sure that you were aware that they were here and that they get a special moment of recognition. If they would rise at this time I would ask my colleagues to welcome them to the Senate.

Senator Stille's second statement is as follows:

I just want to echo Senator Bennett's comments and recognize the stalwart efforts of the youngsters from Borculo Christian Elementary School who worked on this, along with Representative Jessie Dalman from that area. It is a real tribute to both the educational process and to the youngsters themselves as representatives of our entire education program here in the state of Michigan. It shows them that their support and their efforts can make a difference. I would urge your support for this bill.

Senator Bennett's statement is as follows:

Certainly everyone knows the content of the bill, making the white-tailed deer the mammal of the state of Michigan, but I would also like to point out that the students have been absolutely spectacular in their efforts on this bill. It passed the House of Representatives last week. They successfully, working through my office, brought together a committee meeting in very short order. They came to testify on the bill and not only did they give us some of the history of the bill. They were such skillfull lobbyists that for each committee member they brought petitions that were signed from students within the districts that we each individually represent and they were kind enough to point that out to each of us that they had in fact collected over 42,000 signatures and pointed out those cities that the committee members represent included some of those 42,000 signatures. I believe the students here today have a grand future in whatever they choose to do, but lobbying may be in the future for some of them. With that, I urge my colleagues to support this bill.

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 Geake as Chairperson.

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

House Bill No. 4101, entitled

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171).

House Bill No. 4587, entitled

A bill to amend 1978 PA 53, entitled "Statutory joint account act," by amending section 4 (MCL 487.714).

House Bill No. 4588, entitled

A bill to amend 1965 PA 114, entitled "An act relating to dry, edible beans; to create a bean commission and prescribe its functions; to levy and collect assessments on bean production; and to provide penalties for violation of this act," by amending section 7 (MCL 290.557).

House Bill No. 4589, entitled

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

House Bill No. 4590, entitled

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

House Bill No. 4591, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 26c (MCL 774.26c), as amended by 1980 PA 506.

House Bill No. 4592, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 35 (MCL 432.35).

House Bill No. 4593, entitled

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

House Bill No. 4594, entitled

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

House Bill No. 4595, entitled

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

House Bill No. 4596, entitled

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

House Bill No. 4597, entitled

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

House Bill No. 4598, entitled

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

House Bill No. 4599, entitled

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

House Bill No. 4600, entitled

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

House Bill No. 4602, entitled

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

House Bill No. 4603, entitled

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

House Bill No. 4604, entitled

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

House Bill No. 4605, entitled

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

House Bill No. 4606, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending sections 102, 103, 201, 202, 203, 204, 206, 207, 213, 301, 302, 303, 304, 305, 307, 308, 401, 402, 403, 404, 405, 501, 502, 503, 506, 509, 603, 701, 702, 703, 704, 705, 706, 801, 901, 902, 903, 904, 909, 910, 1002, and 1101 (MCL 450.4102, 450.4103, 450.4201, 450.4202, 450.4203, 450.4204, 450.4206, 450.4207, 450.4213, 450.4301, 450.4302, 450.4303, 450.4304, 450.4305, 450.4307, 450.4308, 450.4401, 450.4402, 450.4403, 450.4404, 450.4405, 450.4501, 450.4502, 450.4503, 450.4506, 450.4509, 450.4603, 450.4701, 450.4702, 450.4703, 450.4704, 450.4705, 450.4706, 450.4801, 450.4901, 450.4902, 450.4903, 450.4904, 450.4909, 450.4910, 450.5002, and 450.5101), sections 701, 702, 703, 705, and 706 as amended by 1994 PA 410, and by adding sections 214, 515, 705a, and 707.

The bills were placed on the order of Third Reading of Bills.

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

Senate Bill No. 435, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7m (MCL 211.7m), as added by 1980 PA 142.

Substitute (S-1).

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

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

House Bill No. 4237, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending sections 107 and 117 (MCL 55.107 and 55.117), section 107 as amended by 1993 PA 96.

Substitute (S-2).

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

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

Senate Bill No. 341, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending the title and section 3 (MCL 252.303) and by adding section 4a.

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

1. Amend page 2, line 4, after "state." by inserting "IN ADDITION, THE LEGISLATURE FINDS IT APPROPRIATE TO PROTECT MINORS FROM EXPOSURE TO ADVERTISING THAT ENCOURAGES THEM TO ILLEGALLY POSSESS TOBACCO."

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

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

Senate Bill No. 487, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 126 (MCL 125.526).

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 amendments, the following bill:

Senate Bill No. 410, entitled

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 1996 PA 342.

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

1. Amend page 4, line 26, after "BY" by striking out "\$75,000,000.00" and inserting "\$19,300,000.00".

2. Amend page 5, line 3, by striking out "\$75,000,000.00" and inserting "\$19,300,000.00".

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

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

Senate Bill No. 351, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d.

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. 513, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3a (MCL 722.623a), as added by 1996 PA 581.

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. 515, entitled

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

Substitute (S-2).

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

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

Senate Bill No. 516, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 17, 17c, 18f, 19, and 19b of chapter XIIA (MCL 712A.13a, 712A.17, 712A.17c, 712A.18f, 712A.19, and 712A.19b), sections 13a and 17 as amended by 1996 PA 409, sections 17c and 19b as amended by 1994 PA 264, and sections 18f and 19 as amended by 1996 PA 16, and by adding sections 13b, 13c, 13d, and 19d to chapter XIIA.

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. 517, entitled

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

Substitute (S-2).

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

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

House Bill No. 4117, entitled

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

Substitute (S-1).

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

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

House Bill No. 4601, entitled

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

Substitute (S-1).

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

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

House Bill No. 4610, entitled

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

Substitute (S-1).

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

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

House Bill No. 4230, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5131, 5205, and 5207 (MCL 333.5131, 333.5205, and 333.5207), section 5131 as amended by 1994 PA 200 and sections 5205 and 5207 as added by 1988 PA 490, and by adding section 5204.

Substitute (S-1).

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

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

House Bill No. 4102, entitled

A bill to regulate the manufacturing and assembling of public playground equipment; and to provide penalties.

Substitute (S-2).

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

1. Amend page 2, line 2, after "the" by inserting "MAINTENANCE, REPAIR, UPKEEP,".

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

Motions and Communications

Senator DeGrow moved that the Committee on Economic Development, International Trade and Regulatory Affairs be discharged from further consideration of the following bill:

Senate Bill No. 521, entitled

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

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

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

Senate Bill No. 113, entitled

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

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

Senator DeGrow moved that the bill be referred to the Committee on Families, Mental Health and Human Services. The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Concurrent Resolution No. 31.

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 Finland.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

House Concurrent Resolution No. 34.

A concurrent resolution to create a special committee to study and make recommendations regarding Michigan's campaign finance laws.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senate Resolution No. 61.

A resolution to memorialize the Congress of the United States and the Food and Drug Administration regarding the phaseout of chlorofluorocarbons from medical inhalers.

The question being on the adoption of the resolution,
The resolution was adopted.

Senate Concurrent Resolution No. 30.

A concurrent resolution to memorialize the Congress of the United States and the Food and Drug Administration regarding the phaseout of chlorofluorocarbons from medical inhalers.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

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

Senate Resolution No. 62**Senate Resolution No. 64**

The resolution consent calendar was adopted.

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

Senate Resolution No. 62.

A resolution of tribute honoring Grand Haven Senior High School Science Olympiad Team as the 1997 National Science Olympiad Champions.

Whereas, It is with great appreciation for the enthusiasm, teamwork and dedication that we the members of the Michigan Senate honor and congratulate the members and coaches of the Grand Haven High School Science Olympiad Team. These talented young people have once again successfully defended their national title by winning the Science Olympiad National Conference Championship in Raleigh, North Carolina, on May 18, 1997. We commend them for the hard work and sacrifices which made this victory possible and extend our best wishes for continued success; and

Whereas, Earning a national championship in any event is difficult, but winning consecutive national championships three of the past five years is a remarkable feat! The young people from Grand Haven High School with aspiration to greatness at the start would not be denied their quest for this impressive accomplishment. These students competed with more than 6,000 teams and 120,000 other students from 45 states, finishing first in their region, first in the state of Michigan, and first in the entire United States. They worked diligently for months and displayed total commitment and outstanding teamwork. Their success is due to commitment, self-sacrifice and dedication. Clearly, they have aroused a sense of pride to their school, their community, and families; and

Whereas, The Grand Haven High School students under the direction of Head Coach Lane Smith, displayed much confidence in this demanding competition. As Coach Smith steps down from his position as head coach of the science olympiad, we offer special praise and tribute for the remarkable consistency and persistence displayed. Truly, these promising young people have experienced the rewarding sense of satisfaction that comes from reaching a honorable goal—a feeling made possible by Coach Lane Smith and other members of the Science Olympiad Team.

1997 National Science Olympiad Champions

Jill Boezwinkle	Chen-Ju Chao	Kim Derhammer
Jill Feyen	Sean Fitzgerald	Sarah Garbrecht
Nathan Ide	Erin Meyers	Katy Wood
Mei Lin Zimmerman	Nick Belkofer	Kevin Blackmer
Craig Boezwinkle	Brad Martin	Dave Salac
Erik Snyder	Jarod VerBerkmoes	Dan Wyns
Eileen Crawford	Kara DeLong	Eric Dykstra
Ian Hesselsweet	Gwen Hornak	Shane Kampo
Aaron Scarth	Mark Spetoskey	Dan Tlachac

Coaches
Lane Smith, Head Coach

Mike Reed	Carol Bedford	Shannon Eisenhower
Shannon Mitchell	Paul Greinke	Ron Anderson
Troy Foster	Les Latham	Todd Diederichsen
Dennis Striegle	Mike Roberson	Scott Stanley
Roger Glass		

May they always experience such triumph; now, therefore, be it Resolved by the Senate, That a unanimous accolade of praise and tribute be accorded to the members and coaches of the 1997 Grand Haven High School Science Olympiad Team; and be it further Resolved, That a copy of this resolution be transmitted to Head Coach Lane Smith as evidence of our esteem.

Senator Gougeon offered the following resolution:

Senate Resolution No. 64.

A resolution offered as a memorial for T. Nathan Doan.

Well done, good and faithful servant; thou has been faithful over a few things, I will make thee ruler over many things. Enter into the joy of your Lord.

—Matthew 25:23

Whereas, It is with deep respect that we offer this resolution as a memorial for the life of T. Nathan Doan. His passing has saddened all who had the good fortune of knowing him and we extend our sympathies and respect to his family and many friends. Nate will be sincerely missed and will forever be remembered for his selfless commitment to serving others; and

Whereas, Nate Doan's occupation was working for the Bay City Public Schools for 45 years. His vocation for more than 50 years, was being Santa's helper at more than 200 appearances annually. Nate traveled the world as Bay City's best known Santa; and

Whereas, From very meager beginnings, portraying Santa for the Christian Assembly Church in 1940, Nate added more jobs each year. Nate with his wife Mary as Mrs. Claus, wove dreams for young and old at as many as seventeen parties a day; and

Whereas, This kind man, who only wanted to do the very best job possible, enrolled in Santa school and later continued the school seminars in Bay City. The school is now held in the Santa House in Midland, where more than 500 children visit each night during the Christmas season; and

Whereas, The official retirement of his duties as St. Nick occurred in 1989, Nate continued to make occasional appearances as Santa and worked as a consultant at the Santa training school he had started in 1966; and

Whereas, A neighborhood park near the family home bears Nate's name. Even more importantly, he will be remembered for creating memories that last a lifetime. Nate is in the heart of all people, young and old, whose lives he touched and brightened, if only for a moment; and

Whereas, This man loved children and he paid special attention to them. Nate will best be remembered for his abundant personal warmth and for creating dreams. His family should take great pride in this fine man who bequeathed a wonderful legacy of accomplishment and love; now, therefore, be it

Resolved by the Senate, That this document is signed and dedicated to offer words of praise as a memorial for T. Nathan Doan; and be it further

Resolved, That a copy of this resolution be transmitted to the family of T. Nathan Doan as evidence of our respect and admiration.

Senators DeGrow, Posthumus, Schwarz, Emmons, Shugars, Peters, North, Vaughn, McManus, Bouchard, Dunaskiss, Berryman, Bennett, Steil, Hoffman, Byrum, V. Smith, Stallings, O'Brien, Gast, Cisky, Stille and Bullard offered the following resolution:

Senate Resolution No. 63.

A resolution to memorialize the life of Father William Thomas Cunningham.

Whereas, It is with immeasurable sadness that the members of the Michigan Senate offer this resolution as a memorial to the inspirational life of Father Cunningham, whose contributions to his church, state and country cannot be adequately described with words alone. Though the passing of Father Cunningham is truly a dark moment in Michigan's history, we are comforted in the knowledge that his legacy will continue through the immeasurable number of people whose lives he has touched. He will be sincerely missed and long remembered; and

Whereas, Father Cunningham has perhaps done more for the nation's poor than any other individual of our time, we honor his memory and his life's work, Focus: HOPE. His dream to help the poor and downtrodden emerged out of the

1967 riots in Detroit, and his desire to seek racial harmony out of chaos is an inspiration and example to us all. Father Cunningham's ability to force action out of complacency has resulted in the respect of thousands of people and the donation of billions of dollars to Focus: HOPE. His work has resulted in the creation of a program capable of feeding more than 51,000 people a month, providing day-care to parents who had none, and training those unfairly labeled unemployable; and

Whereas, The passage of 30 years has not faded the purpose and direction of Focus: HOPE, we lift our heads in thanks to Father Cunningham for his unwavering commitment and wisdom to build an organization that can mourn the passing of its leader, yet continue with strength toward a higher goal of bringing together people of all races and backgrounds, now, therefore, be it

Resolved by the Senate, That we recognize and salute Father William Thomas Cunningham for his service to the residents of this state and citizens of this nation; and be it further

Resolved, That copies of this resolution be transmitted to the family of Father Cunningham and the Focus: HOPE organization as evidence of our respect and gratitude.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator DeGrow moved that the rule be suspended.

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

The resolution was adopted.

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

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

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 35.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Power Plant Renovation.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Control of Western Michigan University (the "University"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the University may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Power Plant Renovation (the "Facility") is currently owned by the University; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the University pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the University has been prepared providing for the leasing of the Facility by the Authority to the State and the University (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the total cost of the Western Michigan University Power Plant Renovation shall not exceed \$24,114,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$21,499,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other construction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the University and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be \$2,240,000 as certified by the appraiser; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the University, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this resolution be transmitted to the Governor, the Secretary of State, the Authority, the University, and the State Budget Director.

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 question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

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

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators North and Shugars introduced

Senate Bill No. 541, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

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

Senators Steil, Stille, McManus, Shugars, Stallings, DeGrow, North and DeBeaussaert introduced

Senate Bill No. 542, entitled

A bill to establish an educational loan program for eligible resident students enrolled in certain teacher education programs; to prescribe conditions for repayment and forgiveness of the loans; to establish a Michigan future teachers program fund and to provide for its administration; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Senators Peters, A. Smith, DeBeaussaert and Conroy introduced

Senate Bill No. 543, entitled

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

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

Senator Schuette introduced

Senate Bill No. 544, entitled

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

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

House Bill No. 4051, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 1997 PA 8.

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

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

House Bill No. 4149, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 16106, 17708, 17751, and 17763 (MCL 333.7405, 333.16106, 333.17708, 333.17751, and 333.17763), section 7405 as amended by 1988 PA 30, section 17708 as amended by 1994 PA 384, and section 17763 as amended by 1993 PA 79.

The House of Representatives has passed the bill.

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

House Bill No. 4382, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8904, 8905a, and 8905b (MCL 324.8904, 324.8905a, and 324.8905b), section 8904 as amended and sections 8905a and 8905b as added by 1995 PA 111; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4391, entitled

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

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

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

House Bill No. 4440, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 273 (MCL 206.273), as added by 1988 PA 516.

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

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

House Bill No. 4522, 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 House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4542, entitled

A bill to require certain institutions of higher education to establish and implement a campus sexual assault information policy; to encourage those institutions of higher education to adopt certain procedures; and for related purposes.

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

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

House Bill No. 4543, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending sections 2 and 4a (MCL 390.1152 and 390.1154a), section 2 as amended by 1987 PA 206 and section 4 as added by 1989 PA 96.

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

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

House Bill No. 4544, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

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

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

House Bill No. 4545, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1373).

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

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

House Bill No. 4546, entitled

A bill to amend 1960 PA 77, entitled "An act to create the Michigan higher education assistance authority and to prescribe its powers and duties; to authorize persons, corporations, and associations to make gifts to the authority; to prescribe the powers and duties of certain state officials; to authorize, ratify, and confirm certain guarantees of students' loans and authorize reguarantees; to authorize, ratify, and confirm certain guarantees of loans made to parents of students; to validate certain prior appropriations; and to authorize the transfer of certain appropriations to be transferred to and administered by the authority," by amending section 7 (MCL 390.957), as amended by 1990 PA 117.

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

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

House Bill No. 4547, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 2 (MCL 390.1272), as amended by 1980 PA 502.

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

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

House Bill No. 4548, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403).

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

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

House Bill No. 4549, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 3 (MCL 390.1323).

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

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

House Bill No. 4550, entitled

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 2 (MCL 390.1022), as amended by 1984 PA 9.

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

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

House Bill No. 4551, entitled

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

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

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

House Bill No. 4552, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 1 (MCL 390.991), as amended by 1980 PA 503.

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

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

House Bill No. 4553, entitled

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

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

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

House Bill No. 4573, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

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

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

House Bill No. 4766, entitled

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

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

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

House Bill No. 4768, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948), by adding section 2964.

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

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

House Bill No. 4773, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255.

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

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

House Bill No. 4774, entitled

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

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

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

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:45 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, May 29, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

