

## No. 49

# JOURNAL OF THE SENATE

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Senate Chamber, Lansing, Tuesday, June 3, 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

Senator Douglas Carl of the 12th District offered the following invocation:

Holy God and Heavenly Father, how thankful we are to come to You on every occasion.

We thank You this day for the beginning of summer which is about to be upon us. We thank You for the many blessings You have showered upon us in our daily lives. Give us strength this day, give us wisdom and be with those who are in special need of Your help. Lay before us Your will and Your way and we will give You all the honor and glory and praise. In Jesus' name, I pray. Amen.

### **Motions and Communications**

#### **Recess**

Senator DeGrow moved that the Senate recess until 10:30 a.m.  
The motion prevailed, the time being 10:04 a.m.

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

#### **Recess**

Senator DeGrow moved that the Senate recess until 10:40 a.m.  
The motion prevailed, the time being 10:31 a.m.

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

During the recess, Senator Van Regenmorter entered the Senate Chamber.

#### **Recess**

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:41 a.m.

10:44 a.m.

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

During the recess, Senators Bennett, Schwarz, Bouchard, Gast, Steil, Bullard, Gougeon and North entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

#### **Messages from the House**

Senators Stille, Geake, Dunaskiss, Emmons, McManus, Rogers and Posthumus entered the Senate Chamber.

#### **House Bill No. 4220, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 25 (MCL 338.2225), as amended by 1988 PA 461.

(For text of amendments, see Senate Journal No. 41, p. 638.)

The question being on the concurring in the House amendments made to the Senate substitute,

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

**Roll Call No. 275****Yeas—4**

Byrum	Cisky	Peters	Smith, A.
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**Nays—33**

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

**Excused—0****Not Voting—1**

Van Regenmorter

In The Chair: President

**House Bill No. 4219, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1201, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1214, 1217, and 1218 (MCL 339.1201, 339.1204, 339.1205, 339.1206, 339.1207, 339.1208, 339.1209, 339.1210, 339.1211, 339.1214, 339.1217, and 339.1218), sections 1204, 1205, 1207, 1208, 1209, 1211, and 1214 as amended by 1988 PA 463, and by adding sections 1203a and 1203b; and to repeal acts and parts of acts.

(For text of amendments, see Senate Journal No. 43, p. 685.)

The question being on concurring in the House amendments made to the Senate substitute,

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

**Roll Call No. 276****Yeas—3**

Byrum	Peters	Smith, A.
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**Nays—34**

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

**Excused—0**

**Not Voting—1**

Van Regenmorter

In The Chair: President

**Third Reading of Bills**

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

**Senate Bill No. 341**

The motion prevailed.

The following bill was read a third time:

**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 question being on the passage of the bill,

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

Senator A. Smith offered the following amendment:

1. Amend page 2, line 10, after the first "TOBACCO" by inserting "OR LIQUOR".

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator A. Smith requested the yeas and nays.

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

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

**Roll Call No. 277**

**Yeas—20**

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

**Nays—18**

Bennett	Dunaskiss	North	Schwarz
Bouchard	Emmons	Posthumus	Shugars
Bullard	Geake	Rogers	Steil
Carl	Hoffman	Schuette	Stille
DeGrow	McManus		

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator DeGrow moved to reconsider the vote by which the amendment was adopted. The motion prevailed, a majority of the members serving voting therefor. The question being on the adoption of the amendment, Senator DeGrow moved that further consideration of the bill be postponed for today. The motion prevailed.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

I initially wanted to be silent on this issue because frankly, there will probably be less said about my opposition to the bill if I just be quiet, but finally, can you afford to be silent about constitutional issues? I think this is a First Amendment constitutional issue here. Say what you want, but today we're talking about tobacco, maybe tobacco and liquor; tomorrow it will be something else.

Certainly, a fad in one's diet is as harmful as cigarette smoking—it causes high blood pressure, and it causes heart disease. As we become more and more aware of the causes of cancer, we become more aware of the fact that fat in our diet is a strong contributor in that regard. I wouldn't stand here and suggest that we outlaw billboards outlawing the advertisement of french fries because they contain a good deal of fat. But today it's sexy to beat up on tobacco and alcohol. Tomorrow it might be sexy to beat up on fat. Next week, next month or next year it will be sexy to beat up on something else. All the time that we're dealing with these politically correct issues, we're trampling our Constitution. The price of protecting our Constitution carries tremendous personal responsibility. I am uncomfortable with relinquishing some of my free speech rights to the government.

The Constitution was created to protect us from our government. I think it's incumbent upon every parent to instruct their children of the dangers of smoking, the dangers of alcohol abuse and yes, even the dangers of a fatty diet. But, I don't think it's our place to attempt to restrict First Amendment rights. In my opinion, the issue is not tobacco. It's not alcohol. The issue to me is limiting our First Amendment free speech rights. That's really what the issue is here. I'm very uncomfortable with that and I suggest that rather than doing what's politically popular, politically expedient, we protect the Constitution despite the fact that it's popular to beat up on tobacco or it's popular to beat up on alcohol.

This is a very important issue here and when you lose a right you don't get it back. I would just ask the membership before they cast their vote to think about exactly what it is you're voting for. I'll be voting against it.

Senator Hart's first statement is as follows:

I'm going to oppose this bill for several reasons. Principally, because where do you draw the line? While the intent of the bill may be good in some quarters, where do you draw the line? There are 1001 lipstick commercials out there, suntan lotions, provocative fashion models. As you drive down any one of these Lansing streets, you'll see the DejaVu—do you know what you see—you see some legs exposed. For a lipstick ad, if you will, where do you draw the line? Yes, I'm opposed to smoking, I'm opposed to cigarette smoking, but is it fair?

Senator Hart's second statement is as follows:

I'm sick and tired of the deceptive type of advertising that takes place, whether it eludes to cigarettes or whether it relates to casino gambling or whether it relates to the state of Michigan buy a lottery ticket—support your public schools. What a mockery being perpetrated on people. What the state ought to be doing is adopting other programs to help those who are gamblers, who become addicted to programs such as buying lottery tickets and people who are addicted to going to casinos. That's where the state ought to be spending the money, instead of thousands of dollars that I've seen spent by the state of Michigan in the last 20 years here.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 4305**

**House Bill No. 4309**

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

By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

**House Bill No. 4306, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 1998, and to make certain appropriations for those purposes and adjust certain appropriations for those purposes for the fiscal year ending September 30, 1997; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has passed the bill.

The bill was read a first and second time by title.

Senator DeGrow moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

By unanimous consent the Senate returned to the order of  
**General Orders**

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, resumed the Chair.

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

Senator DeGrow moved to reconsider the vote by which consideration of the following bill was postponed for today:

**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 motion prevailed.

The question being on the motion that further consideration of the bill be postponed for today,

Senator DeGrow withdrew the motion.

The question being on the adoption of the amendment offered by Senator A. Smith,

Senator Cherry 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. 278**

**Yeas—18**

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

**Nays—20**

Bennett	Conroy	Gougeon	Rogers
Bouchard	DeGrow	Hoffman	Schuette

Bullard	Dunaskiss	McManus	Shugars
Carl	Emmons	North	Steil
Cisky	Geake	Posthumus	Stille

**Excused—0**

**Not Voting—0**

In The Chair: Schwarz

Senator Stallings offered the following amendment:

1. Amend page 2, line 10, after “PRODUCTS” by inserting “OR ADVERTISING SEXUALLY EXPLICIT MATERIAL”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Stallings requested the yeas and nays.

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

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

**Roll Call No. 279**

**Yeas—21**

Berryman	Dingell	O'Brien	Shugars
Byrum	Gougeon	Peters	Smith, V.
Carl	Hart	Rogers	Stallings
Cisky	Miller	Schuette	Vaughn
Conroy	North	Schwarz	Young
DeBeaussaert			

**Nays—14**

Bennett	Dunaskiss	Koivisto	Smith, A.
Bouchard	Emmons	McManus	Steil
Bullard	Gast	Posthumus	Stille
DeGrow	Geake		

**Excused—0**

**Not Voting—3**

Cherry	Hoffman	Van Regenmorter
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In The Chair: Schwarz

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

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. 280****Yeas—31**

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

**Nays—6**

Berryman	Gast	Hoffman	Schwarz
Dingell	Hart		

**Excused—1**

Cherry

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protest**

Senator Berryman, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 341.

Senator Berryman's statement is as follows:

I voted "no" on banning tobacco on billboards because No. 1, tobacco is still a legal product. As much as I am opposed to children taking up that habit, where once again big government is coming in and taking away a right to advertise a legal product. This is one product—what's next? Now we're banning tobacco advertising from billboards—what's next—banning kids from malls?

Senator Cherry entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**General Orders**

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 4306, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 1998, and to make certain

appropriations for those purposes and adjust certain appropriations for those purposes for the fiscal year ending September 30, 1997; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 32, following line 14, by inserting:

“Sec. 239. The department may receive and expend funds dedicated to the establishment of programs for education, research and treatment services related to serious, compulsive gambling addictions.”

2. Amend page 47, line 9, after “Sec. 1201.” by inserting “(1)”.

3. Amend page 47, following line 13, by inserting:

“(2) The department shall increase funds allocated to promote awareness, education, and early detection of breast, cervical and prostate cancer by \$750,000.00 above the amount allocated for this purpose in fiscal year 1996-97.”

4. Amend page 58, following line 3, by inserting:

“Sec. 1508. If a person licensed to provide substance abuse services receives federal substance abuse prevention block grant funds, any priority positions established under state statute for recipients of their services, shall apply only after serving those priority positions granted under the conditions of the federal block grant.”

5. Amend page 60, line 2, after “utilization.” by inserting “The department shall not impose utilization restrictions on chiropractic services unless a recipient has exceeded 18 office visits within one year.”

6. Amend page 73, following line 7, by inserting:

“Sec. 1653. The department shall promote activities that preserve the dignity and rights of terminally ill and chronically ill individuals. Priority shall be given to programs, such as hospice, that focus on individual dignity and quality of care provided persons with terminal illness and programs serving persons with chronic illnesses that reduce the rate of suicide through the advancement of the knowledge and use of improved, appropriate pain management for these persons; and initiatives that train health care practitioners and faculty in managing pain, providing palliative care and suicide prevention.

#### **OFFICE OF SERVICES TO THE AGING**

Sec. 1700. (1) The office of services to the aging may receive and expend funds in addition to those authorized in section 101 for the additional purposes described in this section.

(2) The office of services to the aging may establish and collect fees for publications, videos, and related materials. Collected fees shall be used to pay for the printing and mailing costs of the publications, videos, and related materials, which costs shall not exceed the revenues collected. The office of services to the aging shall report to the senate and house of representatives standing committees on appropriations and the senate and house of representatives fiscal agencies the status, use, and results of the revenue collected on April 30 and December 30.

(3) The office of services to the aging may receive and expend medicaid funds for care management services. However, funds traditionally used for senior access and assessment shall not be used to expand the care management program.

Sec. 1701. The office of services to the aging shall award contracts and distribute funds only to those projects that are cost effective, meet minimum operational standards, and serve the greatest number of eligible people.

Sec. 1702. The office of services to the aging shall provide that funds appropriated under this act shall be awarded on a local level in accordance with locally determined needs.

Sec. 1703. The office of services to the aging shall provide that local service providers are not excluded from the award of access and assessment funds for outreach, information and referral, client assessment, case coordination, and care management.”

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

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

#### **House Bill No. 4307, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Substitute (S-1).

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

1. Amend page 7, line 8, by striking out “19,103,600” and inserting “22,603,600”.

2. Amend page 7, line 13, by striking out “\$33,880,100” and inserting “\$37,380,100”.

3. Amend page 25, line 23, by striking out “\$(1,631,000)” and inserting “\$(5,131,000)”.
4. Amend page 25, line 26, by striking out “\$(1,631,000)” and inserting “\$(5,131,000)” and adjusting all subtotals, totals and section 201 accordingly.
5. Amend page 37, following line 8, by inserting:  
“Sec. 310. The department shall receive and retain copies of all reports funded from section 101 appropriations.”.
6. Amend page 59, line 24, after “camps.” by inserting “Any department employee who, in the course of his or her job, is determined by a physician to have had a potential exposure to the Hepatitis B virus, shall receive a Hepatitis B vaccination upon request.

Sec. 1119. It is the intent of the legislature that no funds be used to support the transportation of prisoners who are assigned to a secure facility if the vehicle used to convey such prisoners is operated by a prisoner who is assigned to a secure facility.”.

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

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

**House Bill No. 4308, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

Substitute (S-1).

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

1. Amend page 17, following line 25, by inserting:

“Sec. 215. The department shall receive and retain copies of all reports funded from section 101 appropriations.”.

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

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

**House Bill No. 4310, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 6a, 11, 17b, 20, 20d, 20i, 24, 26, 31a, 36, 39, 41, 51a, 52, 53a, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 95, 99, 101, 104a, 107, 108, 111, 147, 151, 167, and 169a (MCL 388.1606, 388.1606a, 388.1611, 388.1617b, 388.1620, 388.1620d, 388.1620i, 388.1624, 388.1626, 388.1631a, 388.1636, 388.1639, 388.1641, 388.1651a, 388.1652, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1658, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694, 388.1695, 388.1699, 388.1701, 388.1704a, 388.1707, 388.1708, 388.1711, 388.1747, 388.1751, 388.1767, and 388.1769a), sections 6, 11, 17b, 20, 20d, 24, 31a, 36, 39, 41, 52, 54, 56, 57, 58, 61a, 62, 74, 81, 94, 99, 101, 104a, 111, 147, and 167 as amended and sections 20i, 51a, 53a, 107, 108, and 169a as added by 1996 PA 300, sections 6a, 95, and 151 as amended by 1995 PA 130, and section 26 as amended by 1994 PA 283, and by adding sections 26a, 31b, 67, 68, 94a, 105a, 166d, and 166e; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 18, following line 13, by inserting:

“SEC. 10. MONEY DEPOSITED IN THE STATE SCHOOL AID FUND UNDER THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.216, SHALL BE DEPOSITED INTO A SEPARATE ACCOUNT IN THE STATE SCHOOL AID FUND. MONEY IN THIS SEPARATE ACCOUNT SHALL NOT BE EXPENDED UNLESS IT IS SPECIFICALLY APPROPRIATED BY THE LEGISLATURE FROM THIS SEPARATE ACCOUNT. AN APPROPRIATION FROM THE STATE SCHOOL AID FUND THAT DOES NOT SPECIFICALLY IDENTIFY THAT IT IS BEING MADE FROM THIS SEPARATE ACCOUNT SHALL NOT BE CONSIDERED TO BE AN APPROPRIATION OF MONEY IN THIS SEPARATE ACCOUNT.”.

2. Amend page 45, line 1, after “SECTION” by striking out “20” and inserting “11”.
3. Amend page 47, line 1, after “educating” by inserting “ALL”.
4. Amend page 50, line 5, after “subsection” by striking out “(11)” and inserting “(10)”.
5. Amend page 52, line 1, after “than” by striking out “MARCH” and inserting “December”.
6. Amend page 55, line 10, by striking out all of subsection (9) and renumbering the remaining subsections.

7. Amend page 57, following line 15, by inserting:

“(13) FROM THE APPROPRIATION IN SECTION 11, AN AMOUNT NOT TO EXCEED \$1,000,000.00 IS ALLOCATED FOR 1997-98 TO SCHOOL DISTRICTS LOCATED IN CITIES WITH A POPULATION GREATER THAN 100,000 TO BE USED TO EXTEND THE TIME SCHOOLS OF THE SCHOOL DISTRICT ARE OPEN BY AN EXTRA 3 HOURS PER DAY. FUNDS SHALL BE DISTRIBUTED TO SUCH SCHOOL DISTRICTS ON A PRORATED BASIS, USING TOTAL NUMBER OF PUPILS PER SCHOOL DISTRICT AS THE BASIS FOR THE PRORATION. DURING THE EXTRA 3 HOURS PER DAY, A SCHOOL DISTRICT RECEIVING FUNDS UNDER THIS SUBSECTION SHALL USE THE FUNDS FOR 1 OR MORE OF THE FOLLOWING NON-ATHLETIC PROGRAM AREAS:

- (A) ACADEMIC GAMES.
- (B) COMPUTER LITERACY PROGRAMS.
- (C) PEER MEDIATION.
- (D) CONFLICT RESOLUTION PROGRAMS.
- (E) TUTORIAL PROGRAMS.
- (F) LITERACY PROGRAMS.”.

8. Amend page 57, line 18, after the second “TO” by striking out the balance of the line through “SIZE” on line 19 and inserting “MAINTAIN SMALL CLASSES”.

9. Amend page 57, line 25, after “FOR” by striking out the balance of the line through “REDUCTION” on line 26 and inserting “MAINTAINING SMALL CLASSES IN GRADES K TO 3”.

10. Amend page 58, line 2, by striking out “CLASS SIZE REDUCTION” and inserting “SMALL CLASSES”.

11. Amend page 58, line 4, after “1997.” by striking out the balance of the subsection.

12. Amend page 58, line 27, after the first “TO” by striking out “REDUCE CLASS SIZE” and inserting “MAINTAIN SMALL CLASSES”.

13. Amend page 59, line 4, after “LEAST” by inserting “\$2,000,000.00 OR”.

14. Amend page 59, line 5, after “31A” by inserting a comma and “WHICHEVER IS LESS.”.

15. Amend page 59, line 11, after the second “OF” by striking out the balance of the line through “REDUCTION” on line 12 and inserting “SMALL CLASSES”.

16. Amend page 64, line 7, after “be” by striking out “\$330,515,400.00” and inserting “\$332,868,000.00”.

17. Amend page 88, line 16, after “OF” by inserting “THE SUM OF”.

18. Amend page 88, line 17, after “by” by striking out the balance of the sentence and inserting “THE INTERMEDIATE DISTRICT UNDER THIS SUBSECTION IN 1996-97 AND THE AMOUNT OF FUNDING ACTUALLY RECEIVED BY THE INTERMEDIATE DISTRICT UNDER SECTION 11B AS IN EFFECT FOR 1995-96.”.

19. Amend page 91, line 3, by striking out all of section 93.

20. Amend page 92, line 15, after “exceed” by striking out “\$7,469,000.00” and inserting “\$7,693,100.00”.

21. Amend page 93, line 17, after “to” by inserting “103% OF”.

22. Amend page 94, line 2, after “ALLOCATED” by striking out \$82,500.00” and inserting “\$85,000.00”.

23. Amend page 94, line 5, after “THE” by inserting “GENERAL FUND”.

24. Amend page 94, line 10, by striking out all of subsection (9) and inserting:

“(9) FROM THE GENERAL FUND APPROPRIATION IN SECTION 11, THERE IS ALLOCATED TO THE DEPARTMENT \$200,000.00 FOR 1997-98 FOR A GRANT TO A DISTRICT THAT CONDUCTED THE MICHIGAN JASON PROJECT IN 1996-97 FOR STATEWIDE EXPANSION OF THE PROJECT IN 1997-98.

(10) FROM THE GENERAL FUND APPROPRIATION IN SECTION 11, THERE IS ALLOCATED \$255,000.00 FOR PAYMENTS TO CONVERT SATELLITE PROGRAMS IN ALLEGAN, MUSKEGON, AND LAPEER COUNTIES TO FULL MATHEMATICS AND SCIENCE CENTERS. NOTWITHSTANDING SUBSECTION (5), THE DEPARTMENT SHALL ALLOCATE FUNDS UNDER SUBSECTION (1) ATTRIBUTABLE TO THE FORMER SATELLITES TO THE NEW CENTERS.

(11) FROM THE GENERAL FUND APPROPRIATION IN SECTION 11, THERE IS ALLOCATED \$50,000.00 FOR 1997-98 TO THE UNIVERSITY OF MICHIGAN-DEARBORN TO SERVE AS THE FISCAL AGENT FOR A PLANNING GRANT TO THE MICHIGAN SCIENCE AND TECHNOLOGY MUSEUM COLLABORATIVE. THE COLLABORATIVE, IN CONJUNCTION WITH THE EXISTING MATHEMATICS AND SCIENCE CENTERS, SHALL USE THIS FUNDING TO ASSESS THE MECHANISMS FOR COLLABORATIVE PROGRAM DEVELOPMENT, DELIVERY, AND INFORMATION SHARING. THE COLLABORATIVE SHALL SUBMIT A REPORT ON THIS ASSESSMENT TO THE DEPARTMENT NOT LATER THAN JUNE 30, 1998.”.

25. Amend page 101, line 14, by striking out all of section 104a.

26. Amend page 114, line 26, after “subsections” by striking out “(6), (7), (8), or (9)” and inserting “(5), (6), (7), or (8)”.

27. Amend page 116, following line 9, by inserting:

“(15) FROM THE GENERAL FUND APPROPRIATION IN SECTION 11, THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$250,000.00 FOR A GRANT TO FOCUS: HOPE FOR A FAST-TRACK ADULT EDUCATION PROGRAM.” and adjusting all subtotals, totals and section 201 accordingly.

28. Amend page 121, following line 10, by inserting:

“SEC. 166D. (1) FUNDS APPROPRIATED UNDER THIS ACT SHALL NOT BE EXPENDED TO PROVIDE HEALTH CARE COVERAGE FOR DISTRICT OR INTERMEDIATE DISTRICT EMPLOYEES OR THEIR DEPENDENTS FOR ABORTION SERVICES, OTHER THAN FOR SPONTANEOUS ABORTION OR TO PREVENT THE DEATH OF THE WOMAN UPON WHOM THE ABORTION IS PERFORMED, IF THOSE SERVICES ARE NOT REQUIRED BY A COLLECTIVE BARGAINING AGREEMENT.

(2) A DISTRICT OR INTERMEDIATE DISTRICT SHALL NOT APPROVE A COLLECTIVE BARGAINING AGREEMENT WHICH INCLUDES HEALTH CARE COVERAGE FOR ABORTION SERVICES OTHER THAN SPONTANEOUS ABORTION OR TO PREVENT THE DEATH OF THE WOMAN UPON WHOM THE ABORTION IS PERFORMED. THIS SECTION SHALL NOT PROHIBIT A HEALTH CARE BENEFIT PROGRAM WHICH PROVIDES FOR AN EMPLOYEE-PAID RIDER PROVIDING COVERAGE FOR ABORTION SERVICES.

(3) IF A DISTRICT OR INTERMEDIATE DISTRICT EXPENDS FUNDS IN VIOLATION OF THIS SECTION, THE DISTRICT OR INTERMEDIATE DISTRICT SHALL FORFEIT 5% OF THE TOTAL STATE SCHOOL AID FOR THAT DISTRICT OR INTERMEDIATE DISTRICT.”.

29. Amend page 123, line 27, after “Michigan” by striking out “school” and inserting “SCHOOLS”.

30. Amend page 125, line 4, by striking out all of subsection (3) and inserting:

“(3) Sections 12, 31b, 67, 68, and 105a of the state school aid act of 1979, 1979 PA 94, as added by this amendatory act, take effect upon enactment of this amendatory act.”.

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.

### Points of Order

During the Committee of the Whole, Senator V. Smith raised the Point of Order that Section 12 of House Bill No. 4310 (S-1), which amends the State School Aid Act, amended the Revised School Code by reference.

The Chairperson, Senator Byrum, ruled that Section 12 of the substitute was not germane.

Senator DeGrow appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Committee of the Whole,

The decision of the Chair did not stand as the judgment of the Committee of the Whole, a majority of the members present not voting therefor.

During the Committee of the Whole, Senator Dingell raised the Point of Order that the bill was unconstitutional.

The Chairperson, Senator Byrum, ruled that it is not within the purview of the Chair to render a ruling on constitutionality.

By unanimous consent the Senate proceeded to the order of

### Resolutions

Senators Hoffman and Schwarz offered the following resolution:

#### **Senate Resolution No. 65.**

A resolution to express support for the agreement between CSX Corporation and Norfolk Southern Corporation on the acquisition of Conrail assets.

Whereas, Over the past few years, CSX Corporation and Norfolk Southern Corporation have engaged in intense negotiations in seeking to acquire the routes and assets of Conrail, Inc. These merger proposals involving the most important rail systems in the eastern United States have taken various turns during this time; and

Whereas, Private and public observers have followed the offers and counteroffers with great interest, as the move to acquire Conrail will have a profound impact on transportation to most of the country’s largest markets. Michigan will be strongly affected by the results of the deal; and

Whereas, Recently, CSX and Norfolk Southern announced an agreement on the acquisition of Conrail. In essence, the two corporations will split the routes and other assets of Conrail. Each of the railroads will acquire certain trackage and equipment, and they will share certain other assets and routes; and

Whereas, The joint agreement offers numerous direct benefits to Michigan. Instead of a single railroad dominating the nation’s northeast, there will be two viable, strong companies anchoring rail transportation for the region. Michigan’s links to major cities in North America are strengthened considerably. Our state’s exporters and importers will be able to speed up transit and handling times for our most important goods. The cornerstones of Michigan’s economy, automotive manufacturing, agriculture, mining, and chemicals, will all reap benefits from the enhancement of rail transportation services made possible by the competition of two strong, balanced, and highly regarded railroads; now, therefore, be it

Resolved by the Senate, That we express support for the agreement between CSX Corporation and Norfolk Southern Corporation on the acquisition of Conrail assets; and be it further

Resolved, That copies of this resolution be transmitted to federal transportation authorities, including the Surface Transportation Board.

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.

Senators Young and Conroy were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

The following communications were received:  
Department of State

#### Administrative Rules Notices of Filing

April 25, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:55 a.m. this date, administrative rule (97-4-6) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*," effective 15 days hereafter.

May 8, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:08 p.m. this date, administrative rule (97-5-1) for the Department of State, Board of State Canvassers, entitled "*Procedures*," effective 15 days hereafter.

May 9, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:35 a.m. this date, administrative rule (97-5-2) for the Department of Environmental Quality, Air Quality Division, entitled "*Motor Vehicle Emission Inspection/Maintenance Program*," effective 15 days hereafter.

May 9, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:38 a.m. this date, administrative rule (97-5-3) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*," effective 15 days hereafter.

May 9, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:41 a.m. this date, administrative rule (97-5-4) for the Department of Environmental Quality, Air Quality Division, entitled "*Air Pollution Control*," effective 15 days hereafter.

May 9, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:44 a.m. this date, administrative rule (97-5-5) for the Department of Environmental Quality, Air Quality Division, entitled "*General Rules*," effective 15 days hereafter.

May 13, 1997

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:55 a.m. this date, administrative rule (97-5-6) for the Department of State Police, Michigan Justice Training Commission, entitled "*General Rules*," effective 15 days hereafter.

Sincerely,  
Candice S. Miller  
Secretary of State  
Helen Kruger, Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

May 30, 1997

Enclosed is a copy of the following audit report and/or executive digest:  
Financial Audit Including the provisions of the Single Audit Act of the Department of Commerce and the Community Development Block Grant Program Within the Michigan Jobs Commission, October 1, 1993 through September 30, 1995.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

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 Thursday, May 29:  
**House Bill Nos. 4067 4323 4694 4700 4701 4702**

The Secretary announced the enrollment printing and presentation to the Governor on May 29, for his approval the following bills:

**Enrolled Senate Bill No. 229 at 3:05 p.m.**  
**Enrolled Senate Bill No. 230 at 3:07 p.m.**  
**Enrolled Senate Bill No. 234 at 3:09 p.m.**

The Secretary announced the printing and placement in the members' files on Thursday, May 29 of:  
**Senate Bill Nos. 543 544**

The Secretary announced the printing and placement in the members' files on Monday, June 2 of:  
**House Bill Nos. 4829 4830 4831 4832 4833 4834 4835 4836 4837 4838 4839 4840 4841 4842**  
**4843 4844 4845**

The Secretary announced that the Majority Leader has made the appointment of the following conference committees:

**House Bill No. 4219** - Senators Schuette, Gougeon and Stallings.  
**House Bill No. 4220** - Senators Schuette, Gougeon and Stallings.

The conference committee appointments were approved, a majority of the members serving having voted therefor.

By unanimous consent the Senate returned to the order of

#### **Introduction and Referral of Bills**

Senators Steil, Stille, Rogers, Gast, Cisky, Geake, Hoffman, Shugars, Bennett and McManus introduced

**Senate Bill No. 545, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 20g (MCL 38.20g), as amended by 1987 PA 241.

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

Senators Hart, Young, North and Berryman introduced

**Senate Bill No. 547, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90a. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Bennett and Geake introduced

**Senate Bill No. 548, entitled**

A bill to amend 1994 PA 325, entitled "The international tradeport development authority act," (MCL 125.2521 to 125.2546) by adding section 8a.

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

Senators Rogers, Stille, Dunaskiss, Peters, Shugars, Bullard, Cherry, Steil, Gougeon, Cisky, DeBeaussaert, Miller, Berryman and North introduced

**Senate Bill No. 549, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending the title and sections 105, 159, and 179 (MCL 32.505, 32.559, and 32.579).

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

Senator Bennett introduced

**Senate Bill No. 550, entitled**

A bill to prohibit certain state agencies and certain local governmental units from placing certain information on certain documents; to impose certain duties on certain state officials; and to prescribe remedies and penalties.

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

Senator Dingell introduced

**Senate Bill No. 551, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3038.

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

Senator Dingell introduced

**Senate Bill No. 552, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3133.

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

**House Bill No. 4067, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

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 Financial Services.

**House Bill No. 4323, entitled**

A bill to amend 1981 PA 180, entitled "Older Michiganians act," (MCL 400.581 to 400.594) by adding section 6l.

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 Appropriations.

**House Bill No. 4395, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 502, 503, 504a, 512, 513, and 514a (MCL 380.502, 380.503, 380.504a, 380.512, 380.513, and 380.514a), as amended by 1995 PA 289, and by adding sections 503b, 504d, 513b, 514d, and 1259.

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 Education.

**House Bill No. 4694, entitled**

A bill to amend 1913 PA 206, entitled "An act to declare telephone lines and telephone companies within this state to be common carriers; to regulate the telephone business; to confer certain powers, duties, and responsibilities on the public service commission; to provide for the consolidation of telephone lines and telephone companies; to prohibit certain uses of telephone lines and telephone equipment; to regulate persons using telephone lines and telephone equipment; to prescribe a penalty for the violation of this act; and to repeal certain acts and parts of acts on specific dates," by amending section 25 (MCL 484.125), as added by 1980 PA 47.

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 Financial Services.

**House Bill No. 4700, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to provide for certain duties of the secretary of state; and to prescribe certain penalties for violations," by amending the title and sections 1 and 2 (MCL 28.291 and 28.292), section 2 as amended by 1996 PA 204, and by adding sections 1a, 5a, 6, 7, 8, 9, and 10.

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. 4701, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208, 221, 232, and 903 (MCL 257.208, 257.221, 257.232, and 257.903), section 208 as amended by 1996 PA 471 and section 903 as amended by 1992 PA 309, and by adding sections 40b, 208a, 208b, 208c, and 208d.

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. 4702, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80104, 80129, 80130, 80301, 80310, 80315, 81101, 81113, 81114, 81120, 82101, 82113, and 82156 (MCL 324.80104, 324.80129, 324.80130, 324.80301, 324.80310, 324.80315, 324.81101, 324.81113, 324.81114, 324.81120, 324.82101, 324.82113, and 324.82156), as added by 1995 PA 58, and by adding sections 80130a, 80130b, 80130c, 80130d, 80315a, 80315b, 80315c, 80319a, 81114a, 81114b, 81114c, 82156a, 82156b, 82156c, and 82160.

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.

### Committee Reports

The Committee on Appropriations reported

**House Bill No. 4305, entitled**

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

Nays: None

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

The Committee on Appropriations reported

**House Bill No. 4309, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 1998; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Harry Gast  
Chairperson

To Report Out:

Yeas: Senators Gast, Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submits the following:

Meeting held on Wednesday, May 28, 1997, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), Geake, Cisky, DeGrow, Hoffman, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, O'Brien and Vaughn

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 415, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending section 39 of chapter X (MCL 710.39), as amended by 1996 PA 409.

With the recommendation that the bill pass.

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

Joel Gougeon  
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard, Geake and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

**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).

With the recommendation that the bill pass.

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

Joel Gougeon  
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard, Geake and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

**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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joel Gougeon  
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard, Geake and Peters

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Joel Gougeon  
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard, Geake and Peters

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

**Senate Bill No. 532, entitled**

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

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joel Gougeon  
Chairperson

To Report Out:

Yeas: Senators Gougeon, Bouchard, Geake and Peters

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Thursday, May 29, 1997, at 1:30 p.m., Room 100, Farnum Building

Present: Senators Gougeon (C), Bouchard, Geake and Peters

Excused: Senator V. Smith

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:

Meeting held on Thursday, May 29, 1997, 8:45 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Gast (C), DeGrow, Geake, Schwarz, McManus, Conroy, Koivisto and O'Brien

#### Scheduled Meeting

Retirement Appropriations Subcommittee - Wednesday, June 4, at 3:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1801).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 2:36 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, June 4, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.