

No. 39
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 8, 1997.

10:00 a.m.

The Senate was called to order by the Associate President pro tempore, Senator Jackie Vaughn III.

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—excused
Cisky—present
Conroy—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present

Emmons—excused
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

Reverend Mark Harbison of Oak Brook Community Church in East Lansing offered the following invocation:

Our heavenly Father, You have given us abundant grace. You have placed us in a state rich in resources, both in the natural resources that we all share and love as well as the people resources that we so much take for granted.

As leaders, Lord, I pray for us in this room. It is too easy to think that somehow we deserve to be here—we do not. We are men and women who have been given the place of leadership by others and therefore, we are servants, and as servants we have a responsibility to fulfill. Lord, in order to fulfill that responsibility, I pray for us two things that can easily escape us—wisdom and humility. We live in an information age and yet information will not be the source of good leadership or a computer could lead us. It is not information or knowledge that we need to lead—we need wisdom—the right application of knowledge to the decisions that await us.

In Your scriptures, Lord, You say if any man lacks wisdom, they should ask You for it for You give to all men generously and without reproach. That means no matter who we are, no matter what task is ahead of us, that if we ask You, You will give it, so, I ask. I ask for myself as I lead a congregation in this city, and I ask it for each man and woman in this room as they lead this state. Lord, please give us wisdom—we need it.

Lord, because we are a state with great resources and with great people, I pray for humility; the ability to know not only our strengths, but our weaknesses; to walk with and lead others not because we perceive ourselves above them, but because we are beside them, and because we are just like them, and indeed, because we are a part of them. We are given this responsibility of leadership by them and we came from within them. May we ever be aware that the answers that we need and seek do not reside in us, but in You as You lead us and so we need You. We need You to show us how to walk in humility so that we may lead rightly. Father, whatever title we have, whatever we have accomplished, if it results in our pride and not in our humility, it will be shortlived. For You said so well in Scripture, pride goes before a fall. Help us Lord, protect us from ourselves. Help us to seek You for the wisdom and humility necessary to lead this state and these people.

Thank You for each Senator and their staff here. I thank You for the gifts and abilities that You have given to them, and for the fact that they desire to use those gifts to serve others. I ask that You would see from heaven and reward them for the integrity of their heart. I ask that You would lead them and guide each of us and give us joy in our serving. I ask this in the name of Your Son, Jesus Christ, who demonstrated Your wisdom and humility to us. In His name I pray. Amen.

The President, Lieutenant Governor Binsfeld, assumed the Chair.

Motions and Communications

Senator O'Brien entered the Senate Chamber.

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

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

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

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

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:08 a.m.

10:21 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Hoffman.

During the recess, Senators Gougeon, Hoffman and Bennett entered the Senate Chamber.

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

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

Senator DeGrow moved that rule 3.901 be suspended to allow photographs to be taken from the Gallery and on the Senate floor, including the center aisle.

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

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:22 a.m.

10:41 a.m.

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

During the recess, the Bobcean Elementary School Bell Choir from Flat Rock performed. Senator Bennett made a special presentation to the choir and their Director, Tim Hammer, who spoke briefly.

During the recess, Senators Bouchard, Bullard, Gast, McManus, Van Regenmorter, Geake, Rogers, Posthumus, Stille and Dunaskiss entered the Senate Chamber.

The following communications were received:
Joint Committee on Administrative Rules

Certificates of Approval

Date: May 7, 1997
Subject: Trans. No. 97-17

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the State Police Department, Fire Safety Board, pertaining to Radioactive Material Transportation, dated May 21, 1996.

Date: May 7, 1997
Subject: Trans. No. 97-20

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the State Department, Board of State Canvassers, pertaining to Procedures, dated August 30, 1996.

Date: May 7, 1997
Subject: Trans. No. 97-21

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Consumer and Industry Services Department, Director's Office, pertaining to Securities, dated August 27, 1996.

Date: May 7, 1997
Subject: Trans. No. 97-23

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the State Police Department, Michigan Justice Training Commission, pertaining to General Rules, dated March 6, 1997.

Date: May 7, 1997

Subject: Trans. No. 97-24

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Environmental Quality Department, Air Quality Division, pertaining to General Rules, dated January 16, 1997.

Date: May 7, 1997

Subject: Trans. No. 97-25

I hereby certify that the Joint Committee on Administrative Rules approved the rescission of administrative rules from the Environmental Quality Department, Air Quality Division, pertaining to Motor Vehicle Emissions Inspection/Maintenance Program, dated January 16, 1997.

Date: May 7, 1997

Subject: Trans. No. 97-26

I hereby certify that the Joint Committee on Administrative Rules approved the administrative rules from the Environmental Quality Department, Air Quality Division, pertaining to Air Pollution Control, dated January 16, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

The communications were referred to the Secretary for record.

The following communications were received:

Joint Committee on Administrative Rules

May 7, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-27, submitted by the Department of Environmental Quality, Air Quality Division, pertaining to Air Pollution Control (Parts 1, 2, 6 and 7), to June 31, 1997.

May 7, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-28, submitted by the Department of Environmental Quality, Water Resources Protection, pertaining to (Parts 4 and 8), to July 3, 1997.

May 7, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-29, submitted by the Department of Environmental Quality, Surface Water Quality Division, pertaining to Wastewater Reporting, to July 9, 1997.

May 7, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-30, submitted by the Department of Community Health, Health Legislation and Policy Development, pertaining to General Rules, to July 24, 1997.

May 7, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-31, submitted by the Department of State Police, Automated Fingerprint Identification System Policy Council, pertaining to Automated Fingerprint Identification System (Rescission), to July 30, 1997.

May 7, 1997

Pursuant to the authority granted in subsection (3) of section 45 of the Administrative Procedures Act, being 24.245 of the Michigan Compiled Laws, the Committee by majority vote extended the time for consideration of Trans. No. 97-32, submitted by the Department of State, Bureau of Elections, pertaining to Campaign Financing—Committees (Part 2), to August 1, 1997.

Sincerely,
Representative Candace A. Curtis
Chair

The communications were referred to the Secretary for record.

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submits the following:

Meeting held on Wednesday, May 7, 1997, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators North (C), Van Regenmorter, Dingell and Byrum

Absent: Senator Schwarz

The Secretary announced the printing and placement in the members' files on Wednesday, May 7 of:

Senate Bill Nos. 490 491 492

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4299, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 20, 31a, 99, and 107 (MCL 388.1611, 388.1620, 388.1631a, 388.1699, and 388.1707), sections 11, 20, 31a, and 99 as amended and section 107 as added by 1996 PA 300, and by adding sections 6b, 105a, and 105b.

The question being on the passage of the bill,

Senator V. Smith offered the following amendment:

1. Amend page 2, following line 4, by inserting:

"SEC. 6C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A DISTRICT SHALL NOT COUNT IN MEMBERSHIP AN INDIVIDUAL WHO RECEIVES PAYMENT FROM THE DISTRICT FOR ENROLLING IN THE DISTRICT."

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 169

Yeas—16

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

Nays—20

Bennett	DeGrow	Hoffman	Schwarz
Bouchard	Dunaskiss	McManus	Shugars
Bullard	Gast	North	Steil
Carl	Geake	Posthumus	Stille
Cisky	Gougeon	Schuetz	Van Regenmorter

Excused—2

Cherry

Emmons

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Stallings' statement is as follows:

I rise because this issue surrounds the following: is this in fact a marketing ploy or simply piracy? That is the question. The economics are simple. Here we are looking at \$5,300 a year per student in state aid, and you have a school system, Romulus, who hires a private company and pays them \$4,240 per student, which represents a 20% profit margin to market or pirate students from the Detroit student population. This is a perfect example of a school district using students as cash cows, without any interest in their educational development. Now you may ask the question Senator, "How can I make these statements and are there any facts to support the aforementioned statements?" To that question, I want to share with my colleagues an affidavit that I have here in front of me and just a couple of statements that the deponent makes regarding this particular school. It is from a certified teacher in the areas of English Language and Literature for grades 7th through 12th who graduated from Eastern Michigan University who was employed at the Barron's Academy from 1996 until she was laid off in December. In her affidavit she indicates the following: that registration and orientation from the Academy took place at the Hague Building in Detroit, on Thursdays and Fridays. Basically all that happened on those two days was the students came in picked up their badges and their \$50 check for registering and left. Her and the other teachers were told to put p's for present in their attendance books for the days, although the students were only there for one of the two days. No classes were taught on either day. The fire marshal came in and closed the school down on at least three occasions and to her recollection, no classes were ever taught at the Hague street address.

Discipline at the school was sorely lacking. For instance, one time when she was overseeing the detention hall, several students made sexual comments and physical threats to her and other teachers. They left the detention hall because they feared for their safety, and although they reported the incident, as far as I know the students were never disciplined. When a student is being disruptive in class he or she are simply placed in another class. To my knowledge, no one was ever expelled because the owners did not want to lose any state aid. One of the students was shot in the foot, although not seriously injured, the school tried to cover up the incident by saying someone had set off a firecracker. In that particular incident, no disciplinary action resulted from that particular situation. The school sorely lacks in supplies, there are no pencils, virtually no paper, no teacher manuals, no work books and no research books. The Romulus school district supplied old textbooks, which I believe they are no longer using. These are the only books that they had. There are no special education instructors, no reading specialist. There are no counselors, only those teachers who are there to mark p's for the students as being present. They will go on to say that "there are severe problems of the organization and the administration of the school. We do not have records on the student and did not even know what grade they should have been in." She indicated that she did not even have a list of students who were supposed to be in her class and when the school district supplied her with the list, sometime in October or November, none of the students listed actually attended her class. "On a good school day, near the beginning of my actual teaching duties, 15 or 20 students might show up for class." At the end of her employment, only three or four students would typically show up, and yet these students were being paid continuously by the state, passed through from the Romulus school district to this private company. Students were counted as being present for a whole day and eligible to get their \$5 if they were in class for 4 or 4 1/2 hours. As a result of this policy, many students would leave the school after the 4 1/2 hours and thus by 1:30 p.m., many of the students who showed up for school were gone. Even her attendance books, the one containing a computer generated list of students compiled by the Romulus school district was taken by the administration and not returned to her prior to her layoff.

Now here is a teacher who is inside the school system, indicating that the working conditions for the students and the teachers were absolutely terrible. She went on to say that even the bathrooms had problems; odors of marijuana, absence of running water at times, unsanitary conditions, cockroaches, garbage and other various problems that beset the school. It's very clear to me, that when I look at this affidavit and other affidavits I am going to share with you, that this school district that is overseeing these students did not care about the educational development or enhancement of those students. They were only concerned about the economic enrichment. And so when I ask the question, "Is it marketing or piracy?", I leave that question up to you. The economics are simple, we give them \$5,000, they give someone 80% of that number and they're making 20% off of the students that are domicile in the city of Detroit, with no intentions of providing them with any educational development. That is why I stand here today and ask you to support the Virgil Smith amendment.

Senators DeBeaussiaert and Peters offered the following amendments:

1. Amend page 26, following line 23, by inserting:

“Sec. 104a. (1) In order to receive state aid under this act, a district shall comply with this section and shall award a state-endorsed high school diploma to an eligible graduate as provided in this section. ~~For a pupil scheduled to graduate in 1994, 1995, or 1996 to be eligible for a state endorsement in 1 or more of the subject areas of communication arts, mathematics, or science, the pupil must achieve at least 1 of the following:~~

(a) ~~A passing score on locally adopted and state approved basic proficiency tests measuring proficiency in 1 or more of the subject areas specified in this subsection.~~

(b) ~~If the pupil is eligible to take the general education development (G.E.D.) test, a passing score in 1 or more of the subject areas specified in this subsection and tested in the G.E.D. test.~~

(c) ~~For a state endorsement in communications arts, at least a score of moderate on the reading portion of the Michigan educational assessment program (MEAP) grade 10 test; for a state endorsement in mathematics, at least a score of moderate on the mathematics portion of the MEAP grade 10 test; and, for a state endorsement in science, at least 50% of the objectives on the science portion of the MEAP grade 11 test. For pupils scheduled to graduate in 1997, the department may use a version of the science assessment instrument developed under subsection (8) instead of the science portion of the MEAP grade 11 test, and, in its discretion, may administer that science assessment instrument in the fall of 1995 or the spring of 1996, or both. If the department uses that science assessment instrument, as provided under this subdivision, the department, based on expert advice, shall determine the level of proficiency that must be demonstrated for a pupil scheduled to graduate in 1997 to earn a state endorsement in science.~~

(2) For pupils scheduled to graduate in 1997, if a pupil achieves the outcomes required by the state board, as measured by an assessment instrument developed under subsection (8) (6), for a state-endorsed high school diploma ; ~~or meets the requirements described in subsection (1)(c) for a state endorsed high school diploma~~, in 1 or more of the subject areas of communications skills, mathematics, and science, the pupil’s district shall award a state endorsement on the pupil’s diploma in each of the subject areas in which the pupil demonstrated the required proficiency. ~~Beginning with pupils scheduled to graduate in 1998, if a pupil achieves the objectives required by the state board, as measured by an assessment instrument developed under subsection (8), for a state endorsed high school diploma in 1 or more of the subject areas of communications skills, mathematics, science, and, beginning with pupils scheduled to graduate in 2000, social studies, the pupil’s district shall award a state endorsement on the pupil’s diploma in each of the subject areas in which the pupil demonstrated the required proficiency. A district shall not award a state endorsement to a pupil unless the pupil meets the applicable requirements for the endorsement, as described in this subsection. A school district may award a high school diploma to a pupil who successfully completes local district requirements established in accordance with state law for high school graduation, regardless of whether the pupil is eligible for any state endorsement.~~

(3) ~~A district that offers a pupil the opportunity to pass a basic proficiency test described in subsection (1)(a) as 1 means to obtain a state endorsed diploma in 1994, 1995, or 1996 may submit the district’s own basic proficiency test to the department for approval to be used by the district to assess proficiency.~~

(4) ~~A pupil who does not achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, may be reevaluated each school year until the pupil achieves an applicable requirement for a state endorsed diploma. In addition, the board of the district in which the pupil is enrolled shall provide that there be at least 1 meeting attended by at least the pupil and a member of the district’s staff or a local or intermediate district consultant who is proficient in the measurement and evaluation of pupils. The district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the district shall invite and encourage the pupil’s parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil’s parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection shall be to determine an educational program for the pupil designed to have the pupil reach proficiency in each subject or skill area in which he or she was assessed by the testing as not proficient. In addition, a district may provide for subsequent meetings with the pupil conducted by a high school counselor or teacher designated by the pupil’s high school principal, and shall invite and encourage the pupil’s parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The district shall provide special programs for the pupil or develop a program using the educational programs regularly provided by the district unless the board of the district decides otherwise and publishes and explains its decision in a public justification report. A pupil may be reevaluated at any time the district administers an applicable assessment instrument.~~

(3) (5) For a state-endorsed diploma, a pupil must achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2) ,~~as applicable~~, in addition to any other requirements established by law or by the board of a district for a high school diploma. If the board of a district determines that a pupil qualifies for a state-endorsed diploma, the board shall indicate on the pupil’s high school diploma and transcript that the pupil achieved the proficiency necessary for receipt of a state-endorsed diploma. HOWEVER, IF A PUPIL’S PARENT OR LEGAL GUARDIAN OR, IF THE PUPIL IS AT LEAST AGE 18 OR AN EMANCIPATED MINOR, THE PUPIL SUBMITS A WRITTEN STATEMENT REQUESTING THE DISTRICT NOT TO INCLUDE THIS INDICATION ON THE PUPIL’S HIGH SCHOOL DIPLOMA OR TRANSCRIPT, THE DISTRICT SHALL NOT INCLUDE THE INDICATION ON THE PUPIL’S DIPLOMA OR TRANSCRIPT.

(4) ~~(6)~~ An individual may repeat any of the tests or assessment instruments specified in ~~subsection (1) or subsection (2) , as applicable,~~ at any time the district regularly offers the test or assessment ~~or, for the MEAP tests described in subsection (1)(c), during the established testing period,~~ and, upon achieving at least 1 of the requirements listed in ~~subsection (1) or~~ the requirements of subsection (2) ~~, as applicable,~~ and completing all other applicable requirements for a high school diploma, shall be awarded a state-endorsed diploma.

(5) ~~(7)~~ A district shall provide accommodations to a pupil with disabilities for the proficiency testing or assessment required under this section, as provided under section 504 of title V of the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 794; subtitle A of title II of the Americans with disabilities act of 1990, Public Law 101-336, 42 U.S.C. 12131 to 12134; and the implementing regulations for those statutes. ~~A special education pupil scheduled to graduate in 1994, 1995, or 1996 who has passed an alternative form of assessment permitted under this section as it was in effect for 1992-93 shall receive the applicable endorsement under this section.~~

(6) ~~(8)~~ For the purposes of this section, the state board shall develop or select and approve assessment instruments to determine pupil proficiency in communications skills, mathematics, ~~social studies,~~ and science. The assessment instruments shall be based on the state board model core academic content standards objectives.

~~(9) The state board shall develop or select and approve assessment instruments for the purpose of awarding state endorsements of advanced mastery in specified subject areas.~~

(7) ~~(10)~~ Upon written request by the pupil's parent or legal guardian stating that the request is being made for the purpose of providing the pupil with an opportunity to qualify to take 1 or more postsecondary courses as an eligible student under the postsecondary enrollment options act, ~~Act No. 160 of the Public Acts of 1996, being sections 388.511 to 388.524 of the Michigan Compiled Laws 1996 PA 160, MCL 388.511 TO 388.524,~~ the board of a district shall allow a pupil who is in at least grade 10 to take a test or assessment described in subsection ~~(1) or~~ (2) without charge at any time the district regularly administers the test or assessment or administers a retest of the test or assessment. A district is not required to include in an annual education report, or in any other report submitted to the department for accreditation purposes, results of tests or assessments taken under this subsection by a pupil in grade 10 or lower.

(8) ~~(11)~~ All assessment instruments developed or selected and approved by the state under any statute or rule for a purpose related to K to 12 education shall be objective-oriented and consistent with the state board model core academic content standards objectives.

(9) ~~(12)~~ Upon payment of a reasonable fee any person may, after graduation from high school, retake the state-endorsed diploma test and, upon achieving the ~~initial mastery~~ PROFICIENT level in a subject area, have his or her high school diploma state-endorsed for that subject area.

(10) IT IS THE INTENT OF THE LEGISLATURE THAT PUPIL PERFORMANCE ON THE ASSESSMENTS USED UNDER THIS SECTION SHALL NOT BE USED AS A FACTOR IN THE SCHOOL ACCREDITATION PROCESS UNDER SECTION 1280 OF THE REVISED SCHOOL CODE, MCL 388.1280.

(11) IT IS THE INTENT OF THE LEGISLATURE THAT THE SENATE AND HOUSE STANDING COMMITTEES ON EDUCATION AND APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER THIS ACT SHALL JOINTLY DEVELOP LEGISLATION ESTABLISHING PERFORMANCE MEASURES FOR THE ASSESSMENTS USED UNDER THIS SECTION. THIS PROCESS SHALL ADDRESS AT LEAST ISSUES CONCERNING DEFINITION OF THE GOALS OF THE STATE-ENDORSED DIPLOMA ASSESSMENT PROGRAM, LENGTH OF THE ASSESSMENTS, ADMINISTRATION REQUIREMENTS AND PREDICTABILITY OF THE ASSESSMENTS, SCORING CATEGORIES, AND NECESSITY FOR ITEM ANALYSIS FEEDBACK.”.

2. Amend page 34, following line 5, by inserting:

“Enacting section 1. Section 1279 of the revised school code, 1976 PA 451, MCL 380.1279, is repealed.”.

The question being on the adoption of the amendments,

Point of Order

Senator DeGrow raised the Point of Order that the amendment was not germane because it amended the Revised School Code by reference.

The President, Lieutenant Governor Binsfeld, ruled that the amendment was not germane.

Senator V. Smith appealed the decision of the Chair.

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

Senator V. Smith requested the yeas and nays.

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

The decision of the Chair stood as the judgment of the Senate, a majority of the members voting therefor, as follows:

Roll Call No. 170**Yeas—21**

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

Nays—15

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

Excused—2

Cherry	Emmons
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Not Voting—0

In The Chair: President

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

1. Amend page 2, line 1, after "FOR" by striking out "BOTH".
2. Amend page 2, line 1, after "DAY" by striking out "AND" and inserting "OR".
3. Amend page 2, line 2, after "DAY" by inserting "OF THAT SCHOOL YEAR, OR BOTH".
4. Amend page 2, line 3, after "FOR" by striking out the balance of the subsection and inserting "THOSE PUPIL COUNTS FOR WHICH THE PUPIL WAS ENROLLED AND IN ATTENDANCE."

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

Senators DeBeaussiaert and Peters offered the following amendments:

1. Amend page 26, following line 23, by inserting:
"Sec. 104a. (1) In order to receive state aid under this act, a district shall comply with this section and shall award a state-endorsed high school diploma to an eligible graduate as provided in this section. ~~For a pupil scheduled to graduate in 1994, 1995, or 1996 to be eligible for a state endorsement in 1 or more of the subject areas of communication arts, mathematics, or science, the pupil must achieve at least 1 of the following:~~
- (a) ~~A passing score on locally adopted and state approved basic proficiency tests measuring proficiency in 1 or more of the subject areas specified in this subsection.~~
- (b) ~~If the pupil is eligible to take the general education development (G.E.D.) test, a passing score in 1 or more of the subject areas specified in this subsection and tested in the G.E.D. test.~~
- (c) ~~For a state endorsement in communications arts, at least a score of moderate on the reading portion of the Michigan educational assessment program (MEAP) grade 10 test; for a state endorsement in mathematics, at least a score of moderate on the mathematics portion of the MEAP grade 10 test; and, for a state endorsement in science, at least 50% of the objectives on the science portion of the MEAP grade 11 test. For pupils scheduled to graduate in 1997, the department may use a version of the science assessment instrument developed under subsection (8) instead of the science portion of the MEAP grade 11 test, and, in its discretion, may administer that science assessment instrument in the fall of 1995 or the spring of 1996, or both. If the department uses that science assessment instrument, as provided under this subdivision, the department, based on expert advice, shall determine the level of proficiency that must be demonstrated for a pupil scheduled to graduate in 1997 to earn a state endorsement in science.~~

(2) For pupils scheduled to graduate in 1997, if a pupil achieves the outcomes required by the state board, as measured by an assessment instrument developed under subsection ~~(8)~~ (6), for a state-endorsed high school diploma ; ~~or meets the requirements described in subsection (1)(c) for a state endorsed high school diploma,~~ in 1 or more of the subject areas of communications skills, mathematics, and science, the pupil's district shall award a state endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. ~~Beginning with pupils scheduled to graduate in 1998, if a pupil achieves the objectives required by the state board, as measured by an assessment instrument developed under subsection (8), for a state endorsed high school diploma in 1 or more of the subject areas of communications skills, mathematics, science, and, beginning with pupils scheduled to graduate in 2000, social studies, the pupil's district shall award a state endorsement on the pupil's diploma in each of the subject areas in which the pupil demonstrated the required proficiency. A district shall not award a state endorsement to a pupil unless the pupil meets the applicable requirements for the endorsement, as described in this subsection.~~ A school district may award a high school diploma to a pupil who successfully completes local district requirements established in accordance with state law for high school graduation, regardless of whether the pupil is eligible for any state endorsement.

~~(3) A district that offers a pupil the opportunity to pass a basic proficiency test described in subsection (1)(a) as 1 means to obtain a state endorsed diploma in 1994, 1995, or 1996 may submit the district's own basic proficiency test to the department for approval to be used by the district to assess proficiency.~~

~~(4) A pupil who does not achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2), as applicable, may be reevaluated each school year until the pupil achieves an applicable requirement for a state endorsed diploma. In addition, the board of the district in which the pupil is enrolled shall provide that there be at least 1 meeting attended by at least the pupil and a member of the district's staff or a local or intermediate district consultant who is proficient in the measurement and evaluation of pupils. The district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the district shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection shall be to determine an educational program for the pupil designed to have the pupil reach proficiency in each subject or skill area in which he or she was assessed by the testing as not proficient. In addition, a district may provide for subsequent meetings with the pupil conducted by a high school counselor or teacher designated by the pupil's high school principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The district shall provide special programs for the pupil or develop a program using the educational programs regularly provided by the district unless the board of the district decides otherwise and publishes and explains its decision in a public justification report. A pupil may be reevaluated at any time the district administers an applicable assessment instrument.~~

~~(3) (5) For a state-endorsed diploma, a pupil must achieve at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2) ,as applicable, in addition to any other requirements established by law or by the board of a district for a high school diploma. If the board of a district determines that a pupil qualifies for a state-endorsed diploma, the board shall indicate on the pupil's high school diploma and transcript that the pupil achieved the proficiency necessary for receipt of a state-endorsed diploma. HOWEVER, IF A PUPIL'S PARENT OR LEGAL GUARDIAN OR, IF THE PUPIL IS AT LEAST AGE 18 OR AN EMANCIPATED MINOR, THE PUPIL SUBMITS A WRITTEN STATEMENT REQUESTING THE DISTRICT NOT TO INCLUDE THIS INDICATION ON THE PUPIL'S HIGH SCHOOL DIPLOMA OR TRANSCRIPT, THE DISTRICT SHALL NOT INCLUDE THE INDICATION ON THE PUPIL'S DIPLOMA OR TRANSCRIPT.~~

~~(4) (6) An individual may repeat any of the tests or assessment instruments specified in subsection (1) or subsection (2) ,as applicable, at any time the district regularly offers the test or assessment or, for the MEAP tests described in subsection (1)(c), during the established testing period, and, upon achieving at least 1 of the requirements listed in subsection (1) or the requirements of subsection (2) ,as applicable, and completing all other applicable requirements for a high school diploma, shall be awarded a state-endorsed diploma.~~

~~(5) (7) A district shall provide accommodations to a pupil with disabilities for the proficiency testing or assessment required under this section, as provided under section 504 of title V of the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 794; subtitle A of title II of the Americans with disabilities act of 1990, Public Law 101-336, 42 U.S.C. 12131 to 12134; and the implementing regulations for those statutes. A special education pupil scheduled to graduate in 1994, 1995, or 1996 who has passed an alternative form of assessment permitted under this section as it was in effect for 1992-93 shall receive the applicable endorsement under this section.~~

~~(6) (8) For the purposes of this section, the state board shall develop or select and approve assessment instruments to determine pupil proficiency in communications skills, mathematics, social studies, and science. The assessment instruments shall be based on the state board model core academic content standards objectives.~~

~~(9) The state board shall develop or select and approve assessment instruments for the purpose of awarding state endorsements of advanced mastery in specified subject areas.~~

(7) ~~(10)~~ Upon written request by the pupil's parent or legal guardian stating that the request is being made for the purpose of providing the pupil with an opportunity to qualify to take 1 or more postsecondary courses as an eligible student under the postsecondary enrollment options act, ~~Act No. 160 of the Public Acts of 1996, being sections 388.511 to 388.524 of the Michigan Compiled Laws~~ 1996 PA 160, MCL 388.511 TO 388.524, the board of a district shall allow a pupil who is in at least grade 10 to take a test or assessment described in subsection ~~(1)~~ or (2) without charge at any time the district regularly administers the test or assessment or administers a retest of the test or assessment. A district is not required to include in an annual education report, or in any other report submitted to the department for accreditation purposes, results of tests or assessments taken under this subsection by a pupil in grade 10 or lower.

(8) ~~(11)~~ All assessment instruments developed or selected and approved by the state under any statute or rule for a purpose related to K to 12 education shall be objective-oriented and consistent with the state board model core academic content standards objectives.

(9) ~~(12)~~ Upon payment of a reasonable fee any person may, after graduation from high school, retake the state-endorsed diploma test and, upon achieving the ~~initial mastery~~ PROFICIENT level in a subject area, have his or her high school diploma state-endorsed for that subject area.

(10) IT IS THE INTENT OF THE LEGISLATURE THAT THE SENATE AND HOUSE STANDING COMMITTEES ON EDUCATION AND APPROPRIATIONS SUBCOMMITTEES HAVING JURISDICTION OVER THIS ACT SHALL JOINTLY DEVELOP LEGISLATION ESTABLISHING PERFORMANCE MEASURES FOR THE ASSESSMENTS USED UNDER THIS SECTION. THIS PROCESS SHALL ADDRESS AT LEAST ISSUES CONCERNING DEFINITION OF THE GOALS OF THE STATE-ENDORSED DIPLOMA ASSESSMENT PROGRAM, LENGTH OF THE ASSESSMENTS, ADMINISTRATION REQUIREMENTS AND PREDICTABILITY OF THE ASSESSMENTS, SCORING CATEGORIES, AND NECESSITY FOR ITEM ANALYSIS FEEDBACK.”.

2. Amend page 34, following line 5, by inserting:

“Enacting section 1. Section 1279 of the revised school code, 1976 PA 451, MCL 380.1279, is repealed.”.

The question being on the adoption of the amendments,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 444, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 72101 (MCL 324.72101), as added by 1995 PA 58, and by adding section 72105a.

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. 171

Yeas—36

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

Nays—0

Excused—2

Cherry

Emmons

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Shugars moved that he be named co-sponsor of the following bill:

Senate Bill No. 444

The motion prevailed.

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator Young 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 with a substitute therefor, the following bill:

House Bill No. 4242, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16903 (MCL 324.16901 and 324.16903), section 16901 as amended by 1995 PA 268, and by adding sections 16903a and 16908a.

Substitute (S-1).

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

1. Amend page 5, line 17, after "PILES." by inserting "A COLLECTION SITE THAT HAS NOT, WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE 1997 AMENDMENTS TO THIS SUBDIVISION, MADE SIGNIFICANT PROGRESS TOWARD COMPLIANCE WITH THE 30-FOOT SEPARATION DISTANCE PROVIDED IN THIS SUBDIVISION SHALL NOT RECEIVE SCRAP TIRES UNTIL THE COLLECTION SITE COMPLIES WITH THE 30-FOOT SEPARATION DISTANCE.".

2. Amend page 6, line 11, after "TO" by striking out "ANNUAL".

3. Amend page 6, line 12, after "TION" by inserting "AT ANY REASONABLE TIME".

4. Amend page 7, line 15, after "site," by inserting "FOR BRINGING THE COLLECTION SITE INTO COMPLIANCE WITH THIS PART,".

5. Amend page 7, line 16, after "COSTS" by inserting "OF FIRE SUPPRESSION AND COSTS".

6. Amend page 9, following line 25, by inserting:

"SEC. 16910. A PERSON WHO INCURS COSTS AS A RESULT OF A RESPONSE TO A FIRE OR A VIOLATION OF THIS PART AT A COLLECTION SITE MAY BRING AN ACTION AGAINST THE OWNER OR OPERATOR OF THE COLLECTION SITE, IN THE CIRCUIT COURT IN WHICH THE COLLECTION SITE IS LOCATED, TO RECOVER THE INCURRED COSTS.".

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

The motion prevailed.

Senator Steil's statement is as follows:

I recently sent an educational survey to the teachers in my district and the response has been absolutely excellent. Many important issues have been raised by educators in my district, but one of the most consistent themes has been the need for more parental involvement, especially when dealing with at-risk children. I'd like to read a few of these responses so you can hear from the teachers in my district in their own words.

One educator wrote, "Teaching in an inner-city school, my students are high-risk. Many of my students' home life does not prepare them for school." A high school teacher from Sparta added, "When parents are available and take their responsibility as part of the educational team, it makes a world of difference." I think that encouragement from the state in terms of what they communicate to the public can make a difference in this area, too.

Having toured all the public schools in my district during the past six months, I can attest to the need for parental involvement. In fact, at Henry Elementary School in Grand Rapids, principal Ruth Jones has made parental involvement a cornerstone of our efforts to turn the schools around. The schools deal with many at-risk inner-city youth, but test scores are going up and the school environment has improved due to parents taking an interest and the local community volunteering to help the at-risk children.

As we examine these important issues, we should all remember the advice of a teacher at Mulick Park Elementary in Grand Rapids when she said, "Please continue to search out areas we can agree upon that will help all children grow and be the best that they can be."

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Hoffman, Stallings and Dunaskiss introduced

Senate Bill No. 495, entitled

A bill to amend 1986 PA 89, entitled "Michigan BIDCO act," by amending sections 102, 104, 105, 106, 211, 217, 301, 303, 305, 311, 315, 317, 401, 403, 405, 407, 503, 505, 507, 509, 511, 601, 603, 709, 711, 713, 801, 807, and 813 (MCL 487.1102, 487.1104, 487.1105, 487.1106, 487.1211, 487.1217, 487.1301, 487.1303, 487.1305, 487.1311, 487.1315, 487.1317, 487.1401, 487.1403, 487.1405, 487.1407, 487.1503, 487.1505, 487.1507, 487.1509, 487.1511, 487.1601, 487.1603, 487.1709, 487.1711, 487.1713, 487.1801, 487.1807, and 487.1813).

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

Senator Schwarz introduced

Senate Bill No. 496, entitled

A bill to amend 1972 PA 139, entitled "An act authorizing township boards to provide for the maintenance and improvement of private roads by contract and to provide payments by special assessment districts; and to repeal certain acts and parts of acts," by amending section 2 (MCL 247.392).

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

Senators North, Koivisto, Stallings, Cisky, Hart, Hoffman, Stille and Berryman introduced

Senate Bill No. 497, entitled

A bill to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan corrections officers killed in the line of duty; and to provide for an appropriation.

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

Senators Schwarz, Cisky, Bouchard, Rogers, Hoffman, Byrum and Dunaskiss introduced

Senate Bill No. 498, entitled

A bill to create the Michigan police officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; and to provide for dissolution of the commission and monument fund.

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

Senators O'Brien, V. Smith and Vaughn introduced

Senate Bill No. 499, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26

of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

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 Economic Development, International Trade and Regulatory Affairs reported

House Bill No. 4352, entitled

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

With the recommendation that the bill pass.

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

Bill Schuette
Chairman

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon, Stallings and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported

Senate Bill No. 480, entitled

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

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.

Bill Schuette
Chairman

To Report Out:

Yeas: Senators Schuette, Shugars, Gougeon, Stallings and O'Brien

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 Economic Development, International Trade and Regulatory Affairs submits the following:

Meeting held on Wednesday, May 7, 1997, at 1:15 p.m., Room 210, Farnum Building

Present: Schuette (C), Shugars, Gougeon, Stallings and O'Brien

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, May 6, 1997, at 1:00 p.m., Room 100, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on School Aid (K-12) and Department of Education submits the following:

Meeting held on Tuesday, May 6, 1997, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators DeGrow (C), Schwarz and Conroy

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Tuesday, May 6, 1997, at 3:30 p.m., Room 425, Capitol Building

Present: Senators Dunaskiss (C), Schuette and Byrum

Excused: Senators Rogers and Berryman

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Tuesday, May 6, 1997, at 4:00 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Bullard, DeBeaussaert and Peters

Excused: Senator Carl

Scheduled Meetings

Appropriations Committee - Wednesdays, May 14 and 21, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Colleges Appropriations Subcommittee - Tuesday, May 20, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Judiciary Committee - Tuesday, May 13, at 1:00 p.m., Room 100, Farnum Building (3-6920).

Technology and Energy and House Public Utilities Committees - Tuesday, May 13, at 3:30 p.m., Rooms 425-427, Capitol Building (3-2417).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:01 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Tuesday, May 13, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

