

JOURNAL OF THE SENATE

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Senate Chamber, Lansing, Tuesday, May 6, 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

Reverend Donald Poole of the Calvary Christian Fellowship in Grand Haven offered the following invocation:

Dear Father in Heaven, I thank You that You have given us such a body of individuals who You have so gifted and called; that this occupation not only rewards them and enriches them and provides an outlet for their drives, their ambitions and their interests, but it also provides for me my security, my long-range well-being, my comforts as I drive down here on beautiful roads without fear of being harmed in any way and of having such things in this state that if I am not careful, I just take for granted rather than enjoy. I thank You for everything that reminds us in this room that we're but part of a long ongoing tradition, that we are laying the foundation even as others have laid it for us. I thank You that You have loved us and cared for us, having created us, and that You offer us forgiveness and new beginnings; that You deal with us in grace, and that You are continually calling us to truth, to honor and to duty. I would pray that as the business is taken up today, You would give each individual that which they need to accomplish the immediate and long-range good of those they serve.

I am sad that so many here are so unappreciated; their staffs almost unnamed by most folks in this state. I am more grateful than ever I can say that Your mind is so large that there is not one person here who trying to do the right and the good thing, being faithful and persevering under stress, and when having their own problems, You will never forget their actions and their efforts. You will never forget their name and what it is that they gave. I would ask today as a favor in the name of Your Son, the Lord Jesus Christ, that You would give a measure of courage and strength; that You would give a measure of conviction, so that when these folks lay down to sleep tonight, what they have done, what they have attempted and what they have said will cause them to have a good night's rest, a sound sleep, a clear conscience and a sense of satisfaction that they have indeed served to the best of their ability and for the good of their fellow man. And all of this would be by Your grace and goodness. We thank You even as we ask You for this end, and ask this favor in the name of Jesus. Amen.

Motions and Communications

Senators Bennett, Geake, North, Rogers, Gougeon, Gast and Emmons entered the Senate Chamber.

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

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

Senators A. Smith, Steil, McManus, Hoffman, Posthumus and Van Regenmorter entered the Senate chamber.

Senator V. Smith moved that Senator Young be temporarily excused from today's session.

The motion prevailed.

Senator Young entered the Senate chamber.

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

The motion prevailed.

Senator Emmons' statement is as follows:

Every single person in this body could probably name a classroom teacher who made a difference in their lives. Mine was Miss Wernette, who became Mrs. Thon, a kindergarten teacher who I adored. She is here this morning to begin to kick off a Listen-In for teachers. Mrs. Thon, would you stand up and let the people know that my kindergarten teacher is still perambulating, and we are not in our wheelchairs or on our oxygen.

She was a young, beautiful teacher who taught me the rules of conduct in school and instilled a love of learning and a love of reading that continues to this day. In 1993 when Senator Posthumus sent us across the state to seek school reforms, we heard from parents, administrators, and officials, but one part of the equation was not there. That was the classroom teachers. When I became Chair of the Education Committee I was determined to seek the input of classroom teachers.

Using my own district as a pilot I sent a survey to every classroom teacher in the 23rd District. The immediate response was shock—nobody ever asked me. But then the thoughtful responses began. Troubling, troubling problems for teachers, maybe beyond the Education Committee. But the dialogue had started and today at 4 p.m. we will hold a Listen-In with a group of classroom teachers who personally responded to the survey. We're going to look at the problems, try to set some priorities, and seek input of possible solutions.

Education has made many changes in these last three years. This Chair will only make additional changes after long deliberation and careful consideration. I hope other Senators will continue to seek out surveys from their teachers and I would hope that you'll take notice of the Listen-In today and maybe replicate that in your own district and certainly pass on to us your findings.

Long ago I listened to Miss Thon. She taught me all I need to know about how to be successful in school and in life. Today we need to listen to classroom teachers so we can help make students in schools more successful. I am so delighted to have you here today, and your friend who is also a teacher. They went to school at CMU a couple of years ago. I'm delighted also to have in the gallery a fellow classmate, when I was in kindergarten, Dwight Quisenberry. Dwight would you stand up? He and I went to school the entire time in Mecosta and I put him up there so you can't talk to him and find out about me. Dwight, I'm delighted that you came today, and welcome to the Senate.

The following communication was received:
Kalamazoo-St. Joseph Michigan Works!

April 28, 1997

The U.S. Department of Labor has released final program year 1997 allocations for the Kalamazoo-St. Joseph Michigan Works! Area (MWA) for programs funded under the Job Training Partnership Act (JTPA). The JTPA activities are administered through the Kalamazoo-St. Joseph Workforce Development Board (WDB) by the Michigan Works! Upjohn Institute. The PY1997 allocations for the Kalamazoo-St. Joseph MWA is \$1,265,726. In addition to the allocations a portion of unexpended PY1996 funds will be carried into PY1997.

The purpose of the workforce development system is to provide economically disadvantaged individuals and individuals determined eligible as dislocated workers with an array of employment and training services which will enable them to develop new occupational skills, enhance existing skills, develop skills and abilities to seek, find and retain employment all of which lead to self-sufficiency. This includes individual program emphasis for youth (14 - 21 years old); adults (22 - 64 years old); older workers (55 years old and over); and workers dislocated from their jobs as a result of substantial layoffs and/or closures.

Enclosed are copies of each of the plans submitted to the Michigan Jobs Commission. While this notification is being released outside of our normal schedule we will maintain a customary 30 day review and comment period.

Comments, suggestions or other observations on these documents should be submitted in writing to the undersigned at the address identified above by May 30, 1997. Thank you for your interest in our local workforce development efforts.

Craig Schreuder
Deputy Director, MWA

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

April 28, 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 11:40 a.m. this date, administrative rule (97-4-2) for the Department of Education, State Board of Education, entitled "*Neighborhood Education Centers*," effective 15 days hereafter.

April 28, 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 (97-4-3) for the Department of Education, State Board of Education, entitled "*Safety Specifications for School Buses*," effective 15 days hereafter.

April 28, 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 11:42 a.m. this date, administrative rule (97-4-4) for the Department of Education, State Board of Education, entitled "*Grants for Community School Program*," 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 Secretary announced that the following House bills were received in the Senate and filed on Thursday, May 1:
House Bill Nos. 4587 4588 4591 4592

The Secretary announced the printing and placement in the members' files on Thursday, May 1 of:
Senate Bill Nos. 452 480

The Secretary announced the printing and placement in the members' files on Friday, May 2 of:
Senate Bill Nos. 465 466 467

The Secretary announced the printing and placement in the members' files on Monday, May 5 of:
Senate Bill Nos. 468 469 470
House Bill Nos. 4703 4704 4705 4706 4707 4708 4709 4710 4711 4712 4713 4714 4715 4716
4728 4729
House Joint Resolution T

Third Reading of Bills

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

Senate Bill No. 262

The motion prevailed.

The following bill was read a third time:

House Bill No. 4202, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803e and 803i (MCL 257.803e and 257.803i), as amended by 1994 PA 104.

The question being on the passage of the bill,

Senators Berryman and Hoffman offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

Roll Call No. 147

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senator Berryman offered to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 803i (MCL 257.803i), as amended by 1994 PA 104.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 199, 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 section 5 (MCL 28.295), as amended by 1984 PA 335.

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. 148

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Shugars and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 199

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 288, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending the title and section 27 (MCL 552.627), the title as amended by 1996 PA 25 and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, 5b, and 5c.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 289, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending sections 15, 16, and 17 (MCL 552.15, 552.16, and 552.17), as amended by 1996 PA 9; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 149

Yeas—38

Bennett
Berryman
Bouchard
Bullard
Byrum
Carl
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 291, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and 722.721), section 7 as amended by 1996 PA 308, section 10 as amended by 1996 PA 18, and section 11 as amended by 1990 PA 244; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 150

Yeas—38

Bennett
Berryman

DeGrow
Dingell

McManus
Miller

Shugars
Smith, A.

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 290, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7 (MCL 722.27), as amended by 1996 PA 19; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 151

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 292, entitled

A bill to amend 1968 PA 293, entitled “An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,” by amending section 3 (MCL 722.3), as amended by 1996 PA 17; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 152

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 293, entitled

A bill to amend 1966 PA 138, entitled “The family support act,” by amending section 2 (MCL 552.452), as amended by 1996 PA 5; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

Roll Call No. 153

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 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.

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. 154

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts."

The Senate agreed to the full title of the bill.

The following bill was read a third time:

House Bill No. 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.

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. 155

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to provide for the establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments."

The Senate agreed to the full title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 288, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending the title and section 27 (MCL 552.627), the title as amended by 1996 PA 25 and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, 5b, and 5c.

(This bill was read a third time earlier today and consideration postponed. See p. 540.)

The question being on the passage of the bill,

Senator Peters offered the following amendments:

1. Amend page 5, line 19, after "SEC. 5C." by inserting "(1)".
2. Amend page 6, line 3, after "RESIDENCE" by striking out "OR" and inserting a comma and "IF SUBSECTION (2) APPLIES, OR IF".

3. Amend page 6, following line 19, by inserting:

"(2) AN ORDER DESCRIBED UNDER SUBSECTION (1) MUST ALSO PRESCRIBE THAT THE RESTRICTION UNDER SUBSECTION (1)(A) DOES NOT APPLY IF EITHER OF THE FOLLOWING IS TRUE:

(A) THE PARENT WHO DOES NOT HAVE CUSTODY OF THE CHILD HAS A SUPPORT OBLIGATION AND THAT PARENT FAILS TO PAY THAT OBLIGATION IN A TIMELY MANNER.

(B) THE PARENT WHO DOES NOT HAVE CUSTODY OF THE CHILD HAS SCHEDULED PARENTING TIME UNDER A COURT ORDER AND FAILS TO HAVE CONTACT WITH THE CHILD FOR A SUBSTANTIAL PORTION OF THE PARENTING TIME."

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator A. Smith offered the following amendments:

1. Amend page 5, line 19, after "SEC. 5C." by striking out "IF" and inserting "EXCEPT AS PROVIDED IN SECTION 5D, IF".

2. Amend page 6, following line 19, by inserting:

"SEC. 5D. THE ORDER DESCRIBED IN SECTION 5C SHALL PROVIDE THAT THE PROVISIONS PRESCRIBED BY SECTION 5C DO NOT APPLY IF THE CUSTODIAL PARENT'S CHANGE OF RESIDENCE IS NECESSITATED BY A LEGAL REQUIREMENT TO SEEK EMPLOYMENT IN ORDER TO CONTINUE TO RECEIVE FINANCIAL ASSISTANCE FROM THE STATE OR FEDERAL GOVERNMENT."

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

The question being on the adoption of the amendments,

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

The motion prevailed.

General Orders

Senator Gougeon 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 Gougeon 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 without amendment, the following bill:

Senate Bill No. 298, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 1 (MCL 691.1501), as amended by 1987 PA 30.

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

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

Senate Bill No. 329, entitled

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 7 (MCL 338.977), as amended by 1985 PA 168.

Substitute (S-3).

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

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

Senate Bill No. 330, entitled

A bill to amend 1929 PA 266, entitled "An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act," (MCL 338.901 to 338.917) by adding section 4a.

Substitute (S-3).

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

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

Senate Bill No. 331, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1992 PA 130.

Substitute (S-3).

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

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

Senate Bill No. 436, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," (MCL 125.1501 to 125.1531) by adding section 10a.

Substitute (S-1).

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

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

Senate Bill No. 74, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2246.

Substitute (S-3).

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

1. Amend page 2, line 25, after "SECTION" by striking out the balance of the bill and inserting a comma and " "DOMESTIC VIOLENCE" MEANS INFLECTING BODILY INJURY, CAUSING SERIOUS EMOTIONAL INJURY OR PSYCHOLOGICAL TRAUMA, OR PLACING IN FEAR OF IMMINENT PHYSICAL HARM BY THREAT OR FORCE A PERSON WHO RESIDES OR HAS RESIDED WITH OR WHO HAS A CHILD IN COMMON WITH THE PERSON COMMITTING THE VIOLENCE.".

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

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

Senate Bill No. 75, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21072.

Substitute (S-3).

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

1. Amend page 2, line 1, after "SECTION" by striking out the balance of the bill and inserting a comma and " "DOMESTIC VIOLENCE" MEANS INFLECTING BODILY INJURY, CAUSING SERIOUS EMOTIONAL INJURY OR PSYCHOLOGICAL TRAUMA, OR PLACING IN FEAR OF IMMINENT PHYSICAL HARM BY THREAT OR FORCE A PERSON WHO RESIDES OR HAS RESIDED WITH OR WHO HAS A CHILD IN COMMON WITH THE PERSON COMMITTING THE VIOLENCE.".

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

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

Senate Bill No. 76, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 401 (MCL 550.1401), as amended by 1984 PA 66.

Substitute (S-3).

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

1. Amend page 3, line 2, after "SUBDIVISION" by striking out the balance of the subdivision and inserting a comma and " "DOMESTIC VIOLENCE" MEANS INFLECTING BODILY INJURY, CAUSING SERIOUS EMOTIONAL INJURY OR PSYCHOLOGICAL TRAUMA, OR PLACING IN FEAR OF IMMINENT PHYSICAL HARM BY THREAT OR FORCE A PERSON WHO RESIDES OR HAS RESIDED WITH OR WHO HAS A CHILD IN COMMON WITH THE PERSON COMMITTING THE VIOLENCE.".

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

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

Senate Bill No. 434, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406j.

Substitute (S-1).

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

1. Amend page 2, line 7, after "SECTION" by striking out the balance of the bill and inserting a comma and " "DOMESTIC VIOLENCE" MEANS INFLECTING BODILY INJURY, CAUSING SERIOUS EMOTIONAL INJURY OR PSYCHOLOGICAL TRAUMA, OR PLACING IN FEAR OF IMMINENT PHYSICAL HARM BY THREAT OR FORCE A PERSON WHO RESIDES OR HAS RESIDED WITH OR WHO HAS A CHILD IN COMMON WITH THE PERSON COMMITTING THE VIOLENCE.".

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 proceeded to the order of
Resolutions

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

Senate Resolution No. 20

Senate Concurrent Resolution No. 11

Senate Concurrent Resolution No. 18

Senate Concurrent Resolution No. 19

Senate Concurrent Resolution No. 20

Senate Concurrent Resolution No. 21

Senate Concurrent Resolution No. 22

The motion prevailed.

House Concurrent Resolution No. 21.

A concurrent resolution to memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program.

Whereas, The men and women who served our country in the Persian Gulf War suffered significant economic losses when they were mobilized into active duty from reserve status. Many of these individuals, especially the self-employed, faced great personal difficulties upon their return to civilian life. Some lost businesses, which caused others to lose jobs and wages as well; and

Whereas, In recognition of the economic hardship to reservists called to active duty, the Congress included in the 1996 Defense Authorization Act provisions for the Ready Reserve Mobilization Income Insurance Program (RRMIIP). This initiative allows members of the ready reserve not already on active duty the option of buying insurance to provide coverage for income lost when and if they are called to leave their jobs to serve the country; and

Whereas, Since its establishment, the RRMIIP has been a frustrating experience. The reservists have been faced with confusion in signing up for the coverage. For those administering the program, administrative requirements have created a nightmare of paperwork, especially those mandating verification that those declining the program were indeed offered the opportunity to participate; and

Whereas, A glaring example of the problems with the RRMIIP is the question of when a person can sign up and if coverage can be changed. A sixty-day window for enrollment was opened October 1, 1996. Due to administrative complications, another window for enrollment was opened later. However, reservists from the initial sign-up period were not allowed to enhance their coverage; and

Whereas, It is unfair to prevent those who signed up for coverage during the initial enrollment period the option of increasing coverage when this opportunity is presented to others. This is certainly not the practice when enrollments for insurance are opened for employees in other governmental agencies or institutions. This worthwhile program needs to be improved to better serve our reservists and their families. Failure to provide these needed improvements is an affront to those who have put themselves in peril for our nation, as well as to everyone who values the sacrifices our military reservists make on behalf of every American; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program; and be it further

Resolved, That the Congress of the United States appropriate sufficient funds to ensure that the obligation to current enrollees is satisfied; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senators McManus and Schwarz were named co-sponsors of the concurrent resolution.

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

Senator Conroy introduced

Senate Bill No. 481, entitled

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

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

Senators Schwarz, Byrum and O'Brien introduced

Senate Bill No. 482, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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

Senators Schwarz, McManus, Conroy and Koivisto introduced

Senate Bill No. 483, entitled

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1995 PA 93.

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

Senators Schwarz, McManus, Conroy and Koivisto introduced

Senate Bill No. 484, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676a (MCL 257.676a), as amended by 1995 PA 92.

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

Senators Hoffman, North, Bennett, Geake, McManus and Stallings introduced

Senate Bill No. 485, entitled

A bill to repeal 1953 PA 173, entitled "An act to provide for the regulation of garbage and the feeding of garbage to swine; to provide for the powers and duties of the Michigan department of agriculture with respect thereto; and to prescribe penalties for the violations of the provisions of this act," (MCL 287.401 to 287.409).

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

Senators Bennett, Dunaskiss and Shugars introduced

Senate Bill No. 486, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

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

Senators Dunaskiss, Miller, Carl, Berryman, Bullard, Dingell, Hoffman, McManus, Cisky, North and Stille introduced

Senate Bill No. 487, entitled

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

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. 488, entitled

A bill to amend chapter X of 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," (MCL 710.21 to 710.70) by adding section 65a.

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

Senator Dingell introduced

Senate Bill No. 489, entitled

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use," by amending section 7 (MCL 2.27).

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

House Bill No. 4587, entitled

A bill to amend 1978 PA 53, entitled "Statutory joint account act," by amending section 4 (MCL 487.714). The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Financial Services.

House Bill No. 4588, entitled

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

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

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

House Bill No. 4591, entitled

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

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

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

House Bill No. 4592, entitled

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

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

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Pursuant to rule 3.203, the Majority Leader made the following committee reassignment:

Senate Bill No. 480

The bill was referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 444, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 72105a.

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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Gast, Dingell and DeBeaussiaert

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

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.

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.

Loren N. Bennett
Chairperson

To Report Out:

Yeas: Senators Bennett, Gast, Dingell and DeBeaussiaert

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 Natural Resources and Environmental Affairs submits the following:
Meeting held on Wednesday, April 30, 1997, 8:45 a.m., 8th Floor Conference Room, Farnum Building
Present: Senators Bennett (C), Gast, Dingell and DeBeaussiaert
Excused: Senator Dunaskiss

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:
Meeting held on Wednesday, April 30, 1997, at 1:00 p.m., Senate Appropriations Room, Capitol Building
Present: Senators Geake (C), Schwarz, McManus, Conroy and A. Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:
Meeting held on Thursday, May 1, 1997, at 12:30 p.m., Room 351, Capitol Building
Present: Senators Gougeon (C), Bouchard, Geake and Peters
Excused: Senator V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:
Meeting held on Thursday, May 1, 1997, at 1:30 p.m., Michigan State University, Erickson Hall Technology Exploration Center, Room 133D, Corner of Farm and Shaw Lanes, East Lansing, Michigan
Present: Senators Schwarz (C), Cisky and Koivisto

Scheduled Meetings

Administrative Rules Joint Committee - Wednesday, May 7, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Economic Development, International Trade and Regulatory Affairs Committee - Wednesday, May 7, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Families, Mental Health and Human Services Committee - Thursday, May 8, at 1:00 p.m., Room 100, Farnum Building (3-1777).

Higher Education Appropriations Subcommittee - Thursday, May 22, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-3447).

School Aid (K-12) and Department of Education Appropriations Subcommittee - Tuesday, May 13, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7708).

Transportation and Tourism Committee - Wednesday, May 7, at 3:00 p.m., Room 405, Capitol Building (3-7670).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 11:24 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, May 7, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.