

No. 19
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 5, 1998.

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
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—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—absent
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Jackie Vaughn III of the 4th District offered the following invocation:

As most of you know, in ancient times when people, men and women, felt helpless, separated and left out from civilization, they prayed. Today when we feel helpless, estranged and left out in a different and, perhaps, more frightening way, we are called on to pray also.

Spirit of the living God, You called us to be daring, stewards and co-creators of Your world to care for Your generation. Also be with us in this important body in charge because we are strained and empowered with so much. By love, which is justice, grant us passion in law to care for the poor, the oppressed and the least among us. By love, which is compassion, help us to overcome parochial differences and to transcend alone, for it is in love and law that we are bound together.

Hear our prayer, O Lord, and grant ear unto our cries; hold not Thy peace but help us, for we are strangers with Thee in this land and a sojourner of our fathers' history. This is our prayer and marks the beginning of this session.

Motions and Communications

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

Senator DeGrow moved that the enrollment be vacated on the following bill:

Senate Bill No. 362

The motion prevailed.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

February 25, 1998

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 1:05 p.m. this date, administrative rule (98-2-10) for the Department of Consumer and Industry Services, Director's Office, entitled "*Mortuary Science*," effective 15 days hereafter.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 4:
House Bill Nos. 5437 5438

Messages from the Governor

The following messages from the Governor were received:

Date: March 3, 1998
Time: 9:40 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 763 (Public Act No. 11), being

An act to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending sections 2, 3, 4, 5, and 6 (MCL 256.602, 256.603, 256.604, 256.605, and 256.606), as amended by 1992 PA 169, and by adding sections 5b and 5c.

(Filed with the Secretary of State on March 4, 1998, at 9:32 a.m.)

Date: March 3, 1998

Time: 9:42 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 792 (Public Act No. 12), being

An act 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 208b (MCL 257.208b), as added by 1997 PA 100.

(Filed with the Secretary of State on March 4, 1998, at 9:34 a.m.)

Respectfully,
John Engler
Governor

Messages from the House

The House of Representatives respectfully requests the Senate to return the following:

Senate Bill No. 362, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 116 (MCL 330.1116), as amended by 1995 PA 290.

Senator DeGrow moved that the request of the House be granted.

The motion prevailed.

Senate Bill No. 361, entitled

A bill to amend 1987 PA 230, entitled “Municipal health facilities corporations act,” by amending section 306 (MCL 331.1306), as amended by 1988 PA 502.

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 14, after “age,” by striking out “handicap,” and inserting “DISABILITY.”

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 371, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 19a, 39a, 67b, 252d, 321a, 674, 675, 742, 803d, 803e, 803f, 803h, 803i, 803j, 803k, 803l, 803n, and 803o (MCL 257.19a, 257.39a, 257.67b, 257.252d, 257.321a, 257.674, 257.675, 257.742, 257.803d, 257.803e, 257.803f, 257.803h, 257.803i, 257.803j, 257.803k, 257.803l, 257.803n, and 257.803o), section 19a as amended by 1996 PA 198, section 675 as amended by 1994 PA 432, section 39a as added by 1987 PA 257, sections 67b, 674, 803e, 803f, 803i, 803j, 803k, 803l, 803n, and 803o as amended by 1994 PA 104, sections 252d and 742 as amended by 1989 PA 89, section 321a as amended by 1996 PA 493, section 803d as amended by 1984 PA 175, and section 803h as added by 1988 PA 419.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended 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 sections 19a, 39a, 67b, 252d, 321a, 674, 675, 742, 803d, 803e, 803f, 803h, 803i, 803j, 803k, 803l, 803n, and 803o (MCL 257.19a, 257.39a, 257.67b, 257.252d, 257.321a, 257.674, 257.675, 257.742, 257.803d, 257.803e, 257.803f, 257.803h, 257.803i, 257.803j, 257.803k, 257.803l, 257.803n, and 257.803o), section 19a as amended by 1996 PA 198, section 675 as amended by 1994 PA 432, section 39a as added by 1987 PA 257, sections 67b, 674, 803e, 803f, 803j, 803k, 803l, 803n, and 803o as amended by 1994 PA 104, sections 252d and 742 as amended by 1989 PA 89, section 321a as amended by 1996 PA 493, section 803d as amended by 1984 PA 175, section 803h as added by 1988 PA 419, and section 803i as amended by 1997 PA 12.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 373, entitled

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," by amending section 1 (MCL 257.951), as amended by 1993 PA 225.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 24, after "a" by striking out "PERSON WITH DISABILITIES parking sign" and inserting "SIGN DESIGNATING A PARKING SPACE FOR PERSONS WITH DISABILITIES".

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 377, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 34a (MCL 791.234a), as amended by 1994 PA 427.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 34a (MCL 791.234a), as amended by 1994 PA 427.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 381, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 396 (MCL 16.496).

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, after "on" by striking out the balance of the line through "under" on line 2 and inserting "DISABILITY CONCERNS ESTABLISHED UNDER EXECUTIVE ORDER 1995-10, MCL 395.351, AND TO WHICH POWERS AND DUTIES DESCRIBED IN".

2. Amend page 1, line 4, after "395.307," by striking out "is" and inserting "WERE".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 384, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 1989 PA 193.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 91 (MCL 38.1391), as amended by 1997 PA 143.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 386, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 51a and 105 (MCL 388.1651a and 388.1705), as added by 1996 PA 300.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 51a and 105 (MCL 388.1651a and 388.1705), section 51a as amended by 1997 PA 142 and section 105 as added by 1996 PA 300.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 387, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 509b, 40102, 40103, 40107, 70103, 81101, 81123, 81127, and 81133 (MCL 324.509b, 324.40102, 324.40103, 324.40107, 324.70103, 324.81101, 324.81123, 324.81127, and 324.81133), sections 40102, 40103, and 40107 as added by 1995 PA 57 and sections 70103, 81101, 81123, 81127, and 81133 as added by 1995 PA 58.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 509b, 40102, 40103, 40107, 70103, 81101, 81123, 81127, and 81133 (MCL 324.509b, 324.40102, 324.40103, 324.40107, 324.70103, 324.81101, 324.81123, 324.81127, and 324.81133), sections 40102, 40103, and 40107 as added by 1995 PA 57, sections 70103, 81123, 81127, and 81133 as added by 1995 PA 58, and section 81101 as amended by 1997 PA 102.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 388, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each

classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1990 PA 73.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1997 PA 79.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 400, entitled

A bill to amend 1984 PA 387, entitled "State food stamp distribution act," by amending sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, and 20 (MCL 400.753, 400.754, 400.755, 400.757, 400.758, 400.759, 400.760, 400.761, 400.762, 400.763, 400.765, 400.766, 400.768, 400.769, and 400.770).

The House of Representatives has amended the bill as follows:

1. Amend page 8, line 10, after "are" by striking out "handicapped" and inserting "DISABLED".

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 714, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1996 PA 202, entitled "An act to authorize the state administrative board to convey certain state owned property in Kalkaska county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance," by amending the title and by adding sections 7, 8, and 9.

Pursuant to rule 3.202, the bill was laid over one day.

Senator Van Regenmorter entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
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 Cherry as Chairperson.

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

Senate Bill No. 897, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 9f (MCL 764.9f), as amended by 1996 PA 81.

Senate Bill No. 894, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending the title and sections 103, 207, 211, 217, 220, and 221 (MCL 338.3103, 338.3207, 338.3211, 338.3217, 338.3220, and 338.3221), the title as amended by 1990 PA 2 and sections 103, 207, and 220 as amended and section 221 as added by 1993 PA 55.

Senate Bill No. 896, entitled

A bill to amend 1995 PA 127, entitled "An act to amend the title and sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 15 of Act No. 440 of the Public Acts of 1988, entitled "An act to provide for the accreditation of persons who perform asbestos-related work in schools and school buildings; to prescribe the powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees," being sections 338.3402, 338.3403, 338.3404, 338.3405, 338.3406, 338.3407, 338.3409, 338.3410, 338.3411, 338.3412, 338.3413, 338.3414, and 338.3415 of the Michigan Compiled Laws; to add section 15a; and to repeal acts and parts of acts," by amending enacting section 2.

House Bill No. 5115, entitled

A bill to amend 1867 PA 83, entitled "An act to authorize and require county clerks to record the discharges of members of the armed forces of the United States; and to limit the disclosure of those discharge records," by amending section 2 (MCL 35.32).

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

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

Senate Bill No. 830, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 44522 (MCL 324.44522), as added by 1995 PA 57.

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. 865, entitled

A bill to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to impose certain safety requirements on operators of personal watercraft; to

prescribe the duties and responsibilities of owners, operators, and dealers of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for penalties; and to repeal acts and parts of acts.

Substitute (S-2).

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

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

Senate Bill No. 895, entitled

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 2, 11, 13, and 14 (MCL 338.3402, 338.3411, 338.3413, and 338.3414), as amended by 1995 PA 127.

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

1. Amend page 6, line 17, after "\$200.00." by inserting "IF THE APPLICATION IS FOR RENEWAL, THE APPLICATION AND ANNUAL FEE SHALL BE SUBMITTED NOT EARLIER THAN 90 DAYS BEFORE THE COURSE EXPIRES BUT NOT LATER THAN 30 DAYS BEFORE THE COURSE EXPIRES. AN APPLICATION FOR RENEWAL THAT IS SUBMITTED LATER THAN THE TIME PERIOD SPECIFIED IN THIS SUBDIVISION SHALL BE TREATED BY THE DIRECTOR AS AN INITIAL APPLICATION FOR COURSE RENEWAL, AND SHALL REQUIRE PAYMENT OF THE INITIAL APPLICATION FEE, RATHER THAN THE RENEWAL FEE."

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

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

Senate Bill No. 898, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282a.

Substitute (S-3).

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

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

"(D) HOW AND WHEN A PUPIL'S PERFORMANCE WILL BE ASSESSED."

2. Amend page 2, line 9, after "LEVEL." by inserting "IN ADDITION, THE PUPIL PROMOTION POLICY REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

(A) A PROCESS THROUGH WHICH A PUPIL'S PARENTS OR LEGAL GUARDIAN WILL BE NOTIFIED IF THE CHILD IS NOT PERFORMING AT GRADE LEVEL, AS ASSESSED IN ACCORDANCE WITH THE STANDARDS UNDER SUBSECTION (1)(D).

(B) A PROCESS FOR DEVELOPING AN EDUCATION PLAN TO ASSIST A PUPIL WHO IS AT RISK OF NOT BEING PROMOTED, AS DETERMINED BY ASSESSMENT IN ACCORDANCE WITH THE STANDARDS UNDER SUBSECTION (1)(D), TO ACHIEVE THE NECESSARY GRADE LEVEL SKILLS AND COMPETENCIES."

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 789

Senate Bill No. 256

The motion prevailed.

The following bill was announced:

House Bill No. 4841, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a

lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending sections 2, 12a and 22 (MCL 207.102, 207.112a and 207.122), section 2 as amended by 1992 PA 225 and section 22 as amended by 1995 PA 52.

(This bill was defeated on February 26 and the motion to reconsider the vote postponed. See Senate Journal No. 16, pp. 263, 266.)

The question being on the motion to reconsider the vote by which the bill was defeated,

The motion prevailed.

The question being on the passage of the bill,

Senator DeGrow moved that rule 3.311 be suspended to permit reconsideration of the vote by which the amendments offered by Senator Conroy were not adopted.

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

Senator DeGrow moved to reconsider the vote by which the amendments were not adopted.

The motion prevailed.

The question being on the adoption of the amendments,

The amendments were 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. 90

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: President

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

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

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Conroy's statement is as follows:

I have been around here, now this is my twenty-second year, and I swear I should have kept a diary and this would have been in it.

This was the four cent diesel tax that was to be imposed on those Mercedes Benz, but it also happened to get the pickup trucks and the small trucks as well that go to the pump and pay that four cents.

Now, it's not that I don't think that we should have some kind of fairness on the diesel tax, but the amendment that put this on, the Steil amendment, was, I thought, an amendment put forth by the big truckers, by the companies that don't want to have the further imposition of the diesel fuel tax which the Governor recommended. Our Governor has said that he needs \$31 million from the motor carrier fuel tax, and of course, this amendment would only generate about \$6 million.

So, now after the holy water has been passed out over the weekend, apparently, they have come to the conclusion that this might be the best way to go to support the reduction of this four cent diesel fuel tax and then, maybe, kind of reconfigure their approach to this general problem of the \$31 million shortage, money that would go to help our roads and fix the potholes and help build the bridges. So, I am more than willing to have them pass my amendment to strike that portion of the diesel tax.

The following bill was read a third time:

House Bill No. 5237, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 19 (MCL 29.19).

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. 91

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Stallings

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 act shall be inserted to read as follows:

"An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in

relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

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. 71

Senate Concurrent Resolution No. 52

Senate Resolution No. 112

Senate Resolution No. 134

The motion prevailed.

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

Senate Resolution No. 150

The resolution consent calendar was adopted.

Senators DeGrow and DeBeaussaert offer the following resolution:

Senate Resolution No. 150.

A resolution memorializing the life of Al Beaulieu.

Whereas, It is with deep respect that we offer this resolution as a memorial for the life of Al Beaulieu. In his passing we acknowledge our own loss. Al Beaulieu's good-natured humor, and his commitment to his family and the community helped make our state stronger; and

Whereas, Mr. Beaulieu established himself as an effective and ethical leader during the time he served the local community as Court Officer for both the 41-B and 72nd District Courts. He served as a member of the Algonac Planning Commission from 1994-1997; and

Whereas, Mr. Beaulieu was committed to the community and extremely concerned about the welfare of such. He participated in dozens of community events and on county boards to enhance the ability of others to succeed. Mr. Beaulieu was active in the local Little League, serving many years as a coach and as President in 1971. Each Christmas a needy family in Algonac would receive an anonymous gift of at least \$100, courtesy of Mr. Beaulieu; and

Whereas, Mr. Beaulieu organized and founded a free annual Christmas dinner for the local senior citizens and an annual fundraising dinner for the Special Olympics, which raised over \$10,000 each year; and

Whereas, For 22 years, Mr. Beaulieu participated in the local Algonac and regional St. Clair Lion's Club in various capacities, including President and Governor. With his humor and intelligence, Mr. Beaulieu raised thousands of dollars for charities within the state of Michigan; and

Whereas, Mr. Beaulieu has been a dedicated, loving husband and father to four children, sacrificing his dream of law school in a selfless act of love for his family; now, therefore, be it

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

Resolved, That a copy of this resolution be transmitted to Mr. Beaulieu's wife, Shirley, and his four children as evidence of our respect and admiration.

Senators Shugars and Hoffman were named co-sponsors of the resolution.

House Concurrent Resolution No. 87.

A concurrent resolution to urge the Environmental Protection Agency to revise its timetable for proposed rule making on ozone transport to provide opportunities for refined modeling to identify both beneficial and adverse impacts on air quality in upwind areas from emissions controls intended to benefit downwind areas.

Whereas, On November 7, 1997, the Environmental Protection Agency (EPA) released a proposed rule calling on twenty-two states to revise their State Implementation Plans to address ozone transport and meet specific limits on emissions. The limits will require equal levels of control in the twenty-two states, ignoring studies showing that these twenty-two states have different impacts on downwind sites; and

Whereas, Michigan recognizes the challenges presented by transported pollutants. This is a problem that has been especially vexing to the western portions of our Lower Peninsula. Michigan also believes that, due to variables in climate, topography, and atmospheric chemistry, the extent to which transport causes any given area's ozone problems can be quite different from one locale to another; and

Whereas, All upwind areas do not contribute equally to poor air quality in downwind areas; and

Whereas, EPA relied on different emissions inventories and modeling assumptions than those used by the Ozone Transport Assessment Group (OTAG) in reaching their recommendations after two years of study. The EPA disregarded OTAG recommendations calling for the states to conduct additional local and subregional modeling over a twelve-month period. This modeling is essential to better understanding "disbenefits" on upwind areas of some emissions controls compared to the minimal benefits to downwind areas of those same controls; and

Whereas, Other differences between the OTAG recommendations and the EPA's proposed call for State Implementation Plan revisions include OTAG's recommendations for a wider range of controls, variability for geographic areas, using a one-hour rather than an eight-hour standard, and using an emissions base of 1990 instead of 1995; and

Whereas, Given the disagreement over the timetable and means of addressing the transport of ozone, it is prudent to reconsider our response and the expectations and requirements placed upon the states; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Environmental Protection Agency to reconsider its timetable for proposed revisions to State Implementation Plans and to work with other states and groups of states to assess the compatibility of measures to address transport and local air quality in an integrated manner; and be it further

Resolved, That we urge that the EPA's final action be based on consideration of all of the following:

1. Michigan's proportional contribution to a specifically identified problem in other states,
2. The ozone benefits and disbenefits that would result from reducing emissions in Michigan and upwind states,
3. The comparative cost of achieving those ozone reductions from controlling emissions in Michigan versus controlling emissions in the downwind states and nearby states, and
4. An assessment using appropriate modeling.

; and be it further

Resolved, That copies of this resolution be transmitted to the United States Environmental Protection Agency, to the members of the Michigan congressional delegation, and to the office of the President of the United States.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Hoffman was named co-sponsor of the concurrent resolution.

Senators McManus, Gast, Gougeon, Byrum, North, Koivisto, Dingell, A. Smith, Cisky, Schuette, Bennett, Schwarz, Emmons, DeGrow and Posthumus offered the following concurrent resolution:

Senate Concurrent Resolution No. 72.

A concurrent resolution to memorialize the Congress of the United States to direct the Environmental Protection Agency to clarify standards under the Food Quality Protection Act of 1996 and to increase support for certain food quality protection efforts.

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, Among the purposes of the FQPA is to assure that pesticide tolerance decisions and policies are based upon sound science and reliable data; and

Whereas, Another purpose of the FQPA is to assure that pesticide tolerance decisions and policies are formulated in an open and transparent manner; and

Whereas, In the more than eighteen months since the enactment of the FQPA, the United States Environmental Protection Agency has not published proposed rules regarding key provisions of the legislation. It is essential that

proposed rules be considered in order to ascertain the direct impact of the FQPA on pesticide tolerance decisions and policies;

Whereas, The EPA is required by the FQPA to have reviewed approximately 3,000 of the approximately 9,000 existing tolerances by August 1999 to determine whether these tolerances meet the safety standards established by the FQPA; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to direct the Environmental Protection Agency to clarify standards under the Food Quality Protection Act of 1996 and to increase support for certain food quality protection efforts. We urge the Congress to take the following actions:

1. Direct the EPA to initiate immediately appropriate administrative rulemaking to ensure that the policies and standards the agency intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made.

2. Direct the EPA to use its authority under the FQPA to provide interested persons the opportunity to produce data needed to evaluate a pesticide tolerance so that the agency can avoid the use of unrealistic default assumptions in making pesticide tolerance decisions.

3. Clarify the role of Section 18 of the FQPA as its provisions relate to the reestablishment of tolerances.

4. Increase support for biological control and pesticide alternatives for both agriculture research services and the nation's land grant universities.

; 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, the members of the Michigan congressional delegation, and the United States Environmental Protection Agency.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Farming, Agribusiness and Food Systems.

The motion prevailed.

Senators Shugars and Hoffman were named co-sponsors of the concurrent resolution.

Senators McManus, Gast, Gougeon, Byrum, North, Koivisto, Dingell, A. Smith, Cisky, Schuette, Bennett, Schwarz, Emmons, DeGrow and Posthumus offered the following resolution:

Senate Resolution No. 151.

A resolution to memorialize the Congress of the United States to direct the Environmental Protection Agency to clarify standards under the Food Quality Protection Act of 1996 and to increase support for certain food quality protection efforts.

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, Among the purposes of the FQPA is to assure that pesticide tolerance decisions and policies are based upon sound science and reliable data; and

Whereas, Another purpose of the FQPA is to assure that pesticide tolerance decisions and policies are formulated in an open and transparent manner; and

Whereas, In the more than eighteen months since the enactment of the FQPA, the United States Environmental Protection Agency has not published proposed rules regarding key provisions of the legislation. It is essential that proposed rules be considered in order to ascertain the direct impact of the FQPA on pesticide tolerance decisions and policies;

Whereas, The EPA is required by the FQPA to have reviewed approximately 3,000 of the approximately 9,000 existing tolerances by August 1999 to determine whether these tolerances meet the safety standards established by the FQPA; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to direct the Environmental Protection Agency to clarify standards under the Food Quality Protection Act of 1996 and to increase support for certain food quality protection efforts. We urge the Congress to take the following actions:

1. Direct the EPA to initiate immediately appropriate administrative rulemaking to ensure that the policies and standards the agency intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made.

2. Direct the EPA to use its authority under the FQPA to provide interested persons the opportunity to produce data needed to evaluate a pesticide tolerance so that the agency can avoid the use of unrealistic default assumptions in making pesticide tolerance decisions.

3. Clarify the role of Section 18 of the FQPA as its provisions relate to the reestablishment of tolerances.

4. Increase support for biological control and pesticide alternatives for both agriculture research services and the nation's land grant universities.

; 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, the members of the Michigan congressional delegation, and the United States Environmental Protection Agency.

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

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be referred to the Committee on Farming, Agribusiness and Food Systems.

The motion prevailed.

Senators Shugars and Hoffman were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Byrum introduced

Senate Bill No. 997, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 34 and 36 (MCL 791.234 and 791.236), section 34 as amended by 1994 PA 345 and section 36 as amended by 1996 PA 554.

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

Senator Bouchard introduced

Senate Bill No. 998, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 3 (MCL 552.603), as amended by 1996 PA 239, and by adding section 47.

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

Senators Peters, V. Smith, Geake and Bouchard introduced

Senate Bill No. 999, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 4c (MCL 722.954c), as added by 1997 PA 172.

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

Senator Stille introduced

Senate Bill No. 1000, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 216 (MCL 750.216), as amended by 1985 PA 78.

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

House Bill No. 5437, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 6, 9, and 11 of chapter X, sections 1, 2, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 7, 18a, 19, 20, and 21 of chapter XIV (MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.6, 70.9, 70.11, 71.1, 71.2, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.7, 74.18a, 74.19, 74.20, and 74.21), section 15 of chapter IX as amended by 1984 PA 179, sections 1 and 4 of chapter X as amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 6a, 18b, 18c, 18d, 18e, 18f, and 23 to chapter XIV; and to repeal acts and parts of acts.

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

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

House Bill No. 5438, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, and sections 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and 64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, and section 4 of chapter VI as amended by 1982 PA 346, and by adding sections 3 and 4 to chapter III and section 1a to chapter VII; and to repeal acts and parts of acts.

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

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

Statements

Senators Bouchard, A. Smith and V. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bouchard's statement is as follows:

I know many of us in southeast Michigan who were home last night heard the news on the radio about three Detroit police officers who were shot in the line of duty conducting a raid. I think it always gives us pause to the perils that the men and women of our police forces around the state and the country are engaged in on a daily basis. Sometimes I think we may lose track of it. I just also think it is important for us to know that they are in those perils on a daily basis and for them to know that they are in our thoughts and prayers, especially those three officers from the city of Detroit who are currently in the hospital and that their families know as well that they have our thoughts, our prayers, our good wishes and our complete support.

Senator A. Smith's statement is as follows:

Because of the persistence of the public health officials in the state of Michigan and environmentalists, the Department of Community Health is prepared to issue stricter fish advisories for 1998. This is a step forward for the citizens of Michigan in that it protects the health of children and women of child-bearing age or nursing mothers.

The Department of Community Health issued a fish advisory last year that many of us in the Legislature considered insufficient to the need. This year they will be issuing an additional advisory that covers, instead of the 115 fish of last year, 300 different fish in the Great Lakes and the inland lakes of Michigan. This will let women and children know what a safe level of consumption is as opposed to last year's standard, which advised them that eating an unlimited number of salmon would be perfectly all right for them. Salmon will this year be on the fish advisory list.

I would like to commend the work of the public health officials in this state, the environmentalists who worked on this issue persistently and the Science Advisory Board and the Department of Community Health for recognizing the needs of the health of women and children.

Senator V. Smith's statement is as follows:

Madam President, I'd like to thank Senator Bouchard for reminding me of what police officers put on the line every day, and that is, their life to protect the rest of us. I guess one of the good things about being an ex-police officer is that you bring that knowledge to the body. I read the headlines. I know the officers from my community, and of course, we're very proud of them, but it does help to be reminded, and it does help to know that they put their lives on the line. So, I'd like to thank Senator Bouchard for reminding me.

Committee Reports

The Committee on Health Policy and Senior Citizens reported

Senate Bill No. 740, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 405a.

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

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Jaye, Byrum and O'Brien

Nays: None

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

The Committee on Health Policy and Senior Citizens reported

Senate Bill No. 862, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21528.

With the recommendation that the bill pass.

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

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Jaye, Byrum and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:

Meeting held on Tuesday, March 3, 1998, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Schwarz, Jaye, Byrum and O'Brien

The Committee on Judiciary reported

Senate Bill No. 268, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81134 (MCL 324.81134), as amended by 1996 PA 175.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 269, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 1f to chapter IX.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 271, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 316, 317, 321, and 324 (MCL 750.316, 750.317, 750.321, and 750.324), section 316 as amended by 1996 PA 21.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 625, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 219, 233, 732, and 904 (MCL 257.217, 257.219, 257.233, 257.732, and 257.904), section 217 as amended by 1996 PA 59, section 219 as amended by 1985 PA 67, section 233 as amended by 1980 PA 398, section 732 as amended by 1996 PA 493, and section 904 as amended by 1994 PA 450; and to repeal acts and parts of acts.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 626, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 321a, 625a, 625i, and 625n (MCL 257.303, 257.321a, 257.625a, 257.625i, and 257.625n), section 303 as amended by 1996 PA 587, sections 321a and 625i as amended by 1996 PA 493, and section 625a as amended and section 625n as added by 1996 PA 491, and by adding sections 904c, 904d, 904e, 904f, 904g, and 915.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 627, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 5a, 8a, 44a, 258, 319, 319b, 625, 625b, and 625m (MCL 257.5a, 257.8a, 257.44a, 257.258, 257.319, 257.319b, 257.625, 257.625b, and 257.625m), section 8a as amended by 1994 PA 449, section 44a as added by 1993 PA 359, section 319 as amended by 1996 PA 587,

section 319b as amended by 1996 PA 404, sections 625 and 625m as amended by 1996 PA 491, and section 625b as amended by 1994 PA 450, and by adding sections 23b and 204b.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 870, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310d, 319, 319b, 320a, 625, 625a, 625b, 625c, 625i, 625m, 727, and 732 (MCL 257.303, 257.310d, 257.319, 257.319b, 257.320a, 257.625, 257.625a, 257.625b, 257.625c, 257.625i, 257.625m, 257.727, and 257.732), sections 303 and 319 as amended by 1996 PA 587, section 310d as amended by 1991 PA 99, section 319b as amended by 1996 PA 404, sections 320a, 625i, and 732 as amended by 1996 PA 493, sections 625, 625a, and 625m as amended by 1996 PA 491, sections 625b and 625c as amended by 1994 PA 450, and section 727 as amended by 1993 PA 301.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 953, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 625a, and 625b (MCL 257.303, 257.625a, and 257.625b), section 303 as amended by 1996 PA 587, section 625a as amended by 1996 PA 491, and section 625b as amended by 1994 PA 450.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

The Committee on Judiciary reported

House Bill No. 4289, entitled

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Rogers, Cisky, Geake, Dingell and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Tuesday, March 3, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Public Hearing held on Tuesday, March 3, 1998, 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 Hunting, Fishing and Forestry submits the following:

Meeting held on Tuesday, March 3, 1998, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Jaye (C), McManus, Hoffman, Byrum and Dingell

Scheduled Meetings

Appropriations Committee - Wednesday, March 11, at 2:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Capital Outlay Joint Subcommittee - Thursday, March 12, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Government Operations Committee - Wednesday, March 11, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-1758).

Judiciary Committee - Tuesday, March 10, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Natural Resources and Environmental Affairs Committee - Thursday, March 12, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-7350).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:04 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate.

