

No. 43
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 14, 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
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Leon Stille of the 32nd District offered the following invocation:

Our good and gracious Father, as we meet this morning to conduct the business of the state of Michigan, give us the guidance, the wisdom, and the integrity to do those things right in Your eyes. In Jesus' name we pray. Amen.

Motions and Communications

Senator DeGrow moved that Senators Gast, Jaye, Schuette and Steil be temporarily excused from today's session. The motion prevailed.

Senators Schuette and Steil entered the Senate Chamber.

The following communication was received:

Central Area Partnership Consortium

April 22, 1998

The Job Training Partnership Act and the Michigan Jobs Commission require that job training plans and modifications be sent to specific individuals and agencies. These plans are also available to the public in general. To that end, I have enclosed the following documents:

Title IIA Job Training Plan #98-00
 Title IIA 5% Job Training Plan #98-00
 Title IIB Job Training Plan #98-01
 Title IIC Job Training Plan #98-00
 Title III Job Training Plan #98-00

In accordance with the Americans with Disabilities Act (ADA), this information will be made available in alternative format (large type, audio tape, etc.) upon special request.

Please feel free to direct your questions to Tim Vanaman.

Sincerely,
 Ralph F. Loeschner
 President

The communication was referred to the Secretary for record.

The following communications were received:

Department of State

Administrative Rules
 Notices of Filing

May 4, 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 1:15 p.m. this date, administrative rule (98-05-1) for the Department of State Police, Forensic Science Division, entitled "*DNA Profiling*," effective 15 days hereafter.

May 5, 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 1:15 p.m. this date, administrative rule (98-05-2) for the Department of Treasury, Revenue Division, entitled "*Income Tax*," effective 15 days hereafter.

May 5, 1998

In accordance with the provisions of Section of 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 (98-05-4) for the Department of Treasury, Revenue Division, entitled "*Taxpayer Bill of Rights Rescissions*," 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 Wednesday, May 13:
House Bill Nos. 5000 5595

Messages from the Governor

The following messages from the Governor were received:

Date: May 13, 1998
Time: 7:55 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 794 (Public Act No. 82), being

An act to amend 1974 PA 163, entitled “An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members,” by amending section 4 (MCL 28.214).

(Filed with the Secretary of State on May 13, 1998, at 11:03 a.m.)

Date: May 13, 1998
Time: 8:00 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 720 (Public Act No. 83), being

An act to amend 1971 PA 140, entitled “An act to provide for the distribution of certain state revenues to cities, villages, townships, and counties; to impose certain duties and confer certain powers on this state, political subdivisions of this state, and the officers of both; to create reserve funds; and to establish a revenue sharing task force and provide for its powers and duties,” by amending section 11a (MCL 141.911a), as added by 1996 PA 342.

(Filed with the Secretary of State on May 13, 1998, at 11:05 a.m.)

Date: May 13, 1998
Time: 8:02 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 377 (Public Act No. 84), being

An act 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.

(Filed with the Secretary of State on May 13, 1998, at 11:07 a.m.)

Date: May 13, 1998
Time: 8:04 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 384 (Public Act No. 85), being

An act 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.

(Filed with the Secretary of State on May 13, 1998, at 11:09 a.m.)

Date: May 13, 1998

Time: 8:06 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 387 (Public Act No. 86), being

An act 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.

(Filed with the Secretary of State on May 13, 1998, at 11:11 a.m.)

Date: May 13, 1998

Time: 8:08 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 388 (Public Act No. 87), being

An act 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 establish certain standards for road contracts for certain businesses; 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.

(Filed with the Secretary of State on May 13, 1998, at 11:13 a.m.)

Date: May 13, 1998

Time: 8:10 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 398 (Public Act No. 88), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public

health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 5431, 5817, 9315, 20201, 21034, and 21761 (MCL 333.5431, 333.5817, 333.9315, 333.20201, 333.21034, and 333.21761), section 5431 as amended by 1992 PA 81 and sections 20201 and 21034 as amended by 1982 PA 354.

(Filed with the Secretary of State on May 13, 1998, at 11:15 a.m.)

Date: May 13, 1998

Time: 8:12 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 400 (Public Act No. 89), being

An act to amend 1984 PA 387, entitled "An act to establish a system for distributing food stamps; and to prescribe certain powers and duties of certain state agencies," 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).

(Filed with the Secretary of State on May 13, 1998, at 11:17 a.m.)

Date: May 13, 1998

Time: 8:14 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 402 (Public Act No. 90), being

An act to amend 1980 PA 299, entitled "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," by amending sections 316, 2005, 2515, and 2518 (MCL 339.316, 339.2005, 339.2515, and 339.2518), section 2005 as amended by 1992 PA 103 and section 2515 as amended and section 2518 as added by 1993 PA 93.

(Filed with the Secretary of State on May 13, 1998, at 11:19 a.m.)

Respectfully,
John Engler
Governor

Messages from the House

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

Senate Bill No. 200

Senate Bill No. 97

House Bill No. 4289

Senate Bill No. 38

Senate Bill No. 752

Senate Bill No. 386

The motion prevailed.

Senate Bill No. 313, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1311a. 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 pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 866, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1997 PA 115.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, after "IN" by striking out "SUBSECTION (25)" and inserting "SUBSECTIONS (25) AND (26)".
 2. Amend page 3, line 13, after "following" by inserting a comma and "AND TO THE EXTENT PRACTICABLE THE FOLLOWING SHALL BE CONTAINED IN A SINGLE FORM".

3. Amend page 4, following line 19, by striking out all of subdivision (H).

4. Amend page 6, line 19, after "THAN" by striking out "17" and inserting "18".

5. Amend page 9, line 21, after the first "THE" by inserting "UNEMANCIPATED".

6. Amend page 9, line 22, after the first "THE" by inserting "UNEMANCIPATED".

7. Amend page 9, following line 22, by inserting:

"(26) IF THE RESPONDENT IS LESS THAN 18 YEARS OF AGE, A COURT SHALL NOT ISSUE A PERSONAL PROTECTION ORDER UNDER THIS SECTION; THE COURT SHALL PROCEED UNDER SECTION 2 OF CHAPTER XIIA OF 1939 PA 288, MCL 712A.2." and renumbering the remaining subsections.

8. Amend page 10, line 2, after "by" by striking out "THE FAMILY DIVISION OF".

9. Amend page 10, line 2, after "court" by inserting "OR THE FAMILY DIVISION OF CIRCUIT COURT".

10. Amend page 10, following line 4, by inserting:

"Enacting section 1. This amendatory act takes effect September 1, 1998." and renumbering the remaining enacting section.

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. 874, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 1997 PA 115.

The House of Representatives has amended the bill as follows:

1. Amend page 1, line 1, after "IN" by striking out "SUBSECTION (27)" and inserting "SUBSECTIONS (27) AND (28)".

2. Amend page 5, line 5, after "following" by inserting a comma and "AND TO THE EXTENT PRACTICABLE THE FOLLOWING SHALL BE CONTAINED IN A SINGLE FORM".

3. Amend page 6, following line 9, by striking out all of subdivision (H).

4. Amend page 8, line 8, after "THAN" by striking out "17" and inserting "18".

5. Amend page 11, line 6, after the first "THE" by inserting "UNEMANCIPATED".

6. Amend page 11, line 7, after the first "THE" by inserting "UNEMANCIPATED".

7. Amend page 11, following line 7, by inserting:

"(28) IF THE RESPONDENT IS LESS THAN 18 YEARS OF AGE, A COURT SHALL NOT ISSUE A PERSONAL PROTECTION ORDER UNDER THIS SECTION; THE COURT SHALL PROCEED UNDER SECTION 2 OF CHAPTER XIIA OF 1939 PA 288, MCL 712A.2." and renumbering the remaining subsections.

8. Amend page 11, line 19, after "the" by striking out "FAMILY DIVISION OF".

9. Amend page 11, line 19, after "court" by inserting "OR THE FAMILY DIVISION OF CIRCUIT COURT".

10. Amend page 11, following line 20, by inserting:

"Enacting section 1. This amendatory act takes effect September 1, 1998." and renumbering the remaining enacting section.

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.

Senators Gast and Jaye entered the Senate Chamber.

Third Reading of Bills

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

Senate Bill No. 256

Senate Joint Resolution A

Senate Bill No. 1026

The motion prevailed.

The following bill was read a third time:

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 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. 290

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	Schuetze	Young
DeGrow			

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. 5002, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 43512 (MCL 324.43512).

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. 291

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	Schuetze	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 151, entitled

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

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. 292

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—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. 152, 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 401f.

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. 293**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—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. 153, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053d.

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. 294**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—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Peters, Rogers, Dunaskiss, Bouchard, North, Emmons, Byrum, DeBeaussaert, Gougeon, McManus, Koivisto, Miller, A. Smith, Berryman, O'Brien, Jaye, Schuette, Steil, Shugars, Young, Conroy, Schwarz and Vaughn moved that they be named co-sponsors of the following bills:

Senate Bill No. 151

Senate Bill No. 152

Senate Bill No. 153

The motion prevailed.

The following bill was read a third time:

House Bill No. 4447, 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 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. 295

Yeas—36

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

Nays—1

Jaye

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 act shall be inserted to read as follows:

"An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; and to prescribe the powers and functions thereof,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4857, entitled

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

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. 296**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—0**

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5289, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 320 and 703 (MCL 484.1320 and 484.1730), section 320 as added and section 703 as amended by 1994 PA 29.

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. 297**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—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 act shall be inserted to read as follows:

“An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1008, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 691.1401), as amended by 1986 PA 175.

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. 298

Yeas—23

Bennett	Emmons	McManus	Schwarz
Bouchard	Gast	Miller	Shugars
Bullard	Geake	North	Steil
Cisky	Gougeon	Posthumus	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter
Dunaskiss	Jaye	Schuette	

Nays—14

Berryman	DeBeaussaert	O’Brien	Smith, V.
Byrum	Dingell	Peters	Vaughn
Cherry	Hart	Smith, A.	Young
Conroy	Koivisto		

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Berryman, A. Smith, Conroy and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1008.

Senators Berryman and Conroy moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Berryman's statement, in which Senator A. Smith concurred, is as follows:

I am not an attorney, but I think we are missing the issue with the good Senator that just spoke. I agree with him. I think everyone over here agrees—we want to protect the taxpayer. I don't think this issue is about not having the deputies, in this case, Oakland County sheriff's deputies at that function and that this private entity would pay Oakland County for that presence. I don't think that is the question. The question is the governmental immunity that follows those officers; that is the question. If Auburn Hills or Pine Knob or whoever it is wants to hire the Oakland Sheriff Department to do traffic control or whatever, fine—pay that, but have the Palace, Pine Knob, or whoever it is, have insurance coverage to cover that cost of immunity; not have the governmental immunity follow that police officer, I think that is the question. Very simply, if this passes, that is just allowing that governmental immunity to follow that officer to a private venue and allow that private venue off the hook on insurance coverage. So bring in officers, pay for them, that's fine—just as a private agency as a private entity, just pay for the insurance to cover that immunity cost. It is as simple as that.

Senator Conroy's first statement, in which Senator Hart concurred, is as follows:

It kind of surprises me that a bill like this is in front of us. I know that there are some of us in public offices—Senators and Representatives—who would like to become sheriffs or prosecutors or have different aspirations of what we're now serving. I don't think we should mix that kind of desire with public policy that has been long established. The police are indemnified when they are operating as police officers for a public community serving the public. The police officers in this case are hired either by the county or by the private company, but they are serving the needs of the private business. The private business ought to be paying the cost of that. I thought the other side of the aisle was moving towards privatization. This is turning privatization on its face. This is taking a private business and making them immunize because their main employment is public. It is clearly a bad idea.

I understand that the letter on our desk is written by the sheriff of Oakland who has approximately 30 percent of the income that he develops in that department generated from private businesses—well, wonderful for him, but that shouldn't mean that these police officers who are contracting after hours should be immunized because of that. They should be immunized if they are doing the work of the city of Pontiac or Oakland County, but clearly not if they are doing the business at some ball game or some concert. Young people go to these concerts, and I haven't asked the pages yet what the going price is, but I remember eight, ten, or twelve years ago it was \$30. They may laugh at me now that it is now \$40 or more. Those dollars that these young people are paying ought to be paying for the police protection that the company needs to provide, and I mean all of the protection, not just part of it.

This is an issue that has a clear demarcation between public interest and private interest. We are clearly not going to have some police officer in the middle of some corn field because the farmer doesn't have any need for it. But maybe Al Taubman, Mr. Davison does or some shopping center does. We seem, in this Senate forum, to be going from shopping centers to entertainment events, and I object into the development of this bill in that regard. Let's keep the line divided. The reason for the yellow line is to not cross it, and this bill crosses the yellow line. Why should the general public have to pay for this big event out there in Oakland County? Clearly they shouldn't. This changes the rules dramatically. There is a host of stories about off-duty police officers that we are not too proud of; not that it happens everyday. Even a large group of our officers entertain them, but there are some of them who are acting inappropriately because they are getting arrested and convicted of it. We don't want to see a further erosion into immunity that is going to be a free ride for people who are working passed their time of the day who need to be working. If they need two jobs, let the private sector pay the full bill. Don't stick it to the taxpayer.

Senator Conroy's second statement, in which Senator Hart concurred, is as follows:

I have an apology to make. I see his chair is vacant, but maybe he can hear my comments. I said that the Oakland County Sheriff's Department was earning about 30 percent of its budget on this privatization. I was dead wrong, and he was right. It was 20 percent, not 30. So, 20 percent of the budget comes from the appellate court decision in the Pine Knob case. So there was some investigation as to the finances of it. I would like to repeat; let's privatize these police officers in their non-governmental time when their clock has struck eight hours or however long they work for Pontiac or Oakland County—let's let them clock out, and then, if they want to earn more money, let them hire in with that shopping center, that big sports complex, or that entertainment center, and let that company train those people, hire those people, pay those people, and protect those people if that company thinks they need to do that. Let's decide that we don't want to cross this line and have the taxpayers foot this bill. I don't have any grief, whatever side is on this issue. I just think it is inappropriate to have the taxpayers foot the bill of the private entrepreneur that wants to have a big dance or a big to-do with some big singer or dancer, God bless them for doing it—it makes all our lives better. But let's let them pay for it. We constantly hear trying to save taxpayer money; here is a good opportunity of not putting that charge card out—that governmental charge card out, so they get soaked for more money.

The following bill was read a third time:

Senate Bill No. 1086, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204f.

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. 299**Yeas—36**

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

Nays—1

Berryman

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Berryman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1086.

Senator Berryman's statement is as follows:

I voted "no" on Senate Bill No. 1086 because of the cost involved. It was estimated that it was going to cost \$500,000 to put this information on the Internet. And as much as I enjoy getting on the Internet and getting information, when we are going to ask the public to borrow \$500,000 for environmental clean-up—the tax cuts that went through the Senate. With all of the other difficulties I think we are having with meeting the state's obligation to pay the bills in a timely fashion, to spend one-half million dollars at this point to put it out on the Internet is a cost I don't think the state can afford.

Senator V. Smith moved that the Committee on Finance be discharged from further consideration of the following bill:

House Bill No. 4213, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

On which motion Senator V. Smith requested the yeas and nays.

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

The motion did not prevail, the majority of members serving not voting therefor, as follows:

Roll Call No. 300**Yeas—15**

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

Nays—21

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

Excused—0**Not Voting—1**

Jaye

In The Chair: President

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the motion to discharge the Committee on Finance from further consideration of House Bill No. 4213.

Senator Emmons' statement is as follows:

Number one, House Bill No. 4213 does not even help the poorest of the poor. Forty-eight percent of the kids under six, at or below 100 percent of poverty, are cared for by a relative. None of those people would be eligible for any of that credit.

On top of that, it is a credit that is tied to the IRS. This is probably the most odious part of this. It is called taxpayer tango, you jump through a hoop again and again, and likely you are going to be audited. I would like, under the record, to show what the IRS code says about this credit, "If you qualify for the credit, use schedule two of form 1040A, form 2441, form 1040 Received Dependent Care Benefits. This amount should be shown in box 10 of your 1997 W-2 form. Complete part three of Schedule 2, or form 2441. You cannot use form 1040 EZ," and on and on and on. Who understands this and is going to be able to follow it? Secondly, it also directs you, if you pay someone to look after your dependent or spouse in your home, you may be an employer. Then guess what? You may have to withhold, pay social security tax, medicare tax, pay federal unemployment tax, and it directs you to a bulletin.

Incidentally, a family member or a dependent who has a disability and wants to be taken care of by their own family is excluded from this credit. Love is not one of the IRS definitions of professional covered under this credit.

We already considered this bill, and we chose a bill sponsored by Senator Cherry instead, which follows a much better tax policy. It gives all moms and dads the choice to arrange their lives according to the needs of their children, not to the demands of the IRS code or the Michigan tax code. I ask that we stop discriminating in tax cuts against moms and dads who are poor and choose grandma over daycare. Stop discrimination against moms and dads who choose to care for their own children or disabled persons, in spite of the many hardships that they face when they do that. We need to give broad-base, across-the-board help to all moms and dads, not the ones who jump through IRS tax law.

The following bill was read a third time:

Senate Bill No. 1087, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204c.

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. 301**Yeas—35**

Bennett	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.

Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Geake
Gougeon
Hart
Hoffman
Jaye
Koivisto

O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—2

Berryman

Dingell

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Miller's statement is as follows:

I'm announcing to my colleagues that I thank them all, except for the two that were wrong on this bill. I appreciate the support of the body, and I think it's a bill, Madam Governor, that brings Michigan into the Internet system access this country and shows the public in Michigan how accessible and what legislation they have the opportunity to get there and on how the process is open to Michigan citizens. The bill would require that all updates on legislation be made available as quickly as possible so the public is kept up to date about the Legislature. I think that any time that we can take this body and the Capitol back home to our constituents and let them see what actually is going on here in the Capitol, other than what they might read in a major newspaper, they will get firsthand observations for themselves. I want to thank the membership for supporting this legislation.

The following bill was read a third time:

Senate Bill No. 1088, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204d.

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. 302

Yeas—35

Bennett
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

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

Nays—2

Berryman

Dingell

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Berryman, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 1087 and 1088.

Senator Berryman's statement is as follows:

I am all in favor of the Internet and giving as much access as possible. We do have MGTV. I think a half a million dollars to a lot of people is still an awful lot of money, and I don't think the state can afford an extra \$500,000 to put what's already on MGTV on the Internet. If someone wants to give an offsetting cut that has to be made or explain why we still continue to borrow, but yet, we can spend \$500,000 to go on the Internet, I maybe would have voted differently.

Senators Peters, A. Smith and DeBeaussaert moved that they be named co-sponsors of the following bills:

Senate Bill No. 1086

Senate Bill No. 1087

Senate Bill No. 1088

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 663, entitled

A bill to designate bridges on highway M-120 within the cities of Muskegon and North Muskegon as the Veterans Memorial bridges; and to prescribe the duties of the state transportation department.

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. 303

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—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. 814, entitled

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

The 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. 304

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—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. 4765, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 207a.

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. 305

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—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not 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 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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5426, 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.

The question being on the passage of the bill,

Senator Cisky offered the following amendment:

1. Amend page 8, line 14, after “area” by striking out “where aquatic vegetation is rooted, growing, and which extends at least 12 inches above the surface of the water” and inserting “where aquatic rooted vegetation is visible above the surface of the water”.

The question being on the adoption of the amendment,

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

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

Senator Jaye offered the following amendment:

1. Amend page 8, following line 17, by inserting:

“(2) The department shall install buoys denoting each protected area described in subsection (1).” and renumbering the remaining subsection.

The amendment was not adopted, a majority of the members serving not 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. 306

Yeas—35

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

Cisky
Conroy
DeBeaussaert

Gougeon
Hoffman
Koivisto

Rogers
Schuette
Schwarz

Vaughn
Young

Nays—1

Jaye

Excused—1

Hart

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 not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1099, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 128, 129, and 131 (MCL 389.128, 389.129, and 389.131), as added by 1998 PA 51.

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. 307

Yeas—36

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette

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

Nays—0

Excused—1

Hart

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. 726, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 1993 PA 25.

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. 308

Yeas—36

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

Nays—0

Excused—1

Hart

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators DeBeaussaert, Miller, Shugars, Gougeon, North, Emmons, Koivisto, McManus, O'Brien, Jaye, Steil, Stille, Bennett, Young, Conroy, Peters and Vaughn moved that they be named co-sponsors of the following bill:

Senate Bill No. 726

The motion prevailed.

The following bill was read a third time:

House Bill No. 4943, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 5 (MCL 38.1305), as amended by 1994 PA 272, and by adding section 43d.

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. 309

Yeas—35

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

Cisky
Conroy
DeBeaussaert

Gougeon
Hoffman
Koivisto

Rogers
Schuette
Schwarz

Vaughn
Young

Nays—1

Jaye

Excused—1

Hart

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 act shall be inserted to read as follows:

“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.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5282, entitled

A bill to amend 1879 PA 237, entitled “An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land,” (MCL 565.351 to 565.355) by adding sections 6, 7, 8, 9, 10, and 11; 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. 310

Yeas—29

Bennett
Berryman
Bouchard
Bullard
Byrum
Cisky
DeBeaussaert
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman
Jaye

Koivisto
McManus
Miller
North
Peters
Posthumus
Rogers

Schuette
Schwarz
Shugars
Steil
Stille
Van Regenmorter
Young

Nays—7

Cherry
Conroy

Dingell
O’Brien

Smith, A.
Smith, V.

Vaughn

Excused—1

Hart

Not Voting—0

In The Chair: President

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

Protests

Senators Conroy, Cherry and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5282.

Senator Conroy moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Conroy’s statement, in which Senators Cherry and A. Smith concurred, is as follows:

I’d just like to make some comments on this bill. A land contract is an agreement between an individual. Usually it is two individuals. It might be a company and an individual or conceivably could be between two companies. Traditionally, somebody who borrows that is borrowing it that way because of the possible down-payment or conditions that exist at the time. I can say that I have conducted the closing of probably 300 land contracts in my real estate career, so I know something about the instrument.

What this bill does is it allows the land contract vendee—the borrower—the vendee typically does not go out and get a second mortgage on that instrument. It is permissible to get a second mortgage on a mortgage. But in this state, as a tradition, we have not done that with land contracts because the seller, who is the vendor, may not be aware of this new lien that has been put against that person that is selling the property.

Land contracts have been very important to the real estate success, particularly when money was tight. We haven’t had tight money in quite a few years, but I can remember when that was the only vehicle being used because money was not available. If it was available, it was 17-18 percent. So this adds another option for the buyer to borrow more money against that property that will be indeed owed. I just think it is a problem we don’t need to fix. I think there is a plethora of mortgage companies out there. There are hundreds and hundreds of mortgage companies available to mortgage property now. I would just like to keep land contracts the way they are. There is a maximum allowed on a land contract of 11 percent. We stopped the rush back 12 or 14 years ago when they wanted to raise that maximum up to 15 percent. Typically, average people are the ones who buy on a land contract. Sometimes an investor simply just wants to earn interest on property that they own and want to get rid of. Eleven percent right now would look like a lot of money. So, most land contracts are not being transacted at 11 percent, the maximum allowed.

What this bill does is it just allows another loan against the property, which I think will destabilize the land contracts themselves. I think that owners of property will decide not to sell on land contracts because then the purchaser can go out and get an additional loan, an additional mortgage, that will make that instrument less likely to be available to average people who usually use that instrument.

So, I’m going to vote “no.” I’m not saying that you should. I just have a long record in history on land contracts that, I think, we should leave that law the way it is and not change it.

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

Senate Bill No. 954

Senate Bill No. 955

Senate Bill No. 1032

Senate Bill No. 956

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

The following bill was read a third time:

Senate Bill No. 954, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to

prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties,” by amending sections 13a and 17c of chapter XIA (MCL 712A.13a and 712A.17c), section 13a as amended by 1997 PA 163 and section 17c as amended by 1997 PA 169, and by adding section 17d to chapter XIA.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

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

Senator Gougeon offered the following substitute:

Substitute (S-3).

The question being on the adoption of the substitute,

Senator Gougeon offered the following amendment to the substitute:

1. Amend page 12, following line 22, by inserting:

“(J) TO REQUEST AUTHORIZATION BY THE COURT TO PURSUE ISSUES ON THE CHILD’S BEHALF THAT DO NOT ARISE SPECIFICALLY FROM THE COURT APPOINTMENT.”.

The amendment to the substitute was adopted.

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 13, line 1, after the first “COURT” by striking out the balance of the line through “CHILD.” on line 2 and inserting a period.

The amendment to the substitute was adopted.

The substitute, as amended, 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. 311

Yeas—36

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

Nays—0

Excused—1

Hart

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. 955, entitled

A bill to amend 1978 PA 642, entitled “Revised probate code,” by amending sections 3, 427, and 437 (MCL 700.3, 700.427, and 700.437), section 3 as amended by 1988 PA 222 and sections 427 and 437 as amended by 1990 PA 313, and by adding section 427a.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

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

Senator Gougeon offered the following substitute:

Substitute (S-3).

The question being on the adoption of the substitute,

Senator Gougeon offered the following amendment to the substitute:

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

“(J) TO REQUEST AUTHORIZATION BY THE COURT TO PURSUE ISSUES ON THE CHILD’S BEHALF THAT DO NOT ARISE SPECIFICALLY FROM THE COURT APPOINTMENT.”.

The amendment to the substitute was adopted.

Senator Van Regenmorter offered the following amendment to the substitute:

1. Amend page 6, line 13, after the first “COURT” by striking out “AND ASK THE COURT TO APPOINT LEGAL COUNSEL”.

The amendment to the substitute was adopted.

The substitute, as amended, 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. 312

Yeas—36

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

Nays—0

Excused—1

Hart

Not Voting—0

In The Chair: President

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

A bill to amend 1978 PA 642, entitled “Revised probate code,” by amending sections 6, 8, 427, and 437 (MCL 700.6, 700.8, 700.427, and 700.437), section 8 as amended by 1988 PA 398 and sections 427 and 437 as amended by 1990 PA 313, and by adding section 427a.

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. 1032, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 7 and 10 (MCL 722.627 and 722.630), section 7 as amended by 1997 PA 168.

The question being on the passage of the bill,

Senator Gougeon 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. 313**Yeas—36**

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

Nays—0**Excused—1**

Hart

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. 956, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 4 (MCL 722.22 and 722.24), section 2 as amended by 1990 PA 245 and section 4 as amended by 1996 PA 19.

The question being on the adoption of the following committee substitute:

Substitute (S-4).

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. 314**Yeas—36**

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

Nays—0**Excused—1**

Hart

Not Voting—0

In The Chair: President

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

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 4, and 7 (MCL 722.22, 722.24, and 722.27), section 2 as amended by 1990 PA 245 and sections 4 and 7 as amended by 1996 PA 19.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Berryman's statement is as follows:

I support the passage of this bill, as I have supported the others, and I think much of the credit, Madam President, needs to go to you. You know my position on children's issues, and I admire your stance on these issues. You continue to work both the House and the Senate to make sure that legislation that does a better job of protecting our children is passed and signed into law. I think that this bill does that, as do the others. I want to make sure that you know my admiration for you on this issue remains strong. I hope that we do all that we can to make sure that kids are a little better protected in this state. Thank you, Madam President, for your continued efforts.

Senator Gougeon's statement is as follows:

I would like to urge the passage of all these bills and particularly this bill, and I second the emotion of the previous speaker. As we wind down toward the end of the children's packages and start to deal with these bills, which provide a model for child advocacy and legal proceedings and define and outline the various roles and responsibilities of these advocates, none of these bills could be more important than the ones that we are doing now.

We owe that to you, Madam President. I also want to express my appreciation to my committee members, the committee members in the House of Representatives led by Representative Ed LaForge, and the State Bar of Michigan's Children's Task Force as well. We are getting down to the end of our work on the Binsfeld Commission on Children, and again I thank this body for the support we have had all this past year on these very, very important efforts.

The President of the Senate made a statement and requested that it be printed in the Journal.

The President's statement is as follows:

I would like to extend my thanks to all of the Senators and staff, on both sides of the aisle, for the tremendous support that we have had and all the hard work that you have done. Once again, we did not have a single dissenting vote, in committee or on the floor, for the children.

Senators Shugars, Stille, Bennett, Steil, Rogers, Bullard, Schwarz, Bouchard, Jaye, Koivisto, North, Emmons and Gast moved that they be named co-sponsors of the following bills:

Senate Bill No. 954

Senate Bill No. 955

Senate Bill No. 1032

Senate Bill No. 956

The motion prevailed.

Senator McManus moved that he be named co-sponsor of the following bills:

Senate Bill No. 954

Senate Bill No. 955

Senate Bill No. 956

The motion prevailed.

Senator DeGrow moved that rule 2.106 be suspended to allow all committees to meet during Senate session.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 189

Senate Resolution No. 190

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 189.

A resolution to recognize the 16th Annual Metro Detroit Youth Day on July 8, 1998.

Whereas, The 16th Annual Metro Detroit Youth Day is sponsored by the Michigan Food & Beverage Association, Detroit newspapers, WDIV-TV 4, Pepsi-Cola Company, Detroit Recreation Department, Spartan Stores, Inc., Fairlane Town Center, K-Mart Corp., Ameritech Telephone Pioneers, Blue Cross/Blue Shield and Blue Care Network, WWJ Newsradio 950, Kroger Food Stores, Detroit Lions, WJLB-FM, Comcast Cablevision, Sibley Shoes, Old Newsboys Goodfellows-Detroit, Fraternal Order of Police, General Motors, NBD Bank, MichCon, ITT-Automotive, Detroit Edison, many other food and beverage firms, and over 90 community and youth organizations that recognize that leisure and recreation are basic human needs and that youth must use this time to improve the quality of life and life's disciplines. Metro Detroit Youth Day will be held on July 8, 1998, at Belle Isle's Athletic Field in Detroit; and

Whereas, Metro Detroit Youth Day emphasizes the need for physical education facilities and fitness with the need for good sportsmanship. It is acknowledged that youth and young people are a valuable asset to our communities and the foundation of our future. Metro Detroit Youth Day is intended to bring together the community and the private sector to enhance relationships and improve cooperation and harmony in our communities. It also provides an opportunity for youth to participate in constructive activities outside their immediate home areas, working with other youngsters and numerous volunteers; and

Whereas, Many community groups such as New Detroit, Inc., NAACP, Detroit Urban League, Salvation Army, Boys and Girls Clubs, Boy Scouts, Girl Scouts, YMCA, YWCA, Focus:HOPE, United Way Community Services, Special Olympics, Detroit Police Cadets, and many others are participating as co-sponsors. Outstanding and dedicated community leaders including Edward Deeb of the Michigan Food & Beverage Association; Sharon Williams of the Detroit Medical Center; Isaiah McKinnon, Detroit Police Chief; Ernest Burkeen, Detroit Recreation Department; Sergeant Curtis Perry, Detroit Police Cadets; and Keith Bennett of Starr Commonwealth Schools are co-chairing the event along with over 800 volunteers supervising the over 16,000 youth expected to attend; now, therefore, be it

Resolved by the Senate, That in recognition of the 16th Annual Metro Detroit Youth Day on July 8, 1998, and to acknowledge the positive contributions the private sector has made to our area youth and the community, we hereby salute the organizers of this event; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event in appreciation of their diligent community service and for the high esteem we have for them.

Senators McManus, O'Brien and Hart were named co-sponsors of the resolution.

Senator Posthumus offered the following resolution:

Senate Resolution No. 190.

A resolution of tribute to Lieutenant Governor Connie Binsfeld.

Whereas, It is a great privilege to join with the Michigan Women's Commission in honoring Lieutenant Governor Connie Binsfeld for 30 years of caring service for the people of Michigan, both in the community and in the Legislature. This special honor is being bestowed upon Lieutenant Governor Binsfeld as the Michigan Women's Commission celebrates its 30th Anniversary; and

Whereas, The goal of the Michigan Women's Commission is to serve as a valuable resource for women and to provide leadership in the areas of improving the economic independence, health, and safety of women. A few of the objectives the Commission is addressing are some concerns Lieutenant Governor Connie Binsfeld has and include: improving child care options, identifying businesses with family friendly policies, educating the public about domestic violence laws, promoting awareness about women's health and safety concerns, increasing self-esteem of middle school age girls and encouraging the passage of child support enforcement; and

Whereas, Lieutenant Governor Connie Binsfeld is the only woman in Michigan history to hold leadership positions in the House, Senate and Executive Office. She has distinguished herself for her advocacy on behalf of children and the natural environment. Her impressive record as an advocate for children and families include Michigan's first legislation addressing domestic violence and the implementation of 42 of the Children's Commission recommendations strengthening the investigatory powers of state social workers and law enforcement in aiding with child abuse and neglect. She was also named Michigan Mother of the Year in 1977; now, therefore, be it

Resolved by the Senate, That members of this legislative body commend Lieutenant Governor Connie Binsfeld as she is honored by the Michigan Women's Commission on their 30th Anniversary, for her 30 years of caring community service; and be it further

Resolved, That a copy of this resolution be transmitted to Lieutenant Governor Binsfeld as evidence of our recognition of her contribution to the children and families of Michigan.

Introduction and Referral of Bills

Senators Peters, Cherry, Vaughn, Miller, A. Smith and O'Brien introduced

Senate Bill No. 1130, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3609. The bill was read a first and second time by title and referred to the Committee on Health Policy and Senior Citizens.

Senators Peters, Cherry, Vaughn, Miller, A. Smith and O'Brien introduced

Senate Bill No. 1131, 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 416b.

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

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

Senators Van Regenmorter, Posthumus and Cherry introduced

Senate Bill No. 1132, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 549a, 549b, 549c, 549d, 549e, 549f, 549g, 549h, 549i, 550a, 8156, 8157, and 8158 (MCL 600.502, 600.503, 600.504, 600.505, 600.506, 600.507, 600.508, 600.509, 600.510, 600.511, 600.512, 600.513, 600.514, 600.515, 600.516, 600.517, 600.518, 600.519, 600.520, 600.521, 600.522, 600.523, 600.524, 600.525, 600.526, 600.527, 600.528, 600.529, 600.530, 600.531, 600.532, 600.533, 600.535, 600.536, 600.537, 600.538, 600.539, 600.540, 600.541, 600.542, 600.543, 600.544, 600.545, 600.546, 600.547, 600.548, 600.549, 600.549a, 600.549b, 600.549c, 600.549d, 600.549e, 600.549f, 600.549g, 600.549h, 600.549i, 600.550a, 600.8156, 600.8157, and 600.8158), section 504 as amended by 1996 PA 388, sections 506, 517, 521, 535, 536, 538, 549, and 550a as amended and section 549h as added by 1990 PA 54, section 507 as amended and section 549i as added by 1994 PA 138, sections 510, 518, 528, and 537 as amended by 1988 PA 134, section 522 as amended and section 549g as added by 1981 PA 182, sections 541 and 549f as amended by 1980 PA 438, sections 542 and 547 as amended by 1984 PA 95, and section 549e as added by 1980 PA 129, and by adding sections 549j, 549k, and 880e; and to repeal acts and parts of acts.

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

House Bill No. 5000, entitled

A bill to amend 1986 PA 87, entitled "An act regarding warranties on new motor vehicles; to require certain repairs thereto; and to provide remedies for the failure to repair such vehicles," by amending the title and sections 1, 3, 6, and 8 (MCL 257.1401, 257.1403, 257.1406, and 257.1408).

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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 5595, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 1999; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 1999; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has passed the bill.

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

Statements

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

The motion prevailed.

Senator Gougeon's statement is as follows:

As we work this week on the many issues affecting Michigan's families, I would like to bring your attention to a bill I sponsored more than a year ago that is still sitting in the House Judiciary Committee. That legislation, Senate Bill No. 33, would amend the Child Custody Act to create a presumption of shared parental responsibility and provide for parenting plans in child custody cases. It is so important to the well-being of children that both parents be involved in their lives, even if those parents are no longer married. Studies show that a child's development after divorce is greatly impacted by how their parents behave toward each other. It just makes good sense that keeping both spouses plugged-in to the lives of their children will only strengthen the overall development and self-esteem.

As most of you remember, Senate Bill No. 33 passed this chamber unanimously. A tremendous amount of work was expended to craft legislation that would benefit kids as well as satisfy all of the parties involved. This legislation does not try to dictate what is best for the child and maintains that if a shared parental responsibility is not considered in the best interest of the child, then it will not, in fact, be awarded. Simply put, Senate Bill No. 33 encourages both parents to be involved in their children's lives after their divorce. I know that each of my colleagues agree that Michigan's children are worth that extra encouragement. I urge the members of the House of Representatives to stop procrastinating about legislation that everybody in this chamber supported and that is so important to Michigan's families.

Committee Reports

The Committee on Judiciary reported

House Bill No. 4444, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 387, and 535 (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.387, and 750.535), sections 356c and 356d as added by 1988 PA 20.

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.

William Van Regenmorter
Chairperson

To Report Out:

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

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. 4445, entitled

A bill to amend 1931 PA 328, entitled "Michigan penal code," by amending sections 131, 157s, 157w, 174, 177, 178, 181, and 218 (MCL 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, and 750.218), section 131 as amended by 1984 PA 277 and section 157s as amended and section 157w as added by 1987 PA 276.

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.

William Van Regenmorter
Chairperson

To Report Out:

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

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. 4446, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2952 and 2953 (MCL 600.2952 and 600.2953), section 2952 as added by 1984 PA 276 and section 2953 as added by 1988 PA 50.

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.

William Van Regenmorter
Chairperson

To Report Out:

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

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, May 12, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Finance reported

Senate Bill No. 479, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 266.

With the recommendation that the (S-2) previously recommended by the Committee on Health Policy and Senior Citizens be rejected.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

The bill and the substitutes recommended by the committees were referred the Committee of the Whole.

The Committee on Health Policy and Senior Citizens reported

House Bill No. 5135, entitled

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

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.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, May 12, 1998, at 3:00 p.m., Room 100, Farnum Building

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

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

House Bill No. 5304, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending section 4 (MCL 408.684).

With the recommendation that the bill pass.

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

Bill Schuette
Chairperson

To Report Out:

Yeas: Senators Schuette, Shugars, Jaye and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, May 13, 1998, at 2:34 p.m., Room 210, Farnum Building

Present: Senators Schuette (C), Shugars, Jaye and Peters

Excused: Senator O'Brien

The Committee on Judiciary reported

Senate Bill No. 1124, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the

family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 2, 13a, 19, and 19b of chapter XIAA (MCL 712A.2, 712A.13a, 712A.19, and 712A.19b), section 2 as amended by 1996 PA 409, sections 13a and 19 as amended by 1997 PA 163, and section 19b as amended by 1997 PA 169, and by adding section 6b to chapter XIAA.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Geake, Dingell, Peters and V. Smith

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. 1125, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Geake, Dingell, Peters and V. Smith

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submits the following:

Meeting held on Tuesday, May 12, 1998, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Cisky (C) and Hoffman

Excused: Senator Vaughn

Scheduled Meetings

Local, Urban and State Affairs Committee - Wednesday, May 20, at 1:00 p.m., Room 100, Farnum Building (3-1635).

Natural Resources and Environmental Quality Appropriations Subcommittee - Tuesday, May 19, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Transportation Appropriations Subcommittee - Monday, May 18, at 10:30 a.m., City-County Building, Room 1316, Detroit (3-2426).

Scheduled Meeting Changed

Judiciary Committee - Wednesday, May 20, at 3:00 p.m., Rooms 402 and 403, Capitol Building (3-6920).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 1:19 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 19, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.