

No. 28
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, March 26, 1998.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

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 Jon A. Cisky of the 33rd District offered the following invocation:

This prayer was written by Jim Kendall who is the pastor of Marantha United Brethren Church in rural Perrinton, Michigan, in Gratiot County.

Dear Lord, we ask You to give us clarity of mind, compassion of heart, and courage of will as we serve the people of this great state of Michigan.

May we be faithful in upholding the principles of our state's Constitution for the good of the people that at the close of the day, we may sense we have done Your will and be satisfied with the work we have done today. Amen.

Motions and Communications

Senator DeGrow moved that Senators Geake and Jaye be temporarily excused from today's session. The motion prevailed.

Senator Dunaskiss entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 25:
House Bill Nos. 4248 5426

The Secretary announced the printing and placement in the members' files on Wednesday, March 25 of:
House Bill No. 5711

Senator Jaye entered the Senate Chamber.

Messages from the House

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

Senator DeGrow moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House amendments to the Senate substitute were concurred in.

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

Senator DeGrow moved to reconsider the vote by which the amendments were concurred in.

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

Senator Rogers moved to reconsider the vote by which the amendments he offered to the House amendments were adopted.

The motion prevailed.

The question being on the adoption of the amendments,

Senator Rogers withdrew the amendments.

Senator DeGrow moved that upon receipt of a message from the House of Representatives requesting the return of the following bill the Secretary of the Senate be directed to comply with the request:

House Bill No. 4454

The motion prevailed.

Senators Cherry, A. Smith, Conroy, Berryman, North, DeBeaussaert, Van Regenmorter and Byrum asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's statement is as follows:

Today is the last day for James Clift, our policy director for the Senate Democratic Caucus. James is leaving to do a little traveling. We all would kind of like to tag along with him, but we have really had the opportunity to enjoy working with James. I served on the Senate Natural Resources Committee when James first came to the Michigan Senate as a policy analyst on environmental matters. He quickly became someone we depended on a great deal, and I know that the quality of his work was such that oftentimes he was very helpful in a bipartisan way as well. But I can tell you, his service here we've appreciated as a Caucus. His work was so good, he became our policy director, and we are sorely going to miss him. He's been an outstanding staff person. It's been a pleasure working with him. We do wish him God's speed on his travels.

We hope to see him back here someday but James, in appreciation of your work, we would like on the part of the Senate Democratic Caucus to present you with a tribute commemorating the fine job you did on our behalf.

Senator A. Smith's statement is as follows:

I just wanted to add my farewell to James.

I had the privilege of training under James Clift and Carol Linteau, but mostly under James, as a former staffer. My environmental knowledge blossomed, and I have to tell you how much I appreciated, and I think sometimes the other side of the aisle also appreciated, James' innovative and very creative thinking in terms of how we addressed environmental issues. I'm going to miss him but some of that creativity will remain.

Senator Conroy's statement is as follows:

While I haven't been on the DNR Committee, I've been on the Appropriations Committee, and I think we ought to do a little roasting about this person, too, you know. We got him through this winter on the public payroll. You know, all these gloomy days and snow and rain and cloudy days, the sun comes out, and James Clift wants to leave. And he's not leaving for just three weeks or two months. He's going for a year! But I'm convinced that he planned this all out to leave when the weather breaks.

And so, James, I guess you were creative right to the end. We love you dearly, and you and your wife have a good time backpacking and whatever throughout your travels. Thank you.

Senator Berryman's statement is as follows:

You know when I came here—I came to the Senate not from the House. So I came in as a real rookie, and any Senator will tell you that we're presented with so many different issues there isn't any possibility that we can be an expert in all those. It's individual staffers in our offices in each party, people like James Clift, that make the Senators look as good as they possibly can. James is one of those individuals who is extremely bright and certainly helped my office, helped me, and helped my constituents. There was never a time that I didn't turn to him that I didn't get good advice.

So, I want to thank James. He is extremely bright. There isn't a better friend to the environment, I think, than James Clift, but I think he represents staffers in both sides of this chamber that work very, very hard to try to make us look good. Thank you.

Senator North's statement is as follows:

I, too, wish Jim the very best in his trip around the world, and I guess, in part, I owe thanks to him for the fact I'm in this chamber because he was a campaign manager for a short time for my opponent for years. But, nonetheless, I wish him well.

Senator DeBeaussaert's statement is as follows:

While I want to wish all those who are moving on to new assignments and new opportunities well, but especially so to James Clift as a member of the Natural Resources and Environmental Affairs Committee. He has been terribly helpful to me in the few years that I have been on that committee. He has become not only a good advisor, but I've come to respect him and appreciate him as a friend. I will certainly be thinking of him in the coming months. He'll have a much more exciting time, I guess, than the rest of us will. We'll be in these chambers or in our districts working over the coming months. I hope that he will not be thinking about us—that he'll be enjoy those months to the fullest, and we look enviously towards his opportunity and for the stories that he'll come back with.

James, the best of luck in all that you do.

Senator Van Regenmorter's statement is as follows:

Many here on this floor on both sides of the aisle have worked with my legislative aide, Kim Craig-Swider, over the past several years and found her to be a not only most engaging person in terms of her great personality but also one

who is meticulous in her research and gathers together all of the information and then presents it in a very unbiased way. We've been able to work, thanks to Kim, very closely with colleagues on both sides of the aisle as well as staff members from both sides of the aisle. Sadly for us, maybe not so much for her, she is going to be moving to Texas. It's sort of interesting that people who know her here who have affiliations in Texas are already calling down there saying this is one young woman who ought to be employed by you, and so I suspect when she gets there she'll have a lot of job opportunity.

But she has been outstanding in her work for me and, frankly, for the people of Michigan because a lot of the research she'd done, a lot of the work that she's done putting together agreements on legislation has resulted, I think, in some very significant policy change here in the state of Michigan.

So, I hope my colleagues will join with me as we bid farewell to Kim Craig-Swider and wish her the very, very best as she moves to Texas.

Senator Byrum's statement is as follows:

This seems to be a day of staff retirement, staff changing jobs, and going on to bigger and brighter things, and that's also occurring in my office. Jill Squires has been with me the past four years. She started out as an hourly employee, and she has worked her way up and does a lot of my day-to-day correspondence and follows legislation with me. Jill has been offered a wonderful opportunity to leave my office and use her talents with the Michigan Hospital Association. You all will be seeing a lot more of Jill because she's going to be attending the committee meetings and working on health policy issues with the association.

I just want to wish her the best, and I know she is very capable and up to the challenge. I expect a lot of wonderful things out of Jill as she changes her focus and works more closely with health care legislation for the hospital association. So, I would like my colleagues to please join me in congratulating Jill on this wonderful opportunity in wishing her the best.

Third Reading of Bills

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

Senate Bill No. 256

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 789, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

The question being on the passage of the bill,

Senators Koivisto and Rogers offered the following amendment:

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

"(5) THE BUREAU OF WORKERS' COMPENSATION SHALL RESEARCH THE FINANCIAL AND PROCEDURAL IMPLICATIONS OF APPLYING A CANCER PRESUMPTION TO VOLUNTEER FIREFIGHTERS. THE STUDY SHALL INCLUDE A DESCRIPTION OF HOW THE WORKERS' COMPENSATION ACT MUST BE AMENDED TO APPLY A CANCER PRESUMPTION ON AN EQUAL BASIS TO ALL CLASSIFICATIONS OF FIREFIGHTERS. THE REPORT SHALL BE PROVIDED TO THE CHAIR AND VICE-CHAIR OF THE SENATE HUMAN RESOURCE, LABOR AND VETERANS AFFAIRS COMMITTEE AND THE CHAIR AND VICE-CHAIR OF THE HOUSE LABOR AND OCCUPATIONAL SAFETY COMMITTEE BY JUNE 30, 1999."

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

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

Senator Rogers offered the following amendment:

1. Amend page 2, line 7, after "DEPARTMENTS" by inserting "EMPLOYED 12 MONTHS OR MORE".

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

Senator Rogers offered the following amendments:

1. Amend page 2, line 8, after "INCLUDE" by striking out the balance of the subsection and inserting "ALL RESPIRATORY TRACT, BLADDER, SKIN, BRAIN, KIDNEY, BLOOD, AND LYMPHATIC CANCERS."

2. Amend page 2, line 15, after the first "AND" by striking out "OCCUPATIONAL CANCER" and inserting "ALL RESPIRATORY TRACT, BLADDER, SKIN, BRAIN, KIDNEY, BLOOD, AND LYMPHATIC CANCERS".

3. Amend page 2, line 17, after “contrary.” by striking out the balance of the line through “CANCER” on line 18 and inserting “RESPIRATORY TRACT, BLADDER, SKIN, BRAIN, KIDNEY, BLOOD, AND LYMPHATIC CANCERS”.

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

The question being on the passage of the bill,

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

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

Roll Call No. 139

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	Gougeon	Peters	Stille
Cisky	Hart	Posthumus	Van Regenmorter
Conroy	Hoffman	Rogers	Vaughn
DeBeaussaert	Jaye	Schuetter	Young

Nays—1

Geake

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator O’Brien’s statement is as follows:

The amendment offered by the good Senator—I’m glad to see that they were able to work out an agreement on that definition of what was and what was not going to be included in this bill.

One thing that I found out many years ago, and maybe nobody knows this, but Metro Airport did not have a fire department in the ’60s. What they had was their maintenance men who were, in fact, trained to be fire fighters. I happened to be one of them, and one of the things we discovered even then was that, and it exists today, when these firemen are fully suited, with oxygen, with all and every piece of protection one can get or that is available to them, when they go into the fire, they are still breathing and still ingesting into their lungs the same poisons that are in the air that these things are theoretically designed to do. It gives them the ability to go in and function, but yet right now today if we see a high-tech, dressed-out firefighter even in complete protection with oxygen, he is still subject to breathing those very same things which cause the kinds of cancers that we have. I’ve seen that happen personally when the Ditzler paint factory blew up, and we had 55-gallon drums going up in the air like rockets. There was a lot of stuff flying around down there, a lot of chemicals burning, including the respiratory tract and the skin. All you need to think

about is Agent Orange, I guess, that might be the most prevalent. We all know it happened. We all know some of the after effects. They are passed on to their children.

So, I'm glad to see we've managed to come to this agreement. I think it's going to help a lot. There are also some other areas I have some concerns with. I've met with my Detroit firefighters. They're very aware of this bill. They still have some concerns but, in the same token, we're taking a step forward, and it's very critical because we are dealing with their lives down there. They are, in fact, our first line of defense when it gets serious out there and there's a fire.

Senators Young, Conroy, Miller, Peters, Vaughn, Byrum, Hart, Berryman, North, Koivisto, V. Smith, O'Brien, McManus, Dingell, A. Smith, Gougeon, Bouchard, Shugars, Emmons, Schuette and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 789

The motion prevailed.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Berryman offered the following amendment:

1. Amend page 3, following line 12, by inserting:

"(7) IN ADDITION TO ANY PENALTY IMPOSED UNDER SUBSECTION (6), UPON A PERSON'S SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1), THE COURT MAY ISSUE AN ORDER IMPOUNDING THE PERSONAL WATERCRAFT THAT WAS LEASED, HIRED, OR RENTED IN VIOLATION OF SUBSECTION (1) FOR A PERIOD OF NOT MORE THAN 1 YEAR. THE COST OF STORAGE FOR AN IMPOUNDMENT ORDERED UNDER THIS SUBSECTION SHALL BE PAID BY THE OWNER OF THE PERSONAL WATERCRAFT."

The amendment 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. 140

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: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

The question being on the passage of the bill,

Senator Berryman offered the following amendment:

1. Amend page 9, line 2, after "both." by inserting "Upon a person's second or subsequent conviction under this section, the court may issue an order impounding the personal watercraft that the person was operating at the time the person violated subsection (1) for a period of not more than 1 year, if either of the following conditions exists:

(a) The person is an owner of the personal watercraft.

(b) The person is the minor child of an owner of the personal watercraft.

(4) The cost of storage for an impoundment ordered under subsection (3) shall be paid by the owner of the personal watercraft."

The amendment 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. 141

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: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 830

Senate Bill No. 865

The motion prevailed.

The following bill was read a third time:

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.

The question being on the passage of the bill,
 Senator Cisky 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. 142

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: Schwarz

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

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

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

Senate Bill No. 897

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 905, entitled

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator McManus offered the following amendments:

1. Amend page 11, following line 21, by inserting:

"Sec. 109. DEPARTMENT OF NATURAL RESOURCES

(1) APPROPRIATIONS SUMMARY:

GROSS APPROPRIATION \$ 500,000

Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 500,000
Federal revenues:	
Total federal revenues	0
Special revenue funds:	
Total local revenues.....	0
Total private revenues.....	0
Total other state restricted revenues	500,000
State general fund/general purpose.....	\$ 0
(2) WILDLIFE MANAGEMENT	
Wildlife management	\$ 500,000
GROSS APPROPRIATION	\$ 500,000
Appropriated from:	
Game and fish protection fund	\$ 500,000
State general fund/general purpose.....	\$ 0"

and adjusting the subtotals, totals and section 201 accordingly.

2. Amend page 24, following line 3, by inserting:

“Sec 902. Funds appropriated in section 109 for wildlife management are designated for bovine tuberculosis surveillance and research, and considered work project appropriations. Any unencumbered funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451(3) of the management and budget act, 1984 PA 431, MCL 18.1451:

(a) The purpose of the project to be carried over is to provide for bovine tuberculosis surveillance and eradication activities, pursuant to executive directive 1998-1.

(b) This project will be accomplished through the efforts of state employees and through contracted services.

(c) The total estimated cost of this project is \$500,000.00.

(d) The tentative completion date for this project is September 30, 1999.”.

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

Senator Peters offered the following amendment:

1. Amend page 18, following line 21, by inserting:

“Sec. 508. Funds appropriated under section 104(5) and 104(6) for prison construction or expansion shall not be expended unless an equal amount is appropriated, in addition to funds appropriated under 1997 PA 142, by this state to the public schools for technology, facilities for early childhood education, and infrastructure, including renovation and improvements for building safety.”.

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 143

Yeas—18

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

Nays—19

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

Excused—0**Not Voting—1**

Stallings

In The Chair: Schwarz

Protest

Senator Emmons, under her constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Peters to Senate Bill No. 905.

Senator Emmons' statement is as follows:

I do not believe that we should let the criminals out on the street to keep on the life of crime that they've done. I want them locked up. I don't want them out raping, murdering children, women, people weaker than they are. We have to put the criminals in behind bars. We have to protect society, particularly women and children who are always vulnerable to people who want to hurt them.

Senator Jaye offered the following amendment:

1. Amend page 24, following line 3, by inserting:

“Sec. 903. (1) The Michigan legislature directs the attorney general to begin negotiations with Native American tribes which would lead to a ban on gill net fishing on Michigan waterways.

(2) The Michigan legislature directs the attorney general to begin negotiations with Native American tribes which would lead to members of the Native American tribes following all state of Michigan fishing laws, rules and regulations on seasons, creel limits and size restrictions on all waterways of the state.”

The question being on the adoption of the amendment,

Senator Gast offered the following amendments to the amendment:

1. Amend Senator Jaye's Amendment No. 1, page 24, following line 3, after “Sec. 903.” by striking out “(1)”.
2. Amend Senator Jaye's Amendment No. 1, page 24, following line 3, section 903, after the first “to” by striking out the balance of the section and inserting “continue negotiations with Native American tribes with the goal of a ban on gill net fishing on Michigan waterways.”

The amendments to the amendment were adopted.

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

Senator Conroy offered the following amendments:

1. Amend page 3, line 9, by striking out all of line 9 through line 10.
2. Amend page 3, line 11, by striking out “\$500,000” and inserting “\$1,000,000”.
3. Amend page 9, following line 13, by striking out “Disease surveillance.....500,000”.
4. Amend page 9, line 15, by striking out “\$5,500,000” and inserting “\$5,000,000”.
5. Amend page 9, line 18, by striking out “5,500,000” and inserting “5,000,000” and adjusting all subtotals, totals and section 201 accordingly.

The amendments were 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. 144**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—1**

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Messages from the HouseThe House of Representatives requested the return of
House Bill No. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

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

The following bill was read a third time:

House Bill No. 5607, entitled

A bill to require contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for the modification of contracts for improvement to real property; to provide for remedies; 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. 145**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
DeBeaussaert
DeGrow

Hoffman
Jaye

Rogers
Schuette

Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

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. 5136, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and sections 2, 4, 5, 7, 8, 9, 14, and 16 (MCL 325.1002, 325.1004, 325.1005, 325.1007, 325.1008, 325.1009, 325.1014, and 325.1016), the title and sections 2, 7, and 9 as amended by 1993 PA 165, and by adding section 3b.

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. 146

Yeas—37

Bennett
Berryman
Bouchar
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
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—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

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

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

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

A bill to amend 1976 PA 399, entitled "An act to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of public health; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; to create the water supply fund; to provide for the administration of the water supply fund; and to provide penalties," by amending the title and sections 2, 4, 5, 7, 8, 9, 14, and 16 (MCL 325.1002, 325.1004, 325.1005, 325.1007, 325.1008, 325.1009, 325.1014, and 325.1016), the title and sections 2, 7, and 9 as amended by 1993 PA 165, and by adding sections 1a and 3b.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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 pro tempore, Senator Schwarz, designated Senator Geake as Chairperson.

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

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.

Substitute (S-1).

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

1. Amend page 4, line 18, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date it is enacted."

2. Amend page 5, line 4, by striking out all of lines 4 through 9 and inserting:

"(h) Senate Bill No. 989.

(i) Senate Bill No. 990.

(j) Senate Bill No. 991."

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

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

Senate Bill No. 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.

Substitute (S-1).

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

1. Amend page 1, line 10, after "(7)" by inserting "OR SECTION 625M".

2. Amend page 2, line 2, after "(3)" by inserting "OR SECTION 625M".

3. Amend page 2, line 3, after "HOMICIDE," by striking out "OR".

4. Amend page 2, line 3, after "MANSLAUGHTER," by inserting "OR MURDER".

5. Amend page 5, line 4, after "UNDER" by striking out the balance of the subsection and inserting "THIS SECTION OR A LOCAL ORDINANCE, OR A COMBINATION OF THIS SECTION AND A LOCAL ORDINANCE. THIS SUBSECTION DOES NOT ALLOW A LOCAL UNIT OF GOVERNMENT TO BE FULLY REIMBURSED MORE THAN ONCE FOR ANY EXPENSE INCURRED BY THAT LOCAL UNIT OF GOVERNMENT."

6. Amend page 5, line 20, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date of its enactment."

7. Amend page 6, line 6, by striking out all of lines 6 through 11 and inserting:

"(h) Senate Bill No. 989.

(i) Senate Bill No. 990.

(j) Senate Bill No. 991."

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

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

Senate Bill No. 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.

Substitute (S-1).

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

1. Amend page 5, line 19, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date it is enacted."
2. Amend page 6, line 5, by striking out all of lines 5 through 10 and inserting:
 - "(h) Senate Bill No. 989.
 - (i) Senate Bill No. 990.
 - (j) Senate Bill No. 991."

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

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

Senate Bill No. 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.

Substitute (S-1).

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

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 204a. (1) The secretary of state shall create and maintain a computerized central file that provides an individual, historical driving record for a person, including a nonresident, with respect to all of the following:

 - (a) A license issued to the person under chapter 3.
 - (b) A conviction or civil infraction determination entered against the person for a violation of this act or a local ordinance substantially corresponding to a provision of this act.
 - (c) A failure of the person to comply with an order or judgment issued pursuant to section 907.
 - (d) A cancellation, denial, revocation, suspension, or restriction of the person's operating privilege under this act.
 - (e) An accident in which the person is involved.
 - (f) A conviction of the person for an offense described in section 319e.
 - (G) A RESTRICTED REGISTRATION PLATE, VEHICLE IMMOBILIZATION, OR VEHICLE FORFEITURE.
 - (H) ~~(g)~~ Any other information received by the secretary of state regarding the person that is required to be maintained as part of the person's driving record as provided by law.

(2) A secretary of state certified computer-generated or paper copy of an order, record, or paper maintained in the computerized central file of the secretary of state is admissible in evidence in the same manner as the original and is prima facie proof of the contents of and the facts stated in the original.

(3) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification shall be a certification of the order, record, or paper as it appeared on a specific date.

(4) A court or the office of the clerk of a court of this state which is electronically connected by a terminal device to the computerized central file of the secretary of state may receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this state may order a record for an individual from a secretary of state computer terminal device located in, and under the control of, the court, and certify in writing that the document was produced from the terminal and that the document was not altered in any way."
2. Amend page 13, following line 2, by inserting:

"(4) A PERSON SHALL NOT TRANSFER OR ATTEMPT TO TRANSFER OWNERSHIP OR RIGHT OF POSSESSION OF A VEHICLE SUBJECT TO FORFEITURE OR ORDERED FORFEITED UNDER THIS ACT WITH THE INTENT TO AVOID THE FORFEITURE OF THAT VEHICLE." and renumbering the remaining subsections.
3. Amend page 13, line 4, after the second "PLATE," by inserting "VEHICLE FORFEITURE,".
4. Amend page 13, line 9, after "(3)," by striking out "OR (4)" and inserting "(4), OR (5)".
5. Amend page 16, line 11, after "attempted." by inserting "If 1 or more of the convictions involved in an administrative licensing sanction ~~to be effected under section 303(1)(f)(ii) or 303(2)(f)~~ is a violation or attempted violation of ~~section 625(1) or (3) or a local ordinance substantially corresponding to section 625(1) or (3)~~ THIS ACT committed or attempted after January 1, 1992, judicial review of that sanction shall be governed by the law in effect after January 1, 1992."

6. Amend page 19, line 10, after "322" by inserting "OR 625F".
7. Amend page 19, line 11, after "A" by inserting "STATUTORY".
8. Amend page 20, line 25, after "(7)" by inserting "OR SECTION 625M".
9. Amend page 21, line 26, by striking out all of subdivision (g) and relettering the remaining subdivisions.
10. Amend page 22, line 1, after "NUMBER" by inserting "AND REGISTRATION PLATE NUMBER".
11. Amend page 22, line 1, after "VEHICLES" by striking out the balance of the line through "RESTRICTED," on line 2.
12. Amend page 29, line 18, after "denied," by striking out "WHOSE LICENSE HAS BEEN EXPIRED FOR 60 DAYS OR MORE,".
13. Amend page 29, line 23, after "knowingly" by inserting "OR HAVE REASON TO KNOWINGLY".
14. Amend page 30, line 7, after "both." by striking out the balance of the subdivision.
15. Amend page 30, line 15, after "both." by striking out the balance of the subdivision.
16. Amend page 31, line 9, after "SUSPENDED" by striking out "OR" and inserting a comma.
17. Amend page 31, line 10, after "DENIED," by inserting "OR WHOSE LICENSE IS EXPIRED FOR 60 DAYS OR MORE,".
18. Amend page 33, line 12, after "NEVER" by striking out "VIOLATED" and inserting "BEEN CONVICTED OF OR RECEIVED A CIVIL INFRACTION DETERMINATION FOR A VIOLATION OCCURRING DURING".
19. Amend page 33, line 21, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date of its enactment."
20. Amend page 34, line 7, by striking out all of lines 7 through 12 and inserting:
 - (h) Senate Bill No. 989.
 - (i) Senate Bill No. 990.
 - (j) Senate Bill No. 991."

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

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

Senate Bill No. 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.

Substitute (S-1).

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

1. Amend page 1, line 3, after "732" by striking out the balance of the line through "732" on line 6.
2. Amend page 3, line 5, after "(7)" by inserting "OR SECTION 625M".
3. Amend page 3, line 7, after "(6)" by inserting "OR SECTION 625M".
4. Amend page 12, line 3, after "forward" by striking out the balance of the line through "and" on line 4.
5. Amend page 17, line 3, after "forward" by striking out the balance of the line through "and" on line 4.
6. Amend page 18, line 8, after "state" by striking out "on June" and inserting "BY JULY".
7. Amend page 19, line 15, after "section" by inserting "624A, 624B,".
8. Amend page 19, line 16, after "(7)" by inserting a comma.
9. Amend page 19, line 16, after "625m" by striking out the balance of the line through "436.33B," on line 19.
10. Amend page 19, line 20, after "section" by inserting "624A, 624B,".
11. Amend page 19, line 20, after "(6)" by inserting a comma.
12. Amend page 19, line 21, after "625m" by striking out the balance of the line through "436.33B," on line 23.
13. Amend page 20, line 3, by striking out all of subdivision (d) and relettering the remaining subdivisions.
14. Amend page 22, line 7, after "SECTION," by striking out the balance of the line through "notice," on line 11.
15. Amend page 22, line 12, after "to" by inserting "THE DEFENDANT AND HIS OR HER ATTORNEY,".
16. Amend page 22, line 12, after "vehicle" by inserting a comma.
17. Amend page 25, line 24, after "TION" by striking out the balance of the line through line 26.
18. Amend page 26, line 8, after "CONFISCATE" by inserting "AND DESTROY".
19. Amend page 26, line 18, by striking out all of subdivision (E).
20. Amend page 27, line 9, after "UNTIL" by striking out "5" and inserting "14".
21. Amend page 27, line 14, after "(3)" by striking out the balance of the line through "(1)," on line 16.
22. Amend page 28, line 7, by striking out all of subparagraph (iii).
23. Amend page 28, line 18, after "NUMBER" by inserting "AND REGISTRATION PLATE NUMBER".
24. Amend page 29, line 23, after "(vii)" by striking out the balance of the subparagraph and inserting "EXCEPT

FOR A VIOLATION OF SECTION 624A OR 624B OF THIS ACT OR SECTION 33B(1) OR (2) OF THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 624A OR 624B OF THIS ACT OR SECTION 33B(1) OR (2) OF THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX SESS) PA 8, MCL 436.33B, A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION.”.

25. Amend page 31, line 3, after “A” by striking out “TEMPORARY PERMIT” and inserting “RESTRICTED REGISTRATION PLATE”.

26. Amend page 31, line 7, after “ISSUANCE.” by striking out the balance of the subsection.

27. Amend page 32, line 22, after “VEHICLE” by inserting “OR BY USING ANY AVAILABLE TECHNOLOGY THAT PROHIBITS ANY PERSON FROM OPERATING THE VEHICLE”.

28. Amend page 33, line 22, after “UNTIL” by striking out the balance of the line through “TERMINATES” on line 23 and inserting “ALL SUSPENSIONS, REVOCATIONS, AND DENIALS TERMINATE”.

29. Amend page 33, line 24, after “OR” by striking out “A” by inserting “THE CIRCUIT”.

30. Amend page 35, line 3, after “effect” by striking out the balance of the enacting section and inserting “9 months after the date of its enactment.”.

31. Amend page 35, line 15, by striking out all of lines 15 through 20 and inserting:

“(h) Senate Bill No. 989.

(i) Senate Bill No. 990.

(j) Senate Bill No. 991.”.

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

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

Senate Bill No. 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.

Substitute (S-1).

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

1. Amend page 3, line 3, after “SHALL” by striking out “NOT”.

2. Amend page 3, line 6, after “COMPLETED” by striking out the balance of the subsection and inserting a period.

3. Amend page 14, line 19, by striking out all of subsections (13) and (14) and inserting:

“(13) A RESTRICTED LICENSE ISSUED UNDER THIS SECTION SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED TO DRIVE UNDER 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

(A) IN THE COURSE OF THE PERSON’S EMPLOYMENT OR OCCUPATION.

(B) TO AND FROM ANY COMBINATION OF THE FOLLOWING:

(i) THE PERSON’S RESIDENCE.

(ii) THE PERSON’S WORK LOCATION.

(iii) AN ALCOHOL OR DRUG EDUCATION OR TREATMENT PROGRAM ORDERED BY THE COURT.

(iv) THE COURT PROBATION DEPARTMENT.

(v) A COURT-ORDERED COMMUNITY SERVICE PROGRAM.

(vi) AN EDUCATIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

(vii) A PLACE OF REGULARLY OCCURRING MEDICAL TREATMENT FOR A SERIOUS CONDITION FOR THE PERSON OR A MEMBER OF THE PERSON’S HOUSEHOLD OR IMMEDIATE FAMILY.

(14) THE RESTRICTED LICENSE SHALL INDICATE THE PERMITTED PURPOSES FOR WHICH THE PERSON MAY OPERATE A VEHICLE. WHILE DRIVING, THE PERSON SHALL CARRY PROOF OF HIS OR HER DESTINATION AND THE HOURS OF ANY EMPLOYMENT, CLASS, OR OTHER REASON FOR TRAVELING AND SHALL DISPLAY THAT PROOF UPON A PEACE OFFICER’S REQUEST.”.

4. Amend page 28, line 18, by striking out all of subsection (8) and renumbering the remaining subsection.

5. Amend page 29, line 9, after “effect” by striking out the balance of the enacting section and inserting “9 months after the date this amendatory act is enacted.”.

6. Amend page 29, line 21, by striking out all of lines 21 through 26 and inserting:

“(h) Senate Bill No. 989.

(i) Senate Bill No. 990.

(j) Senate Bill No. 991.”.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 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.

Substitute (S-1).

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

1. Amend page 2, line 7, by striking out all of subsection (2) and renumbering the remaining subsections.
2. Amend page 3, line 21, after "subsection" by striking out "(3)" and inserting "(2)".
3. Amend page 4, line 12, after "subsection" by striking out "(3)(d)" and inserting "(2)(D)".
4. Amend page 5, line 12, after "subsection" by striking out "(7)" and inserting "(6)".
5. Amend page 5, line 14, after "subsection" by striking out "(7)(d)" and inserting "(6)(D)".
6. Amend page 6, line 24, after "violation" by striking out "OR ATTEMPTED VIOLATION".
7. Amend page 8, line 14, after "section" by striking out "310e(15)" and inserting "310E(14)".
8. Amend page 10, line 5, after "or" by striking out "knowingly".
9. Amend page 10, line 9, after "who" by inserting "THE OWNER OR PERSON IN CHARGE OR CONTROL KNOWS OR HAS REASON TO KNOW".
10. Amend page 13, line 9, after "(6)" by inserting "OR SECTION 625M".
11. Amend page 13, line 16, after "YEARS" by striking out "OR" and inserting "OF".
12. Amend page 13, line 20, after "(6)" by inserting "OR SECTION 625M".
13. Amend page 13, line 23, after "(6)" by inserting "OR SECTION 625M".
14. Amend page 19, line 6, after "(7)" by inserting "OR SECTION 625M".
15. Amend page 19, line 17, by striking out all of subsection (17) and renumbering the remaining subsections.
16. Amend page 20, line 2, by striking out "(20)" and inserting "(19)".
17. Amend page 20, line 14, by striking out "(20)" and inserting "(19)".
18. Amend page 21, line 2, by striking out "(18) AND (19)" and inserting "(17) AND (18)".
19. Amend page 21, line 12, after "subsection" by striking out "(18), (19), OR (20)" and inserting "(17), (18), OR (19)".
20. Amend page 21, line 25, after "subsection" by striking out "(21)(B)" and inserting "(20)(B)".
21. Amend page 25, line 9, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date this amendatory act is enacted".
22. Amend page 25, line 21, by striking out all of lines 21 through 26 and inserting:
 "(h) Senate Bill No. 989.
 (i) Senate Bill No. 990.
 (j) Senate Bill No. 991."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 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.

Substitute (S-1).

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

1. Amend page 4, line 24, after the third "OR" by striking out the balance of the line through "COMPLY" on line 25 and inserting "COMPLIES".
2. Amend page 6, line 13, after "(c)" by striking out the balance of the line through "CONVICTION" on line 15 and inserting "Any combination of 2 convictions within 7 years".
3. Amend page 10, line 14, after "defendant" by inserting "TO REBUT TESTIMONY ELICITED ON CROSS-EXAMINATION OF A DEFENSE WITNESS THAT THE DEFENDANT'S BREATH ALCOHOL CONTENT WAS HIGHER AT THE TIME OF THE CHARGED OFFENSE THAN WHEN A CHEMICAL TEST WAS ADMINISTERED UNDER SUBSECTION (6)".
4. Amend page 10, line 16, after "testimony" by striking out the balance of the line through "testimony" on line 17.
5. Amend page 10, line 18, after "witness" by striking out the balance of the line through "prove" on line 19.
6. Amend page 17, line 23, after "FISCATE" by striking out the balance of the line through "PERSON" on line 24 and inserting "AND DESTROY THE VEHICLE'S REGISTRATION PLATE".

7. Amend page 17, line 25, after the first "VEHICLE" by inserting "IN A FORM PRESCRIBED BY THE SECRETARY OF STATE".

8. Amend page 17, line 26, after "MANNER" by striking out "REQUIRED" and inserting "PRESCRIBED".

9. Amend page 18, line 12, after "UNTIL" by striking out "5" and inserting "14".

10. Amend page 31, line 17, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date this amendatory act is enacted."

11. Amend page 32, line 3, by striking out all of lines 3 through 8 and inserting:

"(h) Senate Bill No. 989.

(i) Senate Bill No. 990.

(j) Senate Bill No. 991."

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

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

Senate Bill No. 852, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending section 61 (MCL 780.811), as amended by 1996 PA 82.

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. 853, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310d, 319, 625, 625a, 625b, and 625c (MCL 257.303, 257.310d, 257.319, 257.625, 257.625a, 57.625b, and 257.625c), sections 303 and 319 as amended by 1996 PA 587, section 310d as amended by 1991 PA 99, sections 625 and 625a as amended by 1996 PA 491, and sections 625b and 625c as amended by 1994 PA 450, and by adding section 5b.

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 amendment, the following bill:

Senate Bill No. 989, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 33b (MCL 436.33b), as amended by 1996 PA 492.

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

1. Amend page 10, line 12, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date it is enacted."

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 amendments, the following bill:

Senate Bill No. 990, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 367c, 382, and 479a (MCL 750.367c, 750.382, and 750.479a), section 367c as added by 1982 PA 63, section 382 as amended by 1980 PA 159, and section 479a as amended by 1996 PA 586.

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

1. Amend page 1, line 3, after the first "of" by striking out "an offense under" and inserting "A VIOLATION OR ATTEMPTED VIOLATION OF".

2. Amend page 2, line 17, after "convicted" by striking out "under" and inserting "OF A VIOLATION OR ATTEMPTED VIOLATION OF".

3. Amend page 6, line 16, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date it is enacted."

The Senate agreed to the amendments 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 amendments, the following bill:

Senate Bill No. 991, entitled

A bill to amend 1931 PA 214, entitled "An act to enact a law to define the offense of felonious driving, when committed by the operation of a vehicle and to prescribe penalties therefor," by amending section 2 (MCL 752.192).

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

1. Amend page 1, line 6, after "~~sentence~~" by striking out "UNDER" and inserting "OF A VIOLATION OR ATTEMPTED VIOLATION OF".

2. Amend page 1, line 8, after "effect" by striking out the balance of the enacting section and inserting "9 months after the date of its enactment."

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

House Bill No. 4454

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators DeGrow and V. Smith offered the following concurrent resolution:

Senate Concurrent Resolution No. 76.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, March 26, 1998, it stand adjourned until Tuesday, April 14, 1998, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Thursday, April 2, 1998, it stand adjourned until Tuesday, April 21, 1998, at 2:00 p.m.

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 concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 268

Senate Bill No. 269

Senate Bill No. 271

Senate Bill No. 625

Senate Bill No. 626

Senate Bill No. 627

Senate Bill No. 870

Senate Bill No. 953

Senate Bill No. 852

Senate Bill No. 853

Senate Bill No. 989

Senate Bill No. 990

Senate Bill No. 991

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

The following bill was read a third time:

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.

The question being on the passage of the bill,

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

Roll Call No. 147

Yeas—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: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

The question being on the passage of the bill,

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

Roll Call No. 148

Yeas—36

Bennett	DeGrow	Jaye	Schuette
Berryman	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	Van Regenmorter
Conroy	Hart	Posthumus	Vaughn
DeBeaussaert	Hoffman	Rogers	Young

Nays—0

Excused—0

Not Voting—2

Stallings

Stille

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was announced:

House Bill No. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

Senator DeGrow moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was passed.

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

Senator DeGrow moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

Senator Rogers offered the following amendments:

1. Amend page 13, line 24, by striking out all of section 201 and inserting:

“Sec. 201. (1) On and after December 15, 1933, it shall be lawful to manufacture for sale, sell, offer for sale, keep for sale, possess, or transport any alcoholic liquor, as defined in this act, including alcoholic liquor used for medicinal, mechanical, chemical, or scientific purposes and wine used for sacramental purposes, subject to the terms, conditions, limitations, and restrictions contained in this act, and only as provided for in this act.

(2) Except as otherwise provided in this act, the commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.

(3) A rule, regulation, or order made by the commission shall not unreasonably discriminate against Michigan manufacturers of alcoholic liquor.

(4) A peace officer or law enforcement officer of this state or a county, township, city, village, state university, or community college or an inspector of the commission is authorized, and it is the duty of each of them, to enforce the provisions of this act and the rules promulgated by the commission within his or her respective jurisdiction. It is the special duty of an officer described in this section to use his or her utmost efforts to repress and prevent crime and the violation of any of the provisions of this act. An officer described in this section who willfully neglects or refuses to perform the duties imposed upon him or her by this section is guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned in the county jail not more than 90 days, or both.”.

2. Amend page 136, line 21, by striking out all of section 705 and inserting:

“Sec. 705. A peace officer or law enforcement officer described under section 201 or an inspector of the commission who witnesses a violation of section 703 or a local ordinance corresponding to section 703 may stop and detain a person and obtain satisfactory identification, seize illegally possessed alcoholic liquor, and issue an appearance ticket as prescribed in section 9b of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9b.”.

3. Amend page 154, following line 26, by inserting:

“Sec. 916. (1) An on-premises licensee shall not allow monologues, dialogues, motion pictures, still slides, closed circuit television, contests, or other performances for public viewing on the licensed premises unless the licensee has applied for and been granted an entertainment permit by the commission. Issuance of an entertainment permit under this subsection does not allow topless activity on the licensed premises.

(2) An on-premises licensee shall not allow dancing by customers on the licensed premises unless the licensee has applied for and been granted a dance permit by the commission. Issuance of a dance permit under this subsection does not allow topless activity on the licensed premises.

(3) An on-premises licensee shall not allow topless activity on the licensed premises unless the licensee has applied for and been granted a topless activity permit by the commission. This section is not intended to prevent a local unit of government from enacting an ordinance prohibiting topless activity or nudity on a licensed premises located within that local unit of government. This subsection applies only to topless activity permits issued by the commission to on-premises licensees located in counties with a population of 95,000 or less.

(4) The commission may issue to an on-premises licensee a combination dance-entertainment permit or topless activity-entertainment permit after application requesting a permit for both types of activities.

(5) An on-premises licensee shall not allow the activities allowed by a permit issued under this section at any time other than the legal hours for sale and consumption of alcoholic liquor.

(6) Before the issuance of any permit under this section, the on-premises licensee shall obtain the approval of all of the following:

(a) The commission.

(b) Except in cities with a population of 1,000,000 or more, the local legislative body of the jurisdiction within which the premises are located.

(c) The chief law enforcement officer of the jurisdiction within which the premises are located or the entity contractually designated to enforce the law in that jurisdiction.

(7) The following activities are allowed without the granting of a permit under this section:

(a) The performance or playing of an orchestra, piano or other types of musical instruments, or singing.

(b) Any publicly broadcast television transmission from a federally licensed station.

(8) In the case of a licensee granted an entertainment or dance permit under R 436.1407 of the Michigan administrative code who, after January 1, 1998, extended the activities conducted under that permit to regular or full-time topless activity, that licensee shall apply to the commission for a topless activity permit under this section within

60 days after the effective date of this section in order to continue topless activity. Except as otherwise provided for in this subsection, this section applies only to entertainment or dance permits issued after the effective date of this section.

(9) The fees imposed by the commission for a permit under this section remain the same as the fees imposed under a permit issued under R 436.1407 of the Michigan administrative code.

(10) Except as otherwise provided, this section does not change the renewal or application process for a license under section 17 or the renewal process for permits issued under

(11) As used in this section:

(a) "Nudity" means exposure to public view of the whole or part of the pubic region; the whole or part of the anus; the whole or part of the buttocks; the whole or part of the genitals; or the breast area including the nipple or more than 1/2 of the area of the breast.

(b) "Topless activity" means activity that includes, but is not limited to, entertainment or work-related activity performed by any of the following persons on the licensed premises in which the female breast area, including the nipple, or more than 1/2 of the area of the breast, is directly exposed or exposed by means of see-through clothing or a body stocking:

(i) A licensee.

(ii) An employee, agent, or contractor of the licensee.

(iii) A person acting under the control of or with the permission of the licensee."

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. 149

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Stallings

Stille

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Recess

Senator DeGrow moved that the Senate recess until 1:30 p.m.

The motion prevailed, the time being 12:32 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

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

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.

(This bill was read a third time earlier today and consideration postponed. See p. 501.)

The question being on the passage of the bill,

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

Roll Call No. 150

Yeas—28

Bennett	DeBeaussaert	Jaye	Schwarz
Berryman	DeGrow	Koivisto	Shugars
Bullard	Dingell	Miller	Smith, A.
Byrum	Dunaskiss	North	Steil
Cherry	Emmons	Posthumus	Van Regenmorter
Cisky	Gast	Rogers	Vaughn
Conroy	Hart	Schuetz	Young

Nays—0

Excused—0

Not Voting—10

Bouchard	Hoffman	Peters	Stallings
Geake	McManus	Smith, V.	Stille
Gougeon	O'Brien		

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Berryman moved that Senators O'Brien, V. Smith and Peters be temporarily excused from the balance of today's session.

The motion prevailed.

Senator Peters entered the Senate Chamber.

Senator DeGrow moved that Senators Bouchard, Geake, Gougeon, Hoffman, McManus and Stille be temporarily excused from the balance of today's session.

The motion prevailed.

Senator DeGrow moved that rule 2.106 be suspended to allow the Committee on Families, Mental Health and Human Services to meet during Senate session.

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

The following bill was read a third time:

Senate Bill No. 625, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 219, 233, 320e, 323, 732, and 904 (MCL 257.217, 257.219, 257.233, 257.320e, 257.323, 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, sections 320e and 732

as amended by 1996 PA 493, section 323 as amended by 1994 PA 449, and section 904 as amended by 1994 PA 450; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator V. Smith offered the following amendment:

1. Amend page 17, line 26, by inserting:

“(3) Except as otherwise provided in this section, the court may take testimony and examine all the facts and circumstances relating to the denial, suspension, restriction, or revocation of the person’s license. The court may affirm, modify, or set aside the restriction, suspension, revocation, or denial except the court shall not order the secretary of state to issue a restricted or unrestricted chauffeur’s license that would permit the person to drive a commercial motor vehicle that hauls a hazardous material. The court shall duly enter the order and the petitioner shall file a certified copy of the order with the secretary of state’s office in Lansing within 7 days after entry of the order.

(4) In reviewing a determination under section 625f, the court shall confine its consideration to 1 or both of the following:

(a) A review of the record prepared pursuant to section 625f to determine whether the hearing officer properly determined the issues enumerated in section 625f.

(b) A determination of whether to order a restricted license issued as provided in section 323c.

(5) This section does not apply to a denial, revocation, suspension, or restriction imposed pursuant to a suspension ordered under section 321a or to a court order issued as part of the sentence for a conviction under either of the following:

(a) Section 625, section 625m, former section 625(1) or (2), or former section 625b or a local ordinance substantially corresponding to section 625(1), (2), or (3), section 625m, former section 625(1) or (2), or former section 625b.

(b) Part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and section 333.17766a of the Michigan Compiled Laws, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.” and renumbering the remaining subsection.

The question being on the adoption of the amendment,

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

The motion prevailed.

Senators Hoffman, Gougeon, Stille, McManus and V. Smith entered the Senate chamber.

The following bill was read a third time:

Senate Bill No. 626, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 321a, 624a, 624b, 625i, and 625n (MCL 257.321a, 257.624a, 257.624b, 257.625i, and 257.625n), sections 321a, 624a, and 625i as amended and section 624b as added by 1996 PA 493 and section 625n as added by 1996 PA 491, and by adding sections 904c, 904d, 904e, and 904f.

The question being on the passage of the bill,

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

The motion prevailed.

Senators Geake, Bouchard and O’Brien entered the Senate Chamber.

Senators Peters, Gougeon, Geake, V. Smith, McManus, Bouchard and O’Brien stated that had they been present when the vote was taken on the passage of the following bill, they would have voted “yea”:

Senate Bill No. 271

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

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.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 504.)

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

Senator Cherry requested the yeas and nays.

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

The question being on the adoption of the amendment,

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 2:07 p.m.

2:10 p.m.

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

The question being on the adoption of the amendment offered by Senator V. Smith,
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 151**Yeas—19**

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

Nays—18

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

Excused—0**Not Voting—1**

Stallings

In The Chair: Schwarz

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

Roll Call No. 152**Yeas—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
DeBeaussaert
DeGrow

Hoffman
Jaye

Rogers
Schuette

Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Rogers' statement is as follows:

I would ask my fellow colleagues to join me today in a sad but also glad occasion. We're going to lose Jim Lenon from the Secretary of the Senate's Office who is now a Senate Messenger. I had the great privilege to nominate Jim as a Page. He did such a great job that Kit stole him from the program and promoted him for doing all the right things and making our lives easier here on the Senate floor. For his dedication, I would hope that we would give him a big round of applause.

And by the way, he's doing this because he's getting married this summer, and his wife apparently said enough of pursuing your hobby of politics. It's time you get out in the real world.

So, Jim, thank you. Congratulations. And thanks for all you've done for the Michigan Senate and the people of Michigan.

The following bill was read a third time:

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, 602a, and 625m (MCL 257.5a, 257.8a, 257.44a, 257.258, 257.319, 257.319b, 257.602a, and 257.625m), section 8a as amended by 1994 PA 449, section 44a as added by 1993 PA 359, sections 319 and 602a as amended by 1996 PA 587, section 319b as amended by 1996 PA 404, and section 625m as amended by 1996 PA 491, and by adding sections 23b and 204b.

The question being on the passage of the bill,

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

Roll Call No. 153

Yeas—37

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
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—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 870, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 310d, 320a, 625, 625c, and 727 (MCL 257.310d, 257.320a, 257.625, 257.625c, and 257.727), section 310d as amended by 1991 PA 99, section 320a as amended by 1996 PA 493, section 625 as amended by 1996 PA 491, section 624c as amended by 1994 PA 450, and section 727 as amended by 1993 PA 301.

The question being on the passage of the bill,

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

Roll Call No. 154

Yeas—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: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

The question being on the passage of the bill,

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

Roll Call No. 155

Yeas—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—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 852, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending section 61 (MCL 780.811), as amended by 1996 PA 82.

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. 156

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—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 853, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310d, 319, 319b, 625, 625a, and 625c (MCL 257.303, 257.310d, 257.319, 257.319b, 257.625, 257.625a, and 257.625c), 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 625 and 625a as amended by 1996 PA 491, and section 625c as amended by 1994 PA 450, and by adding section 5b.

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. 157

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: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 989, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 33b (MCL 436.33b), as amended by 1996 PA 492.

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. 158

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: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 990, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 367c, 382, and 479a (MCL 750.367c, 750.382, and 750.479a), section 367c as added by 1982 PA 63, section 382 as amended by 1980 PA 159, and section 479a as amended by 1996 PA 586.

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. 159

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
Conroy
DeBeaussaert
DeGrow

Hart
Hoffman
Jaye

Posthumus
Rogers
Schuette

Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 991, entitled

A bill to amend 1931 PA 214, entitled “An act to enact a law to define the offense of felonious driving, when committed by the operation of a vehicle and to prescribe penalties therefor,” by amending section 2 (MCL 752.192).

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. 160

Yeas—37

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Dingell
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—0

Excused—0

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senate Bill No. 989

Senate Bill No. 990

Senate Bill No. 991

The motion prevailed.

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 71

Senate Resolution No. 134

Senate Resolution No. 154

The motion prevailed.

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

Senate Resolution No. 162

The resolution consent calendar was adopted.

Senators Vaughn, Cherry, V. Smith, Posthumus, DeGrow, O'Brien, Young, Conroy, Miller, Geake, Hoffman, Schwarz, Berryman, Byrum, Emmons, Schuette, Bennett and Jaye offered the following resolution:

Senate Resolution No. 162.

A resolution of the very highest praise, tribute and admiration to honor Ms. Fiona Anne Rose who has been named one of the thirty-two 1998 Rhodes Scholars. She will be studying at prestigious Oxford University in England for two years, and there is no doubt she has a bright future. We offer our sincere congratulations and very best wishes for continued success.

Educational relations make the strongest ties.

—Cecil J. Rhodes

The miracle, or the power, that elevates the few is to be found in their industry, application and perseverance under the prompting of a brave, determined spirit.

—Mark Twain

All of us have two educations: one which we receive from others; another, and the most valuable, which we give ourselves.

—John Randolph

It is time for a new generation of leadership, to cope with new problems and new opportunities. For there is a new world to be won.

—John F. Kennedy

Whereas, On behalf of the citizens of Michigan, it is an honor to commend and congratulate Ms. Fiona Rose of Ann Arbor, Michigan, in recognition of her selection as a Rhodes Scholar, one of the most prestigious scholarships in the world. This bright and hardworking individual has brought great pride to her community and her state through her outstanding accomplishment. We join with her family and friends in extending our praise; and

Whereas, Each year 32 of the finest students in the United States are chosen as recipients of this prestigious award. These scholars have superior scholastic records, and they display qualities of leadership, character, athletic ability, and personal vigor. While taking advantage of a wonderful opportunity and gaining a superb education, these individuals serve as ambassadors of our nation to strengthen ties and promote better understanding among students from around the globe; and

Whereas, Ms. Fiona Rose has indeed earned this exceptional honor. She epitomizes the high standards of excellence demanded of Rhodes Scholars. Indeed, this senior who is majoring in Classical Archaeology at the University of Michigan and a graduate of Community High School in Ann Arbor has attained excellence in every endeavor; and

Whereas, The state of Michigan can be very proud of this impressive resident, who has earned the respect and admiration of all fortunate enough to know her. As she has proven throughout her academic career and in her other achievements at the University of Michigan, Ms. Fiona Rose is a model citizen and exemplary student with a great deal

to contribute. Her past distinctions include her selection as a Harry S. Truman Scholar, a Glamour Magazine Top Ten College Women Winner, and a James B. Angell Scholar, in addition to her class honors. She also enriches lives through her extracurricular activities and work experience as an appointee to the University of Michigan Child Care Task Force, as president of the Michigan Student Assembly and as an aide and tutor to deaf students. An aspiring archeologist, Ms. Rose is richly deserving of this great honor and we look forward to her future efforts; now, therefore, be it

Resolved by the Senate, That we commend and congratulate Ms. Fiona Anne Rose upon her selection as a Rhodes Scholar; and be it further

Resolved, That a copy of this resolution be transmitted to Ms. Rose and her proud parents as a reflection of the high esteem and great respect in which she is held by the Michigan Senate and the state of Michigan.

Light tomorrow with today.

—Elizabeth Barrett Browning

The splendid achievements of the intellect, like
the soul are everlasting.

—Gaius Crispus

To love the public, to study universal good, and
to promote the interest of the whole world, as
far as it lies in our power, is the height of
goodness...

—Shaftesbury

We never know how high we are
Till we are called to rise.
And then, if we are true to plan
Our statures touch the skies.

—Emily Dickinson

As a Rhodes Scholar, Ms. Rose joins an elite group of
outstanding people who represent the very finest minds
of our time. I know she will enjoy her years of study
in England and return to make significant contributions
to our society.

—Senator Jackie Vaughn III
Associate President Pro Tempore
of the Michigan Senate
Chairperson, Michigan Martin Luther
King, Jr. Holiday Commission

Senator Dunaskiss was named co-sponsor of the 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.

(For text of substitute, see Senate Journal No. 26, p. 452.)

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

Substitute (S-2).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

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

The motion prevailed.

Senator McManus' statement is as follows:

We have a very, very, very serious problem regarding the food supply in the United States, almost to the point of being concerned about national security.

The Food Quality Protection Act was passed by the U.S. Congress with good intent, I'm sure, on the part of the Congressmen to get rid of the Delaney clause that was built back in the days when pesticides were detected at the rate of one part per million, where they're detected now at one part per quadrillion. The problem is how the Food Quality Protection Act is being carried out by the E.P.A. because, in essence, it's boiling it down to just a couple of sentences.

Agriculture and also the rest of you who want to kill mosquitoes and flies and other types of insects or control other types of diseases stand to lose all of your tools you have to work with. This would be disastrous in itself to Michigan agriculture, but the way the thing is proceeding at the present time in Washington and in addition to the tolerances are being established, that would allow the importation of food from other countries. So, it's a double-dipper, gee-double whammy never intended by Congress.

What all of these resolutions do is to urge our Congressmen to take a hold of the situation and get the E.P.A. on track and take care of the food quality protection which we all want as Congress intended, rather than with other agenda. In other words, we have to have tools to control insects and diseases not only for food production, we have to have them for other reasons in our daily living, and we need alternatives before we throw the baby out with the bath water.

I would urge you to support these resolutions. We had a very good hearing in Grand Rapids for two hours last Thursday covering the situation with people from Michigan State University who know what's going on and several commodity groups. It's a very important subject, and you're going to be hearing, I'm sure, more about it. It's important that we establish our feelings with our Congressional delegation.

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.

(For text of substitute, see Senate Journal No. 26, p. 452.)

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

Substitute (S-2).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senate Concurrent Resolution No. 76.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see p. 499.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Conference Reports

House Bill No. 5532, entitled

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 5532, entitled

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 101. There is appropriated for the department of community health for the fiscal year ending September 30, 1998, from the following funds:

DEPARTMENT OF COMMUNITY HEALTH

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	32,091,700
ADJUSTED GROSS APPROPRIATION.....	\$	32,091,700
Federal revenues:		
Total federal revenues	\$	31,591,700
State general fund/general purpose	\$	500,000
MEDICAL SERVICES ADMINISTRATION		
MIChild administration.....	\$	1,200,000
GROSS APPROPRIATION	\$	1,200,000
Appropriated from:		
Federal revenues:		
Total federal revenues.....	\$	1,200,000
MEDICAL SERVICES		
Medicaid outreach.....	\$	5,000,000
MIChild outreach	\$	2,813,000
MIChild program	\$	23,078,700
GROSS APPROPRIATION	\$	30,891,700
Appropriated from:		
Federal revenues:		
Total federal revenues	\$	30,391,700
Special revenue funds:		
State general fund/general purpose	\$	500,000

Sec. 201. (1) The appropriation in section 101 for the MIChild program is to be used to provide comprehensive health care to all children under age 19 who reside in families with income at or below 200% of the federal poverty level, who are uninsured and have not had coverage by other comprehensive health insurance within 6 months of making application for MIChild benefits, and who are residents of this state. The department shall develop detailed eligibility criteria through the medical services administration public concurrence process, consistent with the provisions of this act. Health care coverage for children in families below 150% of the federal poverty level shall be provided through expanded eligibility under the state’s Medicaid program. Health coverage for children in families between 150% and 200% of the federal poverty level shall be provided through a state-based private health care program.

(2) The department shall enter into a contract to obtain MIChild services from any health maintenance organization, dental care corporation, or any other entity that offers to provide the managed health care benefits for MIChild services at the MIChild capitated rate. As used in this subsection:

(a) “Dental care corporation”, “health care corporation”, “insurer”, and “prudent purchaser agreement” mean those terms as defined in section 2 of the prudent purchaser act, 1984 PA 233, MCL 550.52.

(b) “Entity” means a health care corporation or insurer operating in accordance with a prudent purchaser agreement.

(3) The department may enter into contracts to obtain certain MIChild services from community mental health service programs.

(4) The department may make payments on behalf of children enrolled in the MIChild program from the line-item appropriation associated with the program as described in the MIChild state plan approved by the United States department of health and human services, or from other medical services line-item appropriations providing for specific health care services.

Sec. 202. For families applying for a MIChild benefit, the department shall do all of the following:

(a) Provide a single application for determining family eligibility for MIChild, Medicaid, and other health programs offered by the state.

(b) Allow families to submit applications for the program by mail.

(c) Provide immediate and simultaneous determinations of a family’s eligibility for MIChild or Medicaid benefits.

(d) Provide MIChild or Medicaid coverage when eligibility is established under subdivision (c).

Sec. 203. (1) The department may seek a waiver from the United States department of health and human services that would allow the state to conduct demonstrations on expanding health coverage to families whose income is at or below 200% of poverty by allowing those families to purchase private health insurance through the use of vouchers or other cost sharing mechanisms.

(2) From the funds appropriated under 1997 PA 94 for a medical services buy-in program, the department shall provide coverage to adults in MIChild eligible families no longer receiving transitional Medicaid coverage due to employment.

Sec. 204. (1) From the funds appropriated in section 101, the department shall develop a comprehensive approach to the marketing and outreach of the MIChild program. The marketing and outreach required under this section shall be coordinated with current outreach, information dissemination, and marketing efforts and activities conducted by the department.

(2) The department shall fund allowable education and outreach activities for Medicaid eligibility determinations

authorized by the personal responsibility and work opportunity reconciliation act of 1996, Public Law 104-193, 110 Stat. 2105.

Sec. 205. The department may provide up to 1 year of continuous eligibility to a family made eligible for the MICHild program unless the family's status changes and its members no longer meet the eligibility criteria as specified in the federally approved MICHild state plan.

Sec. 206. The department shall continue eligibility for all beneficiaries in the caring program for children until their eligibility for the MICHild program is established.

Sec. 207. The department may establish premiums for MICHild eligible persons in families with income above 150% of the federal poverty level. The monthly premiums shall not exceed \$5.00 for a family.

Sec. 208. The department shall not require copayments under the MICHild program.

Sec. 209. Families whose category of eligibility changes between the medicaid and MICHild programs shall be assured of keeping their current health care providers through the current prescribed course of treatment for up to 1 year, subject to periodic reviews by the department if the beneficiary has a serious medical condition and is undergoing active treatment for that condition.

Sec. 210. A department employee shall determine eligibility for each MICHild applicant.

Sec. 211. Within 120 days after the health care financing administration's approval of the state's MICHild plan, the department shall implement the MICHild program in each county of the state in which a MICHild provider is willing to provide the MICHild benefits at or below the regionally adjusted capitation rate.

Sec. 212. To be eligible for the MICHild program, a child must be residing in a family with an adjusted gross income of less than or equal to 200% of the federal poverty level. The parent's income, including stepparents' income when living with the child, or other responsible relative's income is to be used. The following verification shall be used:

(a) For annual income, a W-2 form or most recent pay stub.

(b) For child support, a court order. However, the custodial parent shall supply the department with proof of efforts to obtain that court-ordered support. Verification from the friend of the court will be considered proof of this effort. If the child support is not paid to the parent after this effort, the unpaid child support income shall not be considered for purposes of determining eligibility for MICHild.

(c) For SSI/RSDI income, a yearly statement or bank statements.

(d) For self-employed persons, a completed internal revenue service 1040 form, first page, line 31, showing gross adjusted income.

Sec. 213. The MICHild program shall provide all benefits available under the state employee insurance plan that are delivered through the qualified health plans and consistent with federal law, including but not limited to the following medically necessary services:

(a) Inpatient mental health services, other than substance abuse treatment services, including services furnished in a state-operated mental hospital and residential or other 24-hour therapeutically planned structured services.

(b) Outpatient mental health services, other than substance abuse services, including services furnished in a state-operated mental hospital and community-based services.

(c) Durable medical equipment and prosthetic and orthotic devices.

(d) Dental services as outlined in the approved MICHild state plan.

(e) Substance abuse treatment services that may include inpatient, outpatient, and residential substance abuse treatment services.

(f) Care management services for mental health diagnoses.

(g) Physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders.

(h) Emergency ambulance services.

Sec. 214. The MICHild program shall be the payer of last resort for children who have coverage through other state or federal programs or private or commercial health insurance programs.

Sec. 215. The department shall amend the state MICHild plan to reflect the requirements of this act. The state shall submit the necessary changes to the health care financing administration not later than 10 days after the health care financing administration approves the state plan, or 10 days after this act takes effect, whichever is later.

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to make certain appropriations for the department of community health for the fiscal year ending September 30, 1998; and to provide for the expenditure of those certain appropriations.

Nick Ciaramitaro
Bob Emerson
Shirley Johnson
Conferees for the House

R. Robert Geake
John Schwarz
Joe Conroy
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator DeGrow moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 162

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—1

Stallings

In The Chair: Schwarz

Senator DeGrow moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

The motion prevailed.

Senator Dunaskiss' statement is as follows:

Joining this growing list of fine individuals who are leaving the Senate today, I have a bitter-sweet announcement, bitter for me, my office, and for all the residents of the 16th District, that Bob Anderson, my chief of staff, is leaving the office and state employment altogether to go to the private sector. Bob is a very talented man. He's brought a wide range of life experience to work with him each and every day. While his creativity will greatly be missed, this opportunity will be very good for Bob and his lovely wife, Wendy, and their growing family as he embarks on a new career at North Oakland County Medical Center. The citizens of Oakland County will greatly benefit from his dedication and his creativity.

Bob, you will be missed by one and all. You've been a great friend.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 717, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

The House of Representatives has amended the bill as follows:

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 794, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending section 4 (MCL 28.214). The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

Senator Gougeon offered the following amendment to the substitute,

1. Amend page 2, following line 15, by inserting:

“Enacting section 2. This amendatory act takes effect July 1, 1998.”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 164

Yeas—36

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

Nays—0

Excused—1

Steil

Not Voting—1

Stallings

In The Chair: Schwarz

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 full title.

The Assistant President pro tempore, Senator Hoffman, resumed the Chair.

Senate Bill No. 795, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 221 (MCL 257.221), as amended by 1997 PA 101.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 1, after "AGENCIES" by inserting "AND THE FRIEND OF THE COURT".

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.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the amendment made to the bill by the House,

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

Roll Call No. 165**Yeas—36**

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

Nays—0**Excused—1**

Steil

Not Voting—1

Stallings

In The Chair: Hoffman

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 790, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending sections 2, 9, 18, and 19 (MCL 552.502, 552.509, 552.518, and 552.519), sections 2 and 19 as amended by 1996 PA 366, section 9 as amended by 1996 PA 365, and section 18 as amended by 1996 PA 144, and by adding section 17d.

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 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish

a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts,” by amending sections 2, 9, 18, and 19 (MCL 552.502, 552.509, 552.518, and 552.519), sections 2 and 19 as amended by 1996 PA 366, section 9 as amended by 1996 PA 365, and section 18 as amended by 1996 PA 144, and by adding section 17e.

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator DeGrow moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 166

Yeas—36

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

Nays—0

Excused—1

Steil

Not Voting—1

Stallings

In The Chair: Hoffman

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 as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 856, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 6023 (MCL 600.6023), as amended by 1989 PA 5.

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

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator DeGrow moved that the following bills, now on Committee Reports, be referred to the Committee on Hunting, Fishing and Forestry:

Senate Bill No. 973, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 6 (MCL 28.426), as amended by 1994 PA 338.

Senate Bill No. 985, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5a; and to repeal acts and parts of acts.

Senate Bill No. 984, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5e.

The motion prevailed.

Statements

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

The motion prevailed.

Senator Dunaskiss' statement is as follows:

This regards the package on personal watercraft that was passed earlier today. This legislation addresses a problem of recklessness and a lack of responsibility on our waterways. As a lakefront property owner myself, I fully agree with these goals, and I understand the sponsor has a May 22 deadline. I do respect the hard work of Senator Cisky, Senator North, and our colleagues here and in the House.

I do not want to delay this legislation. However, I do have a concern that I ask all of you to consider when this legislation comes back to this chamber. It's age discrimination. After speaking with the marine division of the Oakland County Sheriff Department, I have been informed that the young riders are not the major problem on the lakes. Statistics do not bear out that assertion that they are. In fact, the young riders are safer than the adults, mostly because of the marine safety courses that they're already required to take.

Now, despite these facts, they will be punished simply because of their age and not able to ride until they're 16. I ask you to think of this simple example about that 15-year-old Tara Lipinski who skated into our hearts by winning the Gold Medal at the Winter Olympics. Don't you think she has a responsibility and the ability to operate one of these watercrafts safely in Michigan? I certainly think so.

I appreciate the willingness of the sponsor to consider these comments and to work with me on producing an appropriate amendment.

Senator Byrum's statement is as follows:

Today I introduced legislation entitled, "The ABC Health Plan for Children." Although I encourage the members to adopt the conference report for MI Child, I believe there is a better approach on how we address children's health care. I believe we should expand medicaid. Really the debate is over the scope of benefits and controlling the caseload.

That's why it was determined to establish a new agency and not the expansion of medicaid. But I submit to the body and ask the question: Why should children of the near-poor working families of this state with disabilities and chronic conditions have less health care than poor children on medicaid?

Healthy children will do better in school. Children who have access to health care will be much better off and be more productive as adults. Separate agencies set up gaps in coverage as children move on and off Medicaid rolls. It's a very mobile population and the incomes tend to be up and down. A separate agency would set up gaps in coverage.

Also there is a question about statewide coverage under the current MI Child plan, because if in fact there's not a provider willing to accept the capitated coverage of \$70 to \$75 a year per child, then there will not be benefits or programs offered in that particular county. The state will be able to maximize their dollars by incorporating within the Medicaid an expansion to cover this population of children. We will also have a stronger buying power, better negotiating power, if we expand Medicaid.

I offer these comments and I've introduced this legislation because I think we will be revisiting children's health care. I think we will be revisiting MI Child and refining and fine-tuning it. I offer this legislation as an alternative, as something to focus on in health policy so that we may continue the debate.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Van Regenmorter and Bullard introduced

Senate Bill No. 1038, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 1996 PA 347.

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

House Bill No. 4248, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80102, 80140, 80141, 80142, and 80146 (MCL 324.80101, 324.80102, 324.80140, 324.80141, 324.80142, and 324.80146), sections 80101, 80102, 80140, 80141, and 80146 as added by 1995 PA 58 and section 80142 as amended by 1996 PA 174, and by adding sections 80109a, 80140a, 80140b, 80140c, 80140d, 80140e, 80140f, 80140g, 80140h, and 80142a.

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

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

House Bill No. 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 House of Representatives has passed the bill and ordered that it be given immediate effect.

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

Committee Reports

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 973, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 6 (MCL 28.426), as amended by 1994 PA 338.

With the recommendation that the bill pass.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 1021, entitled

A bill to repeal local acts prohibiting or restricting Sunday hunting.

With the recommendation that the bill pass.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 980, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509u (MCL 168.509u), as added by 1994 PA 441.

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

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus and Dingell

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 985, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5a; and to repeal acts and parts of acts.

With the recommendation that the bill then pass.

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 979, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 504 (MCL 324.504), as amended by 1996 PA 171.

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

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus and Dingell

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 984, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to

provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 5e.

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

Dave Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus and Dingell

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 Hunting, Fishing and Forestry submits the following:

Meeting held on Tuesday, March 24, 1998, at 2:20 p.m., Room 210, Farnum Building

Present: Senators Jaye (C), McManus and Dingell

Excused: Senators Hoffman and Byrum

Scheduled Meetings

Trial Court Assessment Commission - Friday, April 24, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 3:30 p.m.

Pursuant to Senate Concurrent Resolution No. 76, the Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, April 14, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

