

No. 18
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 4, 1998.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—present
Cisky—present
Conroy—present
DeBeussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present
Posthumus—present

Rogers—present
Schuette—present
Schwarz—present
Shugars—present
A. Smith—present
V. Smith—present
Stallings—absent
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Reverend Alexander Wytrwal of St. Stephen’s Church of New Boston offered the following invocation:

Heavenly Father, the source of all wisdom and whose statutes are good and gracious and whose law is truth, guide and direct our Governor and members of this state Legislature. By their just and prudent laws, may we also promote the well-being of all of our people in this great state of Michigan. Fill them all with the love of truth, honesty and righteousness. May they always remember that they are servants who are called to lead and serve this great state in the fear of Your righteous judgments.

In the midst of our complex and hurried lives, we pray this morning, Heavenly Father, that You lighten their loads, so that by fulfilling their roles of service and responsibility, they too will arrive at justice and peace. We ask this through Christ, our Lord. Amen.

Motions and Communications

Senator DeGrow moved that Senator Jaye be temporarily excused from today’s session.
The motion prevailed.

Senator V. Smith moved that Senators Peters and Young be temporarily excused from today’s session.
The motion prevailed.

Senator DeGrow moved that the enrollment be vacated on the following bill:
Senate Bill No. 714
The motion prevailed.

Senator Gougeon entered the Senate Chamber.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

February 18, 1998

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 8:20 a.m. this date, administrative rule (98-2-7) for the Department of Consumer and Industry Services, Occupational Health Standards Commission, entitled “*Employee Medical Records Trade Secrets,*” effective 15 days hereafter.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 3:
House Bill Nos. 5499 5500

The Secretary announced the printing and placement in the members’ files on Tuesday, March 3 of:

Senate Bill Nos.	925	926	927	928	929	930	931	932	933	934	935	936	937	938
	939	940	941	942	943	944	945	946	947	948	949	950	951	952
	954	955	956	962	963	964	965	966	967	968	969	970	971	972
	973	974	975	976	977	978	979	980	981	982	983	984	985	986
	987	988	989	990	991									

Messages from the House

The House of Representatives requested the return of
Senate Bill No. 361, entitled

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

Senator DeGrow moved that the request of the House be granted.
The motion prevailed.

The House of Representatives requested the return of

Senate Bill No. 714, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance. Senator DeGrow moved that the request of the House be granted.

The motion prevailed.

Senate Bill No. 614, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," (MCL 389.1 to 389.195) by adding sections 128, 129, 130, and 131.

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.

Senators Peters and Jaye entered the Senate Chamber.

Senate Bill No. 758, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1606b, 1606c, 1606d, and 1606e.

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.

Senate Bill No. 759, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 1 and 33c (MCL 436.1 and 436.33c), section 1 as amended by 1983 PA 11 and section 33c as amended by 1995 PA 122.

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 proceeded to the order of

Resolutions

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

Senate Resolution No. 71

Senate Concurrent Resolution No. 52

Senate Resolution No. 112

Senate Resolution No. 134

The motion prevailed.

Senator Young entered the Senate Chamber.

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

Senate Resolution No. 148

The resolution consent calendar was adopted.

Senator Bouchard offered the following resolution:

Senate Resolution No. 148.

A resolution honoring Russell Kropschot to wish him well upon his retirement from the position of Chief Deputy Commissioner of the Financial Institutions Bureau for the Michigan Department of Consumer and Industry Services.

Whereas, Born September 20, 1940, Russell is a native of Lansing and a graduate of Michigan State University with a Bachelor of Arts degree. He has been active in community endeavors, including volunteering his time for several years to Meals on Wheels. In addition to his community services, Russell remains an active charter member of the Society of Financial Examiners; and

Whereas, Chief Deputy Commissioner Kropschot joined state government as an Assistant Bank Examiner with the Financial Institutions Bureau in 1963. In 1969 he was instrumental in restructuring the Michigan Banking Code and in 1974 Russell was appointed Chief Deputy Commissioner by Commissioner Richard J. Francis. In 1983 Russell was appointed acting Financial Institutions Bureau Commissioner by Governor James Blanchard and again re-appointed by Governor Engler in 1991 to this position; and

Whereas, Russell Kropschot, during his 34-year tenure in state service, has been characterized by his personal integrity and commitment to public service. His guidance has enabled six Financial Institutions Bureau commissioners to navigate the swift-moving rapids of change in the financial services industry, fulfilling the agency's mission of assuring public confidence in Michigan's financial institutions by ensuring that they remain safe and sound, and that financial services are available to meet the needs of the public; and

Whereas, During Russell's tenure, the Financial Institutions Bureau bank and credit union regulatory programs have received national accreditation; now, therefore, be it

Resolved by the Senate, That members of this legislative body congratulate and honor Russell Kropschot, Chief Deputy Commissioner of the Financial Institutions Bureau of the Michigan Department of Consumer and Industry Services, upon his retirement; and be it further

Resolved, That a copy of this resolution be transmitted to Russell Kropschot as a reminder of his tremendous accomplishments. May he know of our heartfelt gratitude for his exemplary service and our best wishes for continued success in life—and in golfing.

Senators McManus, Shugars, Stille, Dunaskiss, Schwarz and Hoffman were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 55.

A concurrent resolution to increase the total project cost of the Kellogg Community College Great Lakes Fire Training Institute project.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senate Concurrent Resolution No. 61.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Grand Rapids Community College relative to the Grand Rapids Community College Science Facility.

The Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 81

Yeas—35

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

Nays—2

Dingell

Jaye

Excused—0

Not Voting—1

Stallings

In The Chair: President

Senate Concurrent Resolution No. 62.

A concurrent resolution to change the scope of the Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings project at Western Michigan University.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

Senate Concurrent Resolution No. 64.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections St. Louis Correctional Facility.

The Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 82

Yeas—35

Bennett
Berryman
Bouchard
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers
Schuette
Schwarz

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

Nays—2

Dingell

Jaye

Excused—0

Not Voting—1

Stallings

In The Chair: President

Senate Concurrent Resolution No. 65.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Mid Michigan Community College relative to the Mid Michigan Community College Instructional Classrooms, Laboratories, and Student Services Facilities Harrison Campus.

The Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 83**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: President

Senate Concurrent Resolution No. 66.

A concurrent resolution approving an increase in the total facility cost and a lease among the State of Michigan, the State Building Authority, and Eastern Michigan University relative to the Eastern Michigan University College of Education Building (Renovation of Existing Library).

The Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 84**Yeas—35**

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

Nays—2

Dingell	Jaye
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Excused—0**Not Voting—1**

Stallings

In The Chair: President

Senate Concurrent Resolution No. 67.

A concurrent resolution approving an increase in the total facility cost and a lease among the State of Michigan, the State Building Authority, and Oakland Community College relative to the Oakland Community College Renovation of Building "F".

The Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 85**Yeas—35**

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

Nays—2

Dingell	Jaye
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Excused—0

Not Voting—1

Stallings

In The Chair: President

Senate Concurrent Resolution No. 68.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Animal Agriculture-Farms Buildings Modernization.

The Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 86

Yeas—35

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

Nays—2

Dingell Jaye

Excused—0

Not Voting—1

Stallings

In The Chair: President

Senate Concurrent Resolution No. 69.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University Elastomer Institute.

The Secretary of the Senate made the following statement:

Madam President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 87

Yeas—35

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

Nays—2

Dingell Jaye

Excused—0

Not Voting—1

Stallings

In The Chair: President

Senate Concurrent Resolution No. 70.

A concurrent resolution to increase the total project cost of the Grand Valley State University School of Business and Graduate Library project.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senate Concurrent Resolution No. 71.

A concurrent resolution to increase the total project cost and change the scope of the University of Michigan-Flint Professional Studies and Classroom Building project.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 789

Senate Bill No. 256

House Bill No. 4841

The motion prevailed.

The following bill was read a third time:

House Bill No. 5418, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 8134, 8142, and 8159 (MCL 500.8134, 500.8142, and 500.8159), section 8134 as added by 1989 PA 302 and sections 8142 and 8159 as amended by 1996 PA 429, and by adding sections 477, 478, 479, and 480.

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. 88

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: President

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

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

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

"An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of

policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal certain acts and parts of acts; to repeal certain acts and parts of acts on specific dates; to repeal certain parts of this act on specific dates; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5473, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82126 (MCL 324.82126), as amended by 1996 PA 500.

The question being on the passage of the bill,

Senator Koivisto offered the following substitute:

Substitute (S-2).

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. 89

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Stallings

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator Byrum as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5237, entitled

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

Substitute (S-2).

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

Introduction and Referral of Bills

Senators Bullard, Bouchard and Dunaskiss introduced

Senate Bill No. 992, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 6 and 7 (MCL 207.556 and 207.557), section 6 as amended by 1996 PA 323 and section 7 as amended by 1996 PA 513.

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

Senators Geake, Young, Gast and North introduced

Senate Bill No. 993, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 33, 33e, 34, and 35 (MCL 791.233, 791.233e, 791.234, and 791.235), sections 33 and 35 as amended by 1994 PA 217, section 33e as added by 1992 PA 181, and section 34 as amended by 1994 PA 345, and by adding section 35a.

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

Senators Geake, Stille, Gougeon, McManus, North, Schuette, Gast, Schwarz, Van Regenmorter, Hoffman and Bullard introduced

Senate Bill No. 994, entitled

A bill to make an appropriation for the judicial branch and certain other state purposes for the fiscal year ending September 30, 1998; and to provide for the expenditure of the appropriation.

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

Senator Bouchard introduced

Senate Bill No. 995, entitled

A bill to authorize an entertainment forum or shopping center to detain, remove, or eject certain individuals under certain circumstances.

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

Senators Dingell, Byrum, Hart and Cisky introduced

Senate Bill No. 996, entitled

A bill to create a law enforcement officers' bill of rights; to define terms and conditions of disciplinary investigations; to create a cause of action for violations; to provide for civil remedies; to protect and regulate certain political activity; and to provide for exceptions.

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

House Bill No. 5499, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3c.

The House of Representatives has passed the bill.

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

House Bill No. 5500, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3d.

The House of Representatives has passed the bill.

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

Statements

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

The motion prevailed.

Senator A. Smith's statement is as follows:

I would just like to share a little congratulations with my colleagues here in the Senate and with our colleagues across the way in the House. We have almost completed the package on handicap legislation that changes the designation from "handicapper" to "disability"—or persons with disabilities. It was with the cooperation of Senator Posthumus that we were able to move the package that amended entire codes through this chamber. We have a hangup in the House, but not a tremendously difficult one. And we still have some bills to take up on immediate effect and concurrence in the House changes that have reconciled some of the conflict that arose when the bills were languishing between the chambers.

It is very important to the disability community that the language is changed. "Handicap" and "handicapper" are terms that they have always viewed as ones that diminish their person and their abilities. And they are ones that they are extremely interested in seeing eliminated from the vocabulary here in the state of Michigan. I rise to remind us that we aren't finished. We have a number of bills still on the calendar just for immediate effect. But it is a wonderful job that we have all done here for a very large community here in the state of Michigan, and I know that they appreciate the work we have done on their behalf.

Committee Reports

The Committee on Human Resources, Labor and Veterans Affairs reported

Senate Bill No. 894, entitled

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

With the recommendation that the bill pass.

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

Mike Rogers
Chairperson

To Report Out:

Yeas: Senators Rogers, Steil, DeBeaussaert and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Human Resources, Labor and Veterans Affairs reported

Senate Bill No. 895, entitled

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

With the recommendation that the following amendment be adopted and that the bill then pass:

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

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

Mike Rogers
Chairperson

To Report Out:

Yeas: Senators Rogers, Steil, DeBeaussaert and O'Brien

Nays: None

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

The Committee on Human Resources, Labor and Veterans Affairs reported

Senate Bill No. 896, entitled

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

With the recommendation that the bill pass.

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

Mike Rogers
Chairperson

To Report Out:

Yeas: Senators Rogers, Steil, DeBeaussaert and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Human Resources, Labor and Veterans Affairs reported

House Bill No. 5115, entitled

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

With the recommendation that the bill pass.

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

Mike Rogers
Chairperson

To Report Out:

Yeas: Senators Rogers, Steil, DeBeaussaert and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Human Resources, Labor and Veterans Affairs submits the following:
Meeting held on Thursday, February 26, 1998, at 1:10 p.m., Room 210, Farnum Building
Present: Senators Rogers (C), Steil, DeBeaussaert and O'Brien
Excused: Senator Stille

The Committee on Education reported

Senate Bill No. 898, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1282a. With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Schuette, DeGrow, DeBeaussaert and Peters

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Tuesday, March 3, 1998, at 1:05 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Schuette, DeGrow, DeBeaussaert and Peters

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submits the following:

Hearing held on Tuesday, February 24, 1998, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Geake (C), Schwarz, McManus, A. Smith and Conroy

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submits the following:

Meeting held on Wednesday, February 25, 1998, at 2:30 p.m., Room 324, Capitol Building

Present: Senators Gast (C), Geake, Conroy, Posthumus and Cherry

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submits the following:

Meeting held on Thursday, February 26, 1998, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Gougeon (C), Bouchard and Peters

Excused: Senators Geake and V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submits the following:

Meeting held on Monday, March 2, 1998, at 10:00 a.m., Oakland University, Meadowbrook Hall, Rochester, Michigan

Present: Senators Schwarz (C), Koivisto

Excused: Senator Cisky

Scheduled Meetings

Economic Development, International Trade and Regulatory Affairs Committee - Wednesdays, March 11, March 18, and March 25, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:09 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, March 5, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

