

No. 32
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, April 21, 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
DeBeausaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

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

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

Senator Joanne G. Emmons of the 23rd District offered the following invocation:

Come by us, Lord. Thank You for this renewing season. As the new growth appears, as we clean up our yards and our homes, also may we house clean our hearts; remove envy, anger, and hostility. Help us to replace them with love, understanding, and tolerance. We need to follow Your example for our own sake but also for the harmony and progress of this body. Forgive us when we forget and hurt each other in this body. Let us disagree without being disagreeable. In this wonderful time of the year, we give You honor. Please bless us all. Amen.

Motions and Communications

Senator DeGrow moved that Senators Bullard, Van Regenmorter and Posthumus be temporarily excused from today's session.

The motion prevailed.

Senator Dunaskiss entered the Senate Chamber.

The following communication was received:
Livingston Jobs Center

April 14, 1998

Enclosed are the summaries of the PY 1998 JTPA Titles IIA, IIB and IIC Local Biennial Job Training Plans for the Livingston County Michigan Works! Agency (MWA).

These summaries are being forwarded in accordance with the provisions of the Job Training Partnership Act requiring that a copy of the plan, or plan summary be submitted to the appropriate persons in the State Legislature.

The summaries identify the proposed activities, budget and planned number to be served. Copies of the complete plans are available for review and may be requested.

In accordance with the Americans with disabilities Act (ADA) of 1990 (Public Law 101-336), the final plan summaries will be available in large print or audio tape upon request.

You are invited to submit comments of the plan summaries to: Livingston County Job Training Services, 828 East Grand River Avenue, Howell, MI 48843

Sincerely,
William S. Sleight
Director

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

April 16, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of At Risk Programs, Department of Education.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The following communication was received:
West Central Michigan Workforce Development Board

April 20, 1998

On behalf of the West Central Michigan Workforce Development Board (WBD) and Local Elected Officials (LEO), it is my pleasure to share this initial summary of Job Training Plans with you. This summary updates funding expected to be available from the federal Job Training Partnership Act for a range of programs operated in the West Central area.

As you know, local Workforce Development Boards (WBD) and Local Elected Officials (LEO) are working with a variety of partners on the development of an integrated delivery system to be operated under the statewide Michigan Works! name. Michigan Works! West Central covers the five county area which includes Lake, Mason, Mecosta, Newaygo, and Osceola counties.

All programs will be operated from July 1, 1998 through June 30, 1999, with the exception of the JTPA Title IIB Summer Youth Employment and Training Program with operational dates for when school is out for the summer until

September 30, 1998. Work in preparation for this program has already begun. Note that the publication notice for this plan has been waived by the Michigan Jobs Commission due to a delay in receiving the summer allocation.

The Title II activities serve economically disadvantaged youth, adults and older workers (55+) with a variety of training activities, from basic training to skill training in a school and training with a private business. Title III activities serve dislocated workers, those who have lost their jobs due to a permanent layoff or the closing of a business.

As part of the ongoing development of the Michigan Works! systems Service Providers for these programs and activities are selected by a Request For Proposals (RFP) process. Contracts have been extended through September 30, 1998. Further extensions or a re-bidding for some areas will be determined by a review of Service Provider performance.

If you wish to make comments, or desire additional information on the planned activities, please contact Michigan Works! West Central at (616) 796-4891.

We really appreciate your continued interest and support of Job Training activities in this area, and look forward to working with you.

Paul J. Griffith
Executive Director

The communication was referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, April 16, for his approval the following bill:

Enrolled Senate Bill No. 361 at 9:20 a.m.

The Secretary announced the printing and placement in the members' files on Thursday, April 16 of:

Senate Bill Nos. 1039 1040 1041 1042 1043 1044 1045 1046

The Secretary announced the printing and placement in the members' files on Monday, April 20 of:

Senate Bill Nos. 1050 1051 1054 1055

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 5358, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

Senate Bill No. 847, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by repealing section 4d (MCL 205.54d).

Senate Bill No. 666, entitled

A bill to amend 1976 PA 225, entitled "An act to provide for conditions of eligibility for such a deferment; to prescribe the powers and duties of the department of treasury, local assessing officers, and local collecting officers; to provide for the advancement of moneys by the state to indemnify special assessment districts for losses from deferment of collections; to provide for the advancement of money by the state to an owner for the repayment of loans used by the owner to pay special assessments; to provide for the collection of deferred special assessments and interest thereon, and the disposition of these collections; to make an appropriation; and to prescribe penalties," by amending section 3 (MCL 211.763), as amended by 1980 PA 403.

Senate Bill No. 941, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 41a, 226a, 248, 251, 801, and 807 (MCL 257.41a, 257.226a, 257.248, 257.251, 257.801, and 257.807), sections 41a, 248, 251, and 807 as amended by 1993 PA 300, section 226a as amended by 1996 PA 59, and section 801 as amended by 1997 PA 80.

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

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

House Bill No. 4324, entitled

A bill to amend 1978 PA 325, entitled "An act to provide for a suggestion awards program; and to prescribe the duties of the department of civil service," by amending the title and sections 1, 2, 3, and 4 (MCL 38.1161, 38.1162, 38.1163, and 38.1164).

Substitute (S-2).

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

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

House Bill No. 5261, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503b.

Substitute (S-2).

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

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

House Bill No. 4060, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 502 (MCL 324.502), as amended by 1996 PA 272, and by adding section 502a.

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:

House Bill No. 5262, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503a.

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:

House Bill No. 5316, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 61501 and 61517 (MCL 324.61501 and 324.61517), as added by 1995 PA 57.

Substitute (S-1).

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

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

House Bill No. 5317, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 61513 (MCL 324.61513), as added by 1995 PA 57.

Substitute (S-1).

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

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

Senate Bill No. 848, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4q; and to repeal acts and parts of acts.

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

1. Amend page 1, line 10, after "DEPARTMENT." by striking out the balance of the subdivision.

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. 1012, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 1993 PA 13.

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

1. Amend page 2, line 3, after "tax." by striking out "By" and inserting "THE DEPARTMENT, BY".
2. Amend page 2, line 5, after "PERSON," by striking out "the department".
3. Amend page 2, line 7, after "tax." by inserting "HOWEVER, THE DEPARTMENT IS NOT REQUIRED TO GIVE THE NOT-LESS-THAN-24-HOUR NOTICE TO A PERSON TO EXAMINE BOOKS, RECORDS, AND PAPERS OR TO AUDIT THE ACCOUNTS OR RECORDS IF THE COMMISSIONER OR THE COMMISSIONER'S DESIGNATED REPRESENTATIVE REASONABLY BELIEVES THAT A PERSON LIABLE FOR A TAX ADMINISTERED UNDER THIS ACT DOES OR INTENDS TO DO 1 OR MORE OF THE FOLLOWING:

- (A) QUICKLY DEPART FROM THIS STATE.
- (B) REMOVE PROPERTY FROM THIS STATE.
- (C) CONCEAL A PERSON OR PROPERTY IN THIS STATE.
- (D) COMMIT FRAUD.
- (E) UNDERREPORT TAX."

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 a substitute therefor, the following bill:

Senate Bill No. 886, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 803q. Substitute (S-1).

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

1. Amend page 2, line 23, after "YEAR." by inserting "HOWEVER, THE SECRETARY OF STATE SHALL SUBTRACT A ONE TIME MANUFACTURING AND ADMINISTRATIVE COST FROM THE SERVICE FEES COLLECTED UNDER THIS SUBSECTION."

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:

House Bill No. 5290, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 1995 PA 287.

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:

House Bill No. 4061, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 2132 (MCL 324.503 and 324.2132), section 503 as amended by 1996 PA 133 and section 2132 as added by 1995 PA 60, and by adding part 610.

Substitute (S-4).

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

1. Amend page 7, line 26, after "DEPARTMENT" by striking out "SHALL" and inserting "MAY".
2. Amend page 8, line 1, after "DEPARTMENT" by striking out "SHALL" and inserting "MAY".
3. Amend page 8, line 18, after "OWNER," by striking out the balance of the line through "RIGHTS." on line 21.
4. Amend page 9, line 11, by striking out all of subsection (5) and renumbering the remaining subsection.

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:

House Bill No. 4259, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 61503c.

Substitute (S-2).

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

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

Senate Bill No. 1020, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57a (MCL 400.57a), as added by 1995 PA 223.

Substitute (S-2).

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

1. Amend page 2, line 21, after "FAMILIES" by striking out the balance of the line through "BENEFITS" on line 22 and inserting "AND FOOD STAMPS".
2. Amend page 3, line 19, after "PREVIOUS" by striking out "5" and inserting "3".
3. Amend page 3, following line 26, by inserting:

"(8) THE FAMILY INDEPENDENCE AGENCY SHALL CONDUCT SEMI-ANNUAL SECURITY REVIEWS TO MONITOR THE AUTOMATED FINGER IMAGING SYSTEM TO INSURE THAT ALL OF THE FOLLOWING OCCUR:

(A) ALL RECORDS MAINTAINED AS PART OF THE SYSTEM ARE ACCURATE AND COMPLETE.

(B) EFFECTIVE SOFTWARE AND HARDWARE DESIGNS HAVE BEEN INSTITUTED WITH SECURITY FEATURES TO PREVENT UNAUTHORIZED ACCESS TO RECORDS.

(C) ACCESS TO RECORD INFORMATION IS RESTRICTED TO AUTHORIZED PERSONNEL.

(D) SYSTEM AND OPERATIONAL PROGRAMS ARE USED THAT WILL PROHIBIT INQUIRY, RECORD UPDATES, OR DESTRUCTION OF RECORDS FROM ANY TERMINAL OTHER THAN AUTOMATED FINGER IMAGING SYSTEM TERMINALS THAT ARE SO DESIGNATED.

(E) SYSTEM AND OPERATIONAL PROGRAMS ARE USED TO DETECT AND REPORT ALL UNAUTHORIZED ATTEMPTS TO PENETRATE ANY AUTOMATED FINGER IMAGING SYSTEM, PROGRAM, OR FILE.

(9) BEGINNING DECEMBER 31, 2000, THE FAMILY INDEPENDENCE AGENCY SHALL COMPILE AND REPORT ANNUALLY TO THE SENATE AND HOUSE COMMITTEES HAVING JURISDICTION OVER FAMILY INDEPENDENCE AGENCY MATTERS THE FOLLOWING INFORMATION CONCERNING THE OPERATION OF THE AUTOMATED FINGER IMAGING SYSTEM:

(A) AN ANALYSIS OF THE COSTS AND SAVINGS OF THE SYSTEM INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE COSTS, OPERATION COSTS, AND ACTUAL SAVINGS DUE TO CONFIRMED FRAUD AND FRAUD DETERRENCE.

(B) THE NUMBER OF INDIVIDUALS WHO HAVE APPLIED FOR ASSISTANCE UNDER MORE THAN 1 NAME.

(C) THE NUMBER OF INDIVIDUALS REFUSING TO PROVIDE A FINGER IMAGE AND THE REASONS FOR THE REFUSAL.

(D) A DETAILED SUMMARY OF THE RESULTS OF REVIEWS REQUIRED BY SUBSECTION (8)."

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. 1047, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54a.

Substitute (S-1).

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

1. Amend page 12, following line 2, by inserting:

"SEC. 5460A. (1) THIS PART CONTAINS PROCEDURES AND REQUIREMENTS FOR THE ACCREDITATION OF LEAD-BASED PAINT ACTIVITIES TRAINING PROGRAMS, PROCEDURES AND REQUIREMENTS FOR THE CERTIFICATION OF INDIVIDUALS AND OTHER PERSONS ENGAGED IN LEAD-BASED PAINT ACTIVITIES, AND WORK PRACTICE STANDARDS FOR PERFORMING LEAD-BASED PAINT ACTIVITIES AS THAT TERM IS DEFINED IN SECTION 5458. THIS PART REQUIRES THAT ALL LEAD-BASED PAINT ACTIVITIES BE PERFORMED BY CERTIFIED INDIVIDUALS AND PERSONS, EXCEPT FOR THOSE CIRCUMSTANCES AND PERSONS DESCRIBED IN SECTION 5453(2).

(2) THIS PART DOES NOT APPLY TO INDIVIDUALS AND PERSONS ENGAGED IN LEAD-BASED PAINT ACTIVITIES CONDUCTED WITHIN OR ON CERTAIN OWNER-OCCUPIED RESIDENTIAL AND MULTIFAMILY DWELLINGS AS FURTHER DESCRIBED IN SECTION 5453(2) EXCEPT IN CERTAIN DWELLINGS IN WHICH A RESIDING CHILD IS IDENTIFIED AS HAVING AN ELEVATED BLOOD LEAD LEVEL.

(3) THIS PART DOES NOT REQUIRE THE OWNER OR OCCUPANT TO UNDERTAKE ANY LEAD-BASED PAINT ACTIVITIES."

2. Amend page 28, line 22, by striking out all of subsection (4) and renumbering the remaining subsections.

3. Amend page 30, line 3, after "DEPARTMENT" by striking out "MAY" and inserting "SHALL".

4. Amend page 30, line 4, after "PROGRAMS" by striking out the balance of the line through "FOR" on line 5 and inserting "TO EDUCATE, BUT NOT LIMITED TO, HOMEOWNERS AND REMODELERS OF LEAD HAZARDS ASSOCIATED WITH REMODELING TARGET HOUSING AND METHODS OF".

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.

During the Committee of the Whole, Senators Bullard, Posthumus and Van Regenmorter entered the Senate Chamber.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 11:39 a.m.

12:08 p.m.

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

During the recess, Senator O'Brien introduced to the Senate Mr. and Mrs. Chester Szuber. Mr. Szuber relayed his personal story where he was the recipient of a heart donated from his deceased daughter, Patti.

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 bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 1047

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

The following bill was read a third time:

Senate Bill No. 1047, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54a.

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend page 30, following line 6, by inserting:

"(3) THE DEPARTMENT SHALL REPORT TO THE LEGISLATURE BY JANUARY 1, 1999, AND ANNUALLY THEREAFTER, ON THE PERCENTAGE OF CHILDREN UNDER SIX YEARS OF AGE WHO ARE SCREENED AND TESTED FOR LEAD POISONING, INCLUDING RATES OF SCREENING AND TESTING FOR MEDICAID-

ELIGIBLE CHILDREN AND THE GENERAL POPULATION. EACH ANNUAL REPORT SHALL COMPARE RATES WITH THOSE FOR PRECEDING YEARS. THE DEPARTMENT SHALL RECOMMEND METHODS, INCLUDING ANY NECESSARY LEGISLATION OR APPROPRIATIONS, OF IMPROVING THE PERCENTAGE OF CHILDREN WHO ARE SCREENED AND TESTED FOR LEAD AND METHODS OF IMPROVING COMPLIANCE WITH GUIDELINES FOR LEAD SCREENING AND TESTING ISSUED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.”.

The question being on the adoption of the amendment,

Senator Byrum 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. 201

Yeas—17

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: Schwarz

Protests

Senators Shugars, Gougeon and McManus, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Byrum to Senate Bill No. 1047.

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

The motion prevailed.

Senator Shugars’ statement, in which Senators Gougeon and McManus concurred, is as follows:

I rise in opposition to this amendment. First of all, this bill deals with the lead paint abatement, the environmental program of the Department of Community Health.

The program that the previous speaker was talking about is dealing with the children’s health lead prevention program, and that is where it would be more appropriate to have this information. With this particular program there is no data to collect to get that information because this deals with training the workers and the businesses that abate lead abating. So, they would not have this information, and it’s not the appropriate place to have this. I urge my colleagues to vote “no” on this amendment.

Senator A. Smith offered the following amendment:

1. Amend page 6, line 22, after the first “OF” by striking out “20” and inserting “10”.

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

The question being on the adoption of the amendment,
Senator DeGrow moved that further consideration of the bill be postponed for today.
The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 794, entitled

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

The House of Representatives has concurred in the Senate amendments to the House Substitute (H-2) and ordered that the bill be given immediate effect.

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

Senators Stille, Gougeon, McManus, Bennett, Steil, Cisky, Rogers, North, Schuette, Bullard, Dunaskiss, Hoffman, Gast, Posthumus and Geake offered the following concurrent resolution:

Senate Concurrent Resolution No. 75.

A concurrent resolution to memorialize the Congress of the United States to ban the importation of produce and other perishable items from countries where certain pesticides are used.

Whereas, Federal departments such as the United States Department of Agriculture and the Environmental Protection Agency have sought to implement strict standards on American farmers regarding pesticide use; and

Whereas, Certain nations allow the use of pesticides that are or will be prohibited for use by American farmers and the export to the United States of agricultural products grown with the assistance of these pesticides; and

Whereas, This provides an unfair advantage to other nations and their citizens over American farmers and American agricultural workers who depend on this productivity for their livelihood; and

Whereas, The United States' agriculture is a vital industry to the nation's economy and quality of life; and

Whereas, Protecting our citizens by proven science and policy is of paramount importance to American citizens; and

Whereas, No nation should be allowed to export items into our nation using methods such as certain pesticides that the government of the United States prohibits its own farmers from using based on debatable claims of health and environmental concerns; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to prohibit the importation of agricultural and other food items from nations that do not have the same requirements, standards, and restrictions on allowable pesticides and chemicals used in the production, preservation, and growth of the products; and be it further

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

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

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

Senators Stille, Gougeon, McManus, Bennett, Steil, Cisky, Rogers, North, Schuette, Bullard, Dunaskiss and Hoffman offered the following resolution:

Senate Resolution No. 163.

A resolution to memorialize the Congress of the United States to ban the importation of produce and other perishable items from countries where certain pesticides are used.

Whereas, Federal departments such as the United States Department of Agriculture and the Environmental Protection Agency have sought to implement strict standards on American farmers regarding pesticide use; and

Whereas, Certain nations allow the use of pesticides that are or will be prohibited for use by American farmers and the export to the United States of agricultural products grown with the assistance of these pesticides; and

Whereas, This provides an unfair advantage to other nations and their citizens over American farmers and American agricultural workers who depend on this productivity for their livelihood; and

Whereas, The United States' agriculture is a vital industry to the nation's economy and quality of life; and

Whereas, Protecting our citizens by proven science and policy is of paramount importance to American citizens; and

Whereas, No nation should be allowed to export items into our nation using methods such as certain pesticides that the government of the United States prohibits its own farmers from using based on debatable claims of health and environmental concerns; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to prohibit the importation of agricultural and other food items from nations that do not have the same requirements, standards, and restrictions on allowable pesticides and chemicals used in the production, preservation, and growth of the products; and be it further

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

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Shugars, Young and Miller were named co-sponsors of the resolution.

Committee Reports

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 954, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 13a and 17c of chapter XIIA (MCL 712A.13a and 712A.17c), section 13a as amended by 1997 PA 163 and section 17c as amended by 1997 PA 169, and by adding section 17d to chapter XIIA.

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

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

Joel Gurgeon
Chairperson

To Report Out:

Yeas: Senators Gurgeon, Bouchard, Geake and V. Smith

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 955, entitled

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

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

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

Joel Gurgeon
Chairperson

To Report Out:

Yeas: Senators Gurgeon, Bouchard, Geake and V. Smith

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

Senate Bill No. 1032, entitled

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

With the recommendation that the bill pass.

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

Joel Gurgeon
Chairperson

To Report Out:

Yeas: Senators Gurgeon, Bouchard, Geake and V. Smith

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, April 16, 1998, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Gurgeon (C), Bouchard, Geake and V. Smith

Excused: Senator Peters

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Tuesday, April 14, 1998, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus (C), Gast and Koivisto

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Natural Resources and Environmental Quality submits the following:

Meeting held on Tuesday, April 14, 1998, at 2:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators McManus (C), Gast, Koivisto and A. Smith

Excused: Senator Hoffman

Scheduled Meetings

Administrative Rules Joint Committee - Wednesday, April 29, at 8:30 a.m., Rooms 402 and 403, Capitol Building (3-6476).

Agriculture Appropriations Subcommittee - Tuesdays, April 21, April 28, May 5 and May 12, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1725).

Capital Outlay Joint Subcommittee - Thursday, April 23, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Farming, Agribusiness and Food Systems Committee - Wednesday, April 22, at 3:00 p.m., Room 210, Farnum Building (3-1725).

Natural Resources and Environmental Quality Appropriations Subcommittee - Tuesdays, April 28, May 5 and May 12, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1725).

Revenue Sharing Joint Task Force - Thursday, April 30, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1801).

State Police and Military Affairs Appropriations Subcommittee - Thursday, April 30, at 1:00 p.m., Rooms 402 and 403, Capitol Building; Tuesdays, May 5 and May 12, at 1:00 p.m., Room 405, Capitol Building (3-1760).

Transportation and Tourism Committee - Wednesday, April 29, at 3:00 p.m., Room 405, Capitol Building (3-2413).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 12:29 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Wednesday, April 22, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.