

No. 38

JOURNAL OF THE SENATE

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Senate Chamber, Lansing, Wednesday, May 7, 1997.

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  
Carl—present  
Cherry—present  
Cisky—present  
Conroy—present  
DeBeaussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present

Emmons—present  
Gast—present  
Geake—present  
Gougeon—present  
Hart—present  
Hoffman—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—present  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—present  
Young—excused

Senator Dale L. Shugars of the 21st District offered the following invocation:

Lord, we thank You for bringing us here safely and for all that You have provided us in our blessed lives.

We come before You to ask for Your continued blessing and guidance. In a time of disarray and clutter, give us strength to keep our families safe from harm's way. This is a time we need to focus on our families and take the responsibility for them. You have blessed our lives with support of families and caring friends and we need to remember that all of this is not possible without You and Your love. You are the way to a better life here and in the afterlife. It is with You that we are able to attain all that is available to us.

We are grateful that You have chosen us to be Your children and have guided us in our lives. We ask that You continue to bless our lives and the lives of our families. Grant us wisdom that we may be able to make the right decisions that will benefit our families and the families of this great state. In Your name we pray. Amen.

### Motions and Communications

Senator Emmons entered the Senate Chamber.

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

Senator V. Smith moved that Senator Young be excused from today's session. The motion prevailed.

Senators Schuette, Posthumus and Hoffman entered the Senate Chamber.

Senator V. Smith moved that the Committee on Government Operations be discharged from further consideration of the following concurrent resolution:

#### **House Concurrent Resolution No. 25.**

A concurrent resolution to disapprove Executive Order 1997-2 on executive reorganization.

Senator DeGrow moved that rule 3.901 be suspended to allow a photographer to film on the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

The question being on the motion to discharge, Senator V. Smith requested the yeas and nays.

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

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

#### **Roll Call No. 156**

#### **Yeas—16**

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

#### **Nays—21**

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

#### **Excused—1**

Young

**Not Voting—0**

In The Chair: Schwarz

**Protests**

Senators Cisky and Shugars, under their constitutional right of protest (Art. IV, Sec. 18), protested against the motion to discharge the Committee on Government Operations from further consideration of House Concurrent Resolution No. 25.

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

The motion prevailed.

Senator Cisky’s statement, in which Senator Shugars concurred, is as follows:

I rise to not discharge the resolution from committee. Many of the issues that were contained in the State Police budget were resolved in the boilerplate—a plan was forthcoming.

All of the fire services in my district have met with me and enthusiastically supported the plan. All I can say is there are a few of us in here who have police backgrounds. I don’t know of anyone with a fire background. But I don’t know anything about wires and building plans and I think that should be with somebody in plan and review—it makes sense. I would strongly urge the body to reject this motion.

Senators V. Smith, DeBeaussaert, Koivisto, Dingell, Emmons and Rogers asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator V. Smith’s statement is as follows:

House Concurrent Resolution No. 25 is a resolution which would reject the Governor’s executive order shifting the office of fire marshal over to the Department of Consumer and Industry Services. It has a number of ramifications in the executive order and the shift that would occur as a result of shifting the fire marshal’s duties to the Department of Consumer and Industry Services. Right now, the fire marshal’s duties are within the Department of State Police. I believe that is an appropriate place for those duties to be placed. That is the reason that I have brought the motion to discharge.

The fire marshal has a unique responsibility. The fire marshal’s office in attempting to carry out their responsibility has the need of the credibility of a police officer in carrying out the duties that they have for inspections of hospitals, nursing homes and other governmental institutions. The clout of a State Police officer carries with it the power of the state. So, when that State Police officer shows up, he is a fire marshal. He is there to conduct his official business. It aids in having that uniformed police officer there in his role as a fire marshal.

It is important to discharge this resolution and bring it on the floor. Why is it important to discharge? This resolution has been in the Government Operations Committee for 3 weeks. This resolution has passed the House. The House already recognizes that the executive order is a problem. It is a problem here. It needs to be addressed also in the Senate. We need to express through discharge of this resolution to the Governor our displeasure with the removal of the fire marshal’s office from under the division of State Police.

Local fire officials have testified to the help that the Michigan State Police fire marshal officials have offered by lending an aura of police authority to fire inspections. Without the clout of the of the Michigan State Police hanging over the inspections, many schools, hospital officials, nursing home owners and others claim to be unable to meet the inspections or planned review requirements. The Department of Consumer and Industry Services also apparently agrees that Michigan State Police officers are best qualified for these fire safety inspections.

They plan to move up to 20 uniformed officers into the department in the short term and plan to hire them permanently when these troopers retire from the State Police. That is a testament of why we should discharge. The House has discharged. We need to bring this resolution on the floor of the Senate and the only way to accomplish that—since the Government Operations Committee has not seen fit to look at this resolution and to report it to the full floor—is to do it through a motion of discharge.

Costs. Will this save the state government money? I do not think so. We need to discharge because of the cost factor. If the Department of Consumer and Industry Services has its way the state will continue to have current employees of the Michigan State Police on the state payroll in addition to paying them their retirement benefits. Because Consumer and Industry Affairs has said that they want to hire these State Police officers who have conducted these inspections when they retire. If the troopers stay within the Michigan State Police ranks, they would simply earn their salaries until they choose to retire. They would continue to earn their retirement benefits rather than being paid their retirement benefits. And, also being paid on the state payroll out of the Department of Consumer and Industry Affairs. State funds are limited. State financial resources are limited. The fire marshal’s office needs to stay within the State Police division.

The fire marshal division devotes its time and energy to fire safety inspections, fire fighter training, fire safety inspections and arson investigations. To gut one portion, inspection, dilutes the effort.

This motion to discharge makes sense because these are the issues that should be in front of this Senate. The proper way to get them in front of the Senate is to discharge the Government Operations Committee and have this resolution brought immediately to the floor. I would hope that the members of this body would vote with me to discharge House Concurrent Resolution No. 25 and to return to the State Police the responsibility of conducting the fire marshal duties and responsibilities.

It is important to discharge because of the local units of governments throughout this state have been contacting their state Senators. I'm quite sure most of you have heard from them. They are just incensed that this executive order has transferred these responsibilities. It is important to discharge that motion in order to have those responsibilities clearly placed in front of this body.

Thank you and I would ask you to vote to discharge House Concurrent Resolution No. 25.

Senator DeBeaussaert's statement is as follows:

I rise to support the motion to discharge, and I'd agree with the previous speaker that the Senate does need to go on record on this issue. It wasn't that long ago that the Senate objected strenuously to another proposal on public safety to eliminate annual bus inspections that was proposed by the department and the Senate reacted quickly and overturned that decision. I think that in that case we could argue that the Senate did not have a role and was uninformed and quickly acted to reverse it. We now have the opportunity to take a stand and to make our voice known on a proposal before it does become law. It seems to me that as the previous speaker said, the fire service officials in my community still have great concerns about this proposal. The House Committee, when they had testimony taken, had overwhelming opposition. If there is, in fact, some change of opinion, it would have been nice to have had a hearing in the process on the Senate side so that change could have been made known to the rest of us. But, at least in my district the fire service community still is strenuously opposed to the proposal that we have before us, and I think since we have a few short days left for the Senate to act, it appears that the committee doesn't plan to take the matter up quickly, that we should because there are additional reasons to be concerned. The public will be considering the wisdom of the proposal that would remove this inspection from one division and move it another and have the same basic people doing the inspections, but instead of being State Police officials, they will be retired State Police officials, who will now be re-employed by CIS and basically doubledipping.

I think there are a number of reasons why, in addition to the great public safety concerns, that we should be concerned. The Senate should review the proposal and this seems to be our only opportunity. So, I would support the motion to discharge.

Senator Koivisto's statement is as follows:

I rise to support the discharge. I think the Senate should go on record on this matter. It's a very important issue.

When we got the informational packet from the State Police and others regarding this particular issue, I mailed it all my local fire departments and they came back and were not supportive of it. So, apparently we're getting mixed signals here—in some areas they're supporting it and in other areas they're not supporting it.

The reason it should be discharged is there was no reason for this business to begin with. There was no reason to mess with the Fire Marshal's Division which was working smoothly and once again we tore into something for very little, if any, good reason. I think we should go on record for this and support the resolution.

Senator Dingell's statement is as follows:

The Government Operations Committee does not have a good record of reporting out resolutions like this that the majority party does not want to vote on. There was one earlier example, this year, of an executive order for which a resolution to overturn it passed the State House and died in Government Operations Committee. Procedural artifice was used by the majority party to prevent a vote here on the Senate floor. There was a motion to adjourn.

This is an important matter to all the constituents of the district I represent—not just all my police chiefs, but I am even hearing from police groups and constituent groups. We need to vote on this. I think the authority should stay just the way it is. If there is going to be a change, I think we in the legislature should do it. With that, I support the motion to discharge.

Senator Emmons' statement is as follows:

Today we are saying farewell in our office to Mike Huber. He's from Long Island, New York, and he's been in my office since last January. He has served us with distinction. He just graduated with honors from James Madison College out at Michigan State University. He's going to be going to the University of Chicago for a Master's degree in public policy. I'm sure someday down the road some legislator or some legislature or some part of government will see Mike and they will be very, very fortunate. So I'd like my colleagues to wish him goodbye and Godspeed in all the things that he does.

Senator Rogers' statement is as follows:

Mr. President, I just want to stand here today for a moment and talk about the Senator from the 23rd District's efforts last evening. I happened to participate in her "Teacher Listen-In," where she gathered some 60 teachers from the mid-Michigan area as a result of surveys that were sent not only from my district, but from her district and other Senators' districts to the practitioners, to the people in the front lines, to the people who are entrusted with our children's care—and that's teachers. I just want to say, Mr. President, that I think this is an incredible positive step in our fight for better education for students. A prevailing theme that we found in the gathering of these teachers and the surveys that we have been returning and we've received hundreds of surveys back in my office and I know the Senator from the 23rd District has also, we're getting similar responses from other Senators, the fact that nobody has ever asked the practitioners—the people who are entrusted with the lives and the futures of our children—what they think is a better direction for education. It was amazing that in their own words, not the administrators, not the MEA—nobody—not politicians, not legislators have asked them, the practitioners, the teachers—where we ought to be and what we need to do to make their jobs and their lives a little easier so they can teach children.

The response has been fantastic. I just want to read a couple of excerpts from some of these surveys, Mr. President. I quote "Before I begin this survey, I must preface this with a very sincere thank you for caring. In all my years in education, I do not recall getting a personal inquiry from anyone in government or otherwise who really might be able to make a difference. I appreciate having this opportunity and will appreciate anything you can do to make things better."

Mr. President, it was a very positive intercourse in conversation yesterday in talking about reducing class size and more parental involvement and discipline concerns and the amount of paperwork that we ask teachers to do before they can put one thought into one child's head. I want to say again and congratulate the Senator from the 23rd District, I look forward to the committee hearings that she is going to sponsor around the state. I know that the bottom line and the answer to that is going to be better education for our children because we finally have someone who is interested enough to ask the teachers for their input.

The Secretary announced the printing and placement in the members' files on Tuesday, May 6 of:

<b>Senate Bill Nos.</b>	<b>471</b>	<b>472</b>	<b>473</b>	<b>474</b>	<b>475</b>	<b>476</b>	<b>477</b>	<b>478</b>	<b>479</b>										
<b>House Bill Nos.</b>	<b>4717</b>	<b>4718</b>	<b>4719</b>	<b>4720</b>	<b>4721</b>	<b>4722</b>	<b>4723</b>	<b>4724</b>	<b>4725</b>	<b>4726</b>	<b>4727</b>	<b>4730</b>	<b>4731</b>	<b>4732</b>					
	<b>4733</b>	<b>4734</b>	<b>4735</b>	<b>4736</b>	<b>4737</b>	<b>4738</b>	<b>4739</b>	<b>4740</b>	<b>4741</b>	<b>4742</b>	<b>4743</b>	<b>4744</b>							

The Secretary announced the printing and placement in the members' files on Wednesday, May 7 of:

**House Bill No. 4753**

### Messages from the Governor

The following messages from the Governor were received and read:

May 5, 1997

There are herewith presented for consideration and confirmation by the Senate, the following appointment to office:

#### **Eastern Michigan University Board of Regents**

Mr. Joseph E. Antonini, 363 Sycamore Court, Bloomfield Hills, Michigan 48013, county of Oakland, as a member representing the general public, succeeding Ms. Mara M. Letica of Bloomfield Hills, who has resigned, for a term expiring on December 31, 1998.

May 6, 1997

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

#### **Board of Ethics**

Mr. John D. Pirich, 1063 Rosewood Avenue, East Lansing, Michigan 48823, county of Ingham, as a member representing Democrats, succeeding himself, for a term expiring on February 7, 2001.

Ms. Lita H. Popke, 7485 Chesterfield Dr., Canton, Michigan 48187, county of Wayne, as a member representing Republicans, succeeding herself, for a term expiring on February 7, 1999.

Ms. Julie Creal Goodridge, 3224 Alpine Drive, Ann Arbor, Michigan 48108, county of Washtenaw, as a member representing Republicans, succeeding Mr. John E. Riecker of Midland, whose term has expired, for a term expiring on February 8, 2000.

Mr. Robert A. Jarema, 4729 Pinehaven, Saginaw, Michigan 48603, county of Saginaw, as a member representing Republicans, succeeding Mr. Patrick J. Wilson of Traverse City, whose term has expired, for a term expiring on February 7, 1999.

Sheriff Thomas T. Kern, 1695 Quanicassee Road, Reese, Michigan 48757, county of Tuscola, as a member representing Democrats, succeeding the Honorable Adam A. Shakoor of Detroit, whose term has expired, for a term expiring on February 7, 2000.

Mr. Christopher M. Murray, 365 McKinley, Grosse Pointe Farms, Michigan 48236, county of Wayne, as a member representing Republicans, succeeding the Honorable Alice L. Gilbert of Orchard Lake, who has resigned, for a term expiring on February 7, 2001.

Sincerely,  
John Engler  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

### **General Orders**

Senator Vaughn 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 Vaughn 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:

#### **House Bill No. 4299, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 20, 99, and 107 (MCL 388.1611, 388.1620, 388.1699, and 388.1707), sections 11, 20, and 99 as amended and section 107 as added by 1996 PA 300, and by adding sections 104b and 105a.

Substitute (S-1).

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

1. Amend page 34, following line 5, by inserting:

"SEC. 161A. A SCHOOL OFFICIAL OR MEMBER OF A BOARD OR OTHER PERSON WHO KNOWINGLY MISREPRESENTS PUPIL ENROLLMENT IN A REPORT TO THE DEPARTMENT CONCERNING MEMBERSHIP IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,500.00, OR BOTH."

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. 444, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 72105a.

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.

### **Point of Order**

During the Committee of the Whole, Senator DeGrow raised the Point of Order that the following amendment offered by Senators DeBeaussaert, Peters and Bouchard to House Bill No. 4299 (S-1) was not germane because it amends the bill by reference:

1. Amend page 26, following line 23, by inserting:

"SEC. 104B. FOR THE 1996-97 FISCAL YEAR, SECTION 1279(10) OF THE REVISED SCHOOL CODE, MCL 380.1279, DOES NOT APPLY TO A DISTRICT THAT COMPLIES WITH SECTION 104A, AND A DISTRICT IS NOT REQUIRED TO INCLUDE ON A PUPIL'S TRANSCRIPT A NOVICE LEVEL ON A STATE-ENDORSED DIPLOMA TEST."

The Chairperson, Senator Vaughn, ruled that the amendment was not germane.

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

The following bill was read a third time:

**Senate Bill No. 262, entitled**

A bill to amend 1929 PA 16, entitled “An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof,” (MCL 483.1 to 483.11) by adding sections 2a and 2b.

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

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was announced:

**Senate Bill No. 288, entitled**

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending the title and section 27 (MCL 552.627), the title as amended by 1996 PA 25 and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, 5b, and 5c.

(This bill was read a third time on May 6, amendments not adopted, amendments offered and consideration postponed. See Senate Journal No. 37, pp. 540, 544.)

The question being on the adoption of the amendments offered by Senator A. Smith,

The amendments were not adopted, a majority of the members serving not voting therefor.

The President, Lieutenant Governor Binsfeld, assumed the Chair.

Senator Peters offered the following amendments:

1. Amend page 5, line 19, after "SEC. 5C." by inserting "EXCEPT AS PROVIDED IN SECTION 5D,".
2. Amend page 6, following line 19, by inserting:

"SEC. 5D. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN ORDER OF CHILD CUSTODY SHALL PROVIDE THAT NEITHER PARENT SHALL CHANGE HIS OR HER RESIDENCE TO A LOCATION MORE THAN 2 HOURS ROUND-TRIP BY MOTOR VEHICLE FROM THE CHILD'S PRIMARY RESIDENCE AT THE TIME OF THE COMMENCEMENT OF THE ACTION IN WHICH THE ORDER IS ISSUED IF ALL OF THE FOLLOWING ARE TRUE:

(A) THE ORDER PRESCRIBES ALL OF THE FOLLOWING:

(i) A PRIMARY RESIDENCE FOR THE CHILD WITH 1 PARENT.

(ii) PARENTING TIME FOR THE CHILD WITH THE OTHER PARENT.

(iii) AN OBLIGATION BY EACH PARENT TO SUPPLY TRANSPORTATION TO FACILITATE THE PARENTING TIME.

(B) THE CHANGE OF RESIDENCE MAKES IMPOSSIBLE EITHER PARENT'S OBLIGATION TO SUPPLY TRANSPORTATION.

(2) THE COURT MAY PERMIT A CHANGE OF RESIDENCE OTHERWISE PROHIBITED BY AN ORDER AS PRESCRIBED BY SUBSECTION (1). IN MAKING A DETERMINATION TO PERMIT THE CHANGE, THE COURT SHALL CONSIDER THE ADDITIONAL BURDEN THAT WOULD BE PLACED ON EACH PARENT."

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Conroy offered the following amendment:

1. Amend page 5, line 25, after "CHILD'S" by inserting "OR PARENT'S".

The question being on the adoption of the amendment,

Senator Conroy moved that the amendment and the following amendment be considered en bloc.

The motion prevailed.

Senator Conroy offered the following amendment:

1. Amend page 5, line 24, after "RESIDENCE" by inserting "AND THE PARENT WITH PARENTING TIME".

The question being on the adoption of the amendments,

Senator Conroy requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 158**

**Yeas—14**

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

**Nays—23**

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

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

Senators Peters and Geake offered the following amendment:

1. Amend page 6, following line 19, by inserting:

“(V) THE DEGREE TO WHICH THE NONCUSTODIAL PARENT HAS EXERCISED PARENTING TIME AS ORDERED BY THE COURT.”.

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. 159**

**Yeas—33**

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

**Nays—4**

Berryman	Conroy	Peters	Smith, A.
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**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Conroy, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 288 and moved that the statements he made during the discussion of the amendments he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator Conroy’s first statement is as follows:

This whole bill is kind of a thorn in my throat, I guess. It just doesn’t seem right to me that we tell people where they can live. But, in light of what’s going on in terms of what this body apparently wants to do is to limit the round-trip distance of a parent who has the custody of a child or children. The parent that usually has custody is the female. I think that is pretty consistent across divorce cases, although not exclusively. So basically what we are saying is, we’re saying to women who are changing diapers, getting up at 6 o’clock in the morning, feeding the kids, taking them to school, bringing them home, feeding them supper, doing all the laborious work, plus in many cases working themselves, I think we’re really telling women what to do in this bill. That’s basically what we’re going to do.

I can tell you that I do believe that young men are much better at helping to raise children than men were in my generation. It still seems to fall on the shoulders of women to do most of the work in the parenting process. This bill goes directly at women and I want to include the men in this process. If you believe that you can regulate where people should live as a result of their divorcing then you ought to be regulating where the men live as well, or where the non-custodial parent lives as well.

I subscribe to the idea that the more a non-custodial parent visits their children, the better off those children are and the better off that family is. But I just seem to have a problem telling people where they can move and can't move. What this amendment does is it says that the non-custodial parent lives by the same rules as the custodial parent does. So the non-custodial parent better not take off to California and leave all of that rearing to the mother, usually the custodial parent. Basically it's just simply saying is, "What's good for the goose is good for the gander," and that both parents ought to be close by those children.

I think this amendment at least has some fairness in it if you're going to require people where they are going to live. Let's do it to both. Nobody can complain about that if you're doing it with both in that family. The Conroy's have been very lucky in having about 34 or 35 years of togetherness and it does work. I subscribe to the idea that marriages ought to persist. But some cases we have people who are immature and should never have gotten married in the first place and now we're trying to tell these same immature people that they can't move, or they can move.

Typically that mother has a support system that goes far and beyond boundaries. The mother may be from Charlevoix, Michigan living in Lansing. The mother's parents, aunts and uncles and all their relatives live in Charlevoix and so she moves back to Charlevoix. Then the judge gets a hold of it in Lansing and says, "You can't move." Well, all of her basic support system is in Charlevoix because that's where her relatives live. I say let that husband go follow those kids. Let him move to Charlevoix and get a job there and support that court order. I don't think we should be just telling women what to do in this bill. I think we also ought to be telling men what to do. The men are typically the non-custodial parents and that's what this amendment does. I urge your adoption.

Senator Conroy's second statement is as follows:

I'd like to respond to the previous speaker. It's my understanding that in the committee this very amendment was proposed, or was at least handed out in the committee. It was not handed out by the members of this side of the aisle, so maybe it was the chairman of the committee's amendment. It didn't have a name on it. But he did ask the three men who testified, "Would you object to being included in this in terms of this kind of an amendment?" and the answer from each of those three men was, "We wouldn't mind." That was told to Senator Gougeon but somewhere between there and now this bill has become lopsided.

It's my understanding that three men did testify. Apparently, women didn't testify on this bill in favor of it, but the men were the ones who wanted this bill. You've got it wrapped up quite nice for them. The three that did respond to your question said, "It would be OK with us if the same language was addressed to the non-custodial parent," typically the man. I just think that it's fairer to have both if you're going to have any. This amendment does that.

Senator Conroy's third statement is as follows:

I am curious about those three men saying "yes," they agreed with this amendment basically. I am curious about the wonderment of that committee work that didn't take that as a meaningful amendment. Nonetheless, if the custodial parent has a child and has lost (usually) her job and she has an opportunity to move two-and-a-half hours away to get a good job that a corporation is offering her and some circuit court judge is telling her she can't move. I think that is fairly ridiculous. This could turn out to be the welfare bill of the year for that parent who has custody of the children. We don't certainly want that to happen, but there are some locations in this state where there are more and better jobs available than others. Many of our central cities are fairly bereft of jobs and sometimes people get opportunities to enhance their livelihood and in effect, enhance their children's success and quality of life. I believe that this amendment would tend to do that.

The following bill was read a third time:

**Senate Bill No. 329, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 7 (MCL 338.977), as amended by 1985 PA 168.

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	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Gast	O'Brien	Stallings
Carl	Geake	Peters	Steil
Cherry	Gougeon	Posthumus	Stille

Cisky  
Conroy  
DeBeaussaert

Hart  
Hoffman

Rogers  
Schuette

Van Regenmorter  
Vaughn

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 330, entitled**

A bill to amend 1929 PA 266, entitled “An act to protect the health, and promote the safety and welfare of the people, by regulating the installation, alteration, maintenance, improvement and inspection of plumbing; to define plumbing and the classification of plumbers; to provide for the issuing of licenses and permits pertaining thereto and the disposition of moneys derived therefrom; to create a plumbing board, and to prescribe its powers and duties; to authorize cities, villages and townships to adopt and enforce certain standards; to establish remedies and fix penalties for violation of the provisions of this act,” (MCL 338.901 to 338.917) by adding section 4a.

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. 161**

**Yeas—37**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Carl  
Cherry  
Cisky  
Conroy  
DeBeaussaert

DeGrow  
Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman

Koivisto  
McManus  
Miller  
North  
O’Brien  
Peters  
Posthumus  
Rogers  
Schuette

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

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 331, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 5 (MCL 338.885), as amended by 1992 PA 130.

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. 162**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 436, entitled**

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," (MCL 125.1501 to 125.1531) by adding section 10a.

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. 163**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 74, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2246.

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. 164**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Young

**Not Voting—1**

Miller

In The Chair: President

The Senate agreed to the title of the bill.

Senators Bouchard, North, Stille, Byrum, DeBeaussaert, Peters, Stallings, McManus, Conroy, Bennett, Steil, Rogers and Miller moved that they be named co-sponsors of the following bill:

**Senate Bill No. 74**

The motion prevailed.

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

Senator Miller entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 75, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21072.

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. 165**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 76, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 401 (MCL 550.1401), as amended by 1984 PA 66.

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. 166**

**Yeas—37**

Bennett	DeGrow	Koivisto	Schwarz
Berryman	Dingell	McManus	Shugars
Bouchard	Dunaskiss	Miller	Smith, A.
Bullard	Emmons	North	Smith, V.
Byrum	Gast	O'Brien	Stallings

Carl  
Cherry  
Cisky  
Conroy  
DeBeaussaert

Geake  
Gougeon  
Hart  
Hoffman

Peters  
Posthumus  
Rogers  
Schuette

Steil  
Stille  
Van Regenmorter  
Vaughn

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Peters, Bouchard, Conroy, DeBeaussaert, Schuette, Bennett, Rogers, Gougeon, Carl, Stille, Dunaskiss, Byrum, Miller and McManus moved that they be named co-sponsors of the following bills:

**Senate Bill No. 75**

**Senate Bill No. 76**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 434, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 167**

**Yeas—37**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Carl  
Cherry  
Cisky  
Conroy  
DeBeaussaert

DeGrow  
Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman

Koivisto  
McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette

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

**Nays—0**

**Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senators Peters, Conroy, DeBeaussaert, North, Bennett, Cisky, Bouchard, Dunaskiss, Stille, Carl, McManus, Steil, Miller and Stallings moved that they be named co-sponsors of the following bill:

**Senate Bill No. 434**

The motion prevailed.

Senator Miller stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

**Senate Bill No. 74**

The following bill was read a third time:

**Senate Bill No. 298, entitled**

A bill to amend 1963 PA 17, entitled “An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,” by amending section 1 (MCL 691.1501), as amended by 1987 PA 30.

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. 168****Yeas—37**

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

**Nays—0****Excused—1**

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

### Introduction and Referral of Bills

Senators Gougeon and Shugars introduced

**Senate Bill No. 490, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 18, 18f, 19, and 19a of chapter XIIA (MCL 712A.13a, 712A.18, 712A.18f, 712A.19, and 712A.19a), section 13a as amended by 1996 PA 409, section 18 as amended by 1996 PA 244, sections 18f and 19 as amended by 1996 PA 16, and section 19a as amended by 1994 PA 264, and by adding section 13b to chapter XIIA.

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

Senators Geake, Gougeon and Shugars introduced

**Senate Bill No. 491, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 6232.

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

Senators Bouchard, Gougeon and Shugars introduced

**Senate Bill No. 492, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of the department of social services and adoption facilitators; to provide penalties; and to repeal certain acts and parts of acts," by amending the title (MCL 722.111 to 722.128), as amended by 1994 PA 209, and by adding section 8b.

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

Senators Koivisto, North, McManus, Dingell and Byrum introduced

**Senate Bill No. 493, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40106a.

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

Senators Bouchard, Hart, Cisky, Stille, Bullard, Steil, Dunaskiss, Carl, Dingell, Gast, Shugars, Bennett, Geake, McManus, Byrum, North, DeBeaussaert, A. Smith, Young, Schwarz, Schuette, Peters and Gougeon introduced

**Senate Bill No. 494, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 302 (MCL 37.2302).

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

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Michigan Trial Court Assessment Commission submits the following:

Meeting held on Friday, May 2, 1997, at 12:30 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Van Regenmorter (C) and Dingell

**Scheduled Meetings**

Corrections Appropriations Subcommittee - Wednesdays, May 14, at 12:30 p.m., and May 21, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1760).

Judiciary Committee - Tuesday, May 13, at 1:00 p.m., Room 100, Farnum Building (3-6920).

Legislative Retirement Board of Trustees - Wednesday, May 21, at 12:00 p.m., Elijah Myers Room, 2nd Floor, Capitol Building (3-0575).

**Scheduled Meeting Canceled**

Judiciary Committee - Tuesday, May 13, at 2:00 p.m., Room 210, Farnum Building (3-6920).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 12:08 p.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, May 8, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.