

No. 35
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, April 28, 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 Assistant Secretary of the Senate, who announced that a quorum not was present.

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

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

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

Senator George A. McManus, Jr., of the 36th District offered the following invocation:

Let us pray this morning—a beautiful morning. As the sun shines down upon the state of Michigan, let us pray that it continues to warm the blossoms that are coming out and pray that we do not have frosts that would destroy our crops in this very early spring. Let the sun shine upon the taxpayers and the voters of this state.

As we progress into the 21st Century and as we close with the end of the school year winding down, let the sun shine upon our students who will become the future of the country. Lord, we ask all this in Your name, and we pray that, in addition, we work heavily on legislative issues that will be to the benefit of all. Amen.

Senator Conroy entered the Senate Chamber.

Motions and Communications

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:04 a.m.

10:15 a.m.

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

During the recess, Senators Young, Dingell, Schwarz, Bullard, Schuette, Van Regenmorter, Jaye, Hoffman, Dunaskiss, North, Stille, Gougeon, Emmons, Steil, Shugars and Geake entered the Senate Chamber.

A quorum of the Senate was present.

Senators Rogers, Bennett, Cisky and Bouchard entered the Senate Chamber.

The following communication was received:
Office of the Auditor General

April 23, 1998

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Corrections Officers' Supplemental Pay and Retirement, Department of Corrections.

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

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 Thursday, April 23:
House Bill Nos. 5152 5153 5154 5155 5156 5157 5158 5159 5160 5161 5162

The Secretary announced the enrollment printing and presentation to the Governor on Monday, April 27, for his approval the following bills:

Enrolled Senate Bill No. 362 at 2:58 p.m.
Enrolled Senate Bill No. 371 at 3:00 p.m.
Enrolled Senate Bill No. 373 at 3:02 p.m.
Enrolled Senate Bill No. 381 at 3:04 p.m.
Enrolled Senate Bill No. 396 at 3:06 p.m.
Enrolled Senate Bill No. 397 at 3:08 p.m.
Enrolled Senate Bill No. 399 at 3:10 p.m.
Enrolled Senate Bill No. 401 at 3:12 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, April 23 of:
House Bill Nos. 5742 5743 5744 5745 5746 5747

The Secretary announced the printing and placement in the members' files on Friday, April 24 of:
Senate Bill Nos. 1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069
1070 1072 1073
House Bill Nos. 5748 5749 5750 5751 5752 5753 5754 5755 5756 5757

The Secretary announced the printing and placement in the members' files on Monday, April 27 of:

Senate Bill Nos.	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084				
House Bill Nos.	5758	5759	5760	5761	5762	5763	5764	5765	5766	5767	5768	5769	5770	5771	
	5772	5773	5774	5775	5776	5777	5778	5779	5780	5781	5782				

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

Senator Gast entered the Senate Chamber.

Messages from the Governor

The following message from the Governor was received:

Date: April 27, 1998
Time: 9:30 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 793 (Public Act No. 65), being

An act to amend 1996 PA 310, entitled "An act to make uniform the laws relating to interstate family support enforcement; and to repeal acts and parts of acts," by amending sections 103, 104, 224, 231, 306, 308, 310, 312, 501, 621, 623, and 635 (MCL 552.1103, 552.1104, 552.1224, 552.1231, 552.1306, 552.1308, 552.1310, 552.1312, 552.1501, 552.1621, 552.1623, and 552.1635) and by adding sections 501a, 501b, 501c, 501d, 638, and 639.

(Filed with the Secretary of State on April 27, 1998, at 10:00 a.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received and read:

April 27, 1998

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

Central Michigan University Board of Trustees

Mr. William L. Johnson, 2645 Whitney Place, Fort Gratiot, Michigan 48059, county of Gratiot, as a member representing the general public, succeeding Mr. Mitch Kehetian of Allen Park, who has resigned, for a term expiring on December 31, 2002.

April 27, 1998

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

Michigan Board of Medicine

Dr. Demetrio R. Timban, 4455 Tallman, Troy, Michigan 48098, county of Oakland, as a member representing professionals, succeeding himself, for a term expiring on December 31, 2001.

Dr. John G. Girardot, 333 Orchard Place, Battle Creek, Michigan 49017, county of Calhoun, as a member representing professionals, succeeding himself, for a term expiring on December 31, 2001.

Dr. Susan Cline Noble, 6409 Franklin Woods Drive, Traverse City, Michigan 49684, county of Grand Traverse, as a member representing professionals, succeeding herself, for a term expiring on December 31, 2001.

Dr. Roger H. Hertz, 444 Wimbleton, Birmingham, Michigan 48009, county of Oakland, as a member representing professionals, succeeding himself, for a term expiring on December 31, 2001.

Dr. Melvin L. Hollowell, 1555 Wellesley Drive, Detroit, Michigan 48203, county of Wayne, as a member representing professionals, succeeding himself, for a term expiring on December 31, 2001.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senator Posthumus entered the Senate Chamber.

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

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

Senate Bill No. 256

The motion prevailed.

The following bill was read a third time:

House Bill No. 5566, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 1998 PA 1.

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. 207

Yeas—34

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

Nays—2

Jaye	Smith, V.
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Excused—1

O'Brien

Not Voting—0

In The Chair: President

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

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

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

"An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing;"

The Senate agreed to the full title.

Senator O'Brien entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1019, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204c (MCL 500.1204c), as amended by 1996 PA 466.

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

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. 208

Yeas—28

Bennett	Conroy	Hart	Schuette
Berryman	DeBeaussaert	Hoffman	Schwarz
Bouchard	DeGrow	McManus	Shugars
Bullard	Dunaskiss	Miller	Smith, A.
Byrum	Emmons	North	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Young

Nays—9

Dingell	Koivisto	Rogers	Van Regenmorter
Gast	O'Brien	Smith, V.	Vaughn
Jaye			

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4784, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2211.

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. 209

Yeas—37

Bennett	Dingell	Koivisto	Schwarz
Berryman	Dunaskiss	McManus	Shugars
Bouchard	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.

Byrum
Cherry
Cisky
Conroy
DeBeaussaert
DeGrow

Geake
Gougeon
Hart
Hoffman
Jaye

O'Brien
Peters
Posthumus
Rogers
Schuette

Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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. 4972, entitled

A bill to amend 1990 PA 48, entitled “An act to prohibit the use of a facsimile machine to transmit unsolicited advertising messages; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties,” by amending section 6 (MCL 445.1776).

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. 210**Yeas—35**

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

Nays—2

Jaye	Rogers
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Excused—0**Not Voting—0**

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 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, 4, 5, 6, 7, and 8 (MCL 38.1161, 38.1162, 38.1163, 38.1164, 38.1165, 38.1166, 38.1167, and 38.1168), section 5 as amended by 1986 PA 310, and by adding section 9.

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. 211**Yeas—37**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

The following bill was read a third time:

House Bill No. 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.

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. 212

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 213

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 214

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	Schuetz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5316, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 61501, 61516, and 61517 (MCL 324.61501, 324.61516, and 324.61517), as added by 1995 PA 57.

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. 215

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	Schuetz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 216

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 217

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

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

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

“An act to impose a state tax on the transfer of an interest in real property; to provide for the administration of this act; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the tax; and to prescribe penalties and provide remedies,”.

The Senate agreed to the full title.

The following bill was read a third time:

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 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. 218**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 847, entitled

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

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. 219**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 220

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Shugars, V. Smith, Young, McManus, Berryman, Peters, Byrum, DeBeaussaert, Miller, Conroy, Koivisto and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 666

The motion prevailed.

The following bill was read a third time:

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 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. 221**Yeas—37**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 222**Yeas—36**

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

Nays—1

Smith, V.

Excused—0**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator V. Smith, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 886.

Senator V. Smith's statement is as follows:

I voted "no" against the art lovers' license plates bill. The bill sounds like a good idea, but the problem with the bill is in the way the plate will cost \$3 the first month, \$2 for every month regular cost of the plate, and then these monies are subtracted from the renewal fee. There is a renewal fee involved, and any monies over and above that amount would go to each particular county. The problem that I see here is an accounting problem. There is going to be a cost associated with the implementation of this bill. The Secretary of State is going to have to donate resources within her office in order to accomplish this piece of legislation. Is it worth the cost involved and the employee time involved to try to create this art lover license bill? I didn't think so; therefore, I voted "no."

Senators Peters, Bullard, Young, Stille, Schwarz, Steil, Gougeon, Conroy, DeBeaussaert, Byrum, A. Smith and McManus moved that they be named co-sponsors of the following bill:

Senate Bill No. 886

The motion prevailed.

The following bill was read a third time:

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 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. 223

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 224

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schwarz

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 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.

The question being on the passage of the bill,

Senator Schuette offered the following amendments:

1. Amend page 8, line 23, after "NOTIFICATION" by striking out "THROUGH" and inserting "TO".
2. Amend page 8, line 24, by striking out "AUTHORITY'S TAX NOTICE OF THE" and inserting "AUTHORITY OF THIS STATE'S".
3. Amend page 8, line 25, after "TO" by striking out "THE SURFACE OWNER" and inserting "SURFACE OWNERS".

The question being on the adoption of the amendments,
Senator Schuette moved that the amendments and the following amendments be considered en bloc:
Senator Schuette offered the following amendments:

1. Amend page 3, line 18, after "FUTURE." by inserting "IF THE LANDOWNER SEVERES THE SUBSURFACE RIGHTS FROM THE SURFACE RIGHTS, THE SUBSURFACE RIGHTS REVERT TO THIS STATE."
2. Amend page 7, line 25, after "FUTURE." by inserting "IF THE LANDOWNER SEVERES THE SUBSURFACE RIGHTS FROM THE SURFACE RIGHTS, THE SUBSURFACE RIGHTS REVERT TO THIS STATE."

Senator Schuette offered the following amendments:

1. Amend page 3, line 9, after "MINES" by inserting "THAT".
2. Amend page 3, line 9, after "FEATURES" by inserting "OR THAT IT IS IN THE BEST INTEREST OF THIS STATE TO RESERVE THOSE RIGHTS AS DETERMINED BY COMMISSION POLICY".

The motion prevailed.

The question being on the adoption of the amendments,
The amendments were adopted, a majority of the members serving voting therefor.

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

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. 225

Yeas—35

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

Nays—2

O'Brien	Smith, V.
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Excused—0

Not Voting—0

In The Chair: Hoffman

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

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.

Protest

Senator V. Smith, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4061 and moved that the statement he made during the discussion of the bill be printed as his reason for voting “no.”

The motion prevailed.

Senator V. Smith’s statement is as follows:

Mr. President and members, I rise because of a concern I have in general about privatization. I know this is another privatization effort, and it seems that this is a bill that would have the state sell of its oil and mineral rights to other individuals. Now, it seems that since it was amended on Third Reading to “shall,” it seems that it’s a mandatory thing that the state has to do.

What I’m concerned about is that I’ve watched Channel 47 run a series on the state-owned facility that produces drug inoculations and that those inoculations are presently being sold to the Defense Department that we are making something like \$30 million off of those inoculations, but that we have recently moved to privatize that portion of the business and to sell off that asset. Channel 47 did a series of shows which showed that in this privatization effort the state was low-balling its effort. They had the people who wanted to buy it who were assessing the value of the property. That raised questions with me as to discontinue privatization and whether the state was getting a reasonable dollar response, a reasonable value back for their invested asset. I’m just hesitant right now to support any privatization effort pushed within this body until we have a better accounting as to whether we are going to get actual value for the assets that we sell. It seems that we’re not getting our fair share; therefore, my constituents are being shortchanged. Therefore, at this point, I’m opposed to Item No. 25, House Bill No. 4061.

The following bill was read a third time:

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.

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. 226

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 864, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20165 (MCL 333.20165), as amended by 1990 PA 179, and by adding sections 16274 and 20197.

The question being on the passage of the bill,

Senators Schwarz and Berryman offered the following amendments:

1. Amend page 3, line 13, after “(I)” by inserting “UNTIL JULY 1, 2003,”.
2. Amend page 3, line 21, after “(4)” by inserting “UNTIL JULY 1, 2003,”.
3. Amend page 4, following line 14, by inserting:

“Enacting section 1. Sections 16274 and 20197 of the public health code, 1978 PA 368, as added by this amendatory act, are repealed effective upon the expiration of 5 years after the effective date of this amendatory act.” and renumbering the remaining enacting section.

The question being on the adoption of the amendments,

Senator Schwarz 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. 227

Yeas—13

Berryman
Byrum
Cherry
Cisky

Conroy
Emmons
Gast

Hoffman
Peters
Schwarz

Smith, A.
Smith, V.
Vaughn

Nays—23

Bennett
Bouchard
Bullard
DeBeaussaert
DeGrow
Dingell

Dunaskiss
Geake
Gougeon
Hart
Jaye
Koivisto

McManus
Miller
North
O’Brien
Posthumus
Rogers

Schuette
Shugars
Steil
Stille
Van Regenmorter

Excused—0

Not Voting—1

Young

In The Chair: Hoffman

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. 228**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	Schuetter	Young
DeGrow			

Nays—0**Excused—0****Not Voting—0**

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senators Jaye, Rogers, Dunaskiss, Bouchard, Emmons, Schuetter, Stille, North and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 864

The motion prevailed.

The following bill was read a third time:

House Bill No. 4846, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, and 16245 (MCL 333.16221, 333.16226, and 333.16245), sections 16221 and 16226 as amended by 1996 PA 594 and section 16245 as amended by 1993 PA 87, and by adding section 16275.

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. 229**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	Schuetter	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4962, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 430a.

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. 230

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	Schuetz	Young
DeGrow			

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5475, entitled

A bill to prohibit the expenditure of state funds for the purpose of human cloning.

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. 231

Yeas—37

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators Rogers, McManus, Emmons, North, Van Regenmorter, Schuette, Bullard, Jaye, Dunaskiss, Schwarz, Gast, Posthumus, Geake, Stille, Bennett, Steil, Gougeon and Shugars offered the following resolution:

Senate Resolution No. 177.

A resolution to call on the Michigan Jobs Commission to maintain and improve the quality of employment services for veterans.

Whereas, Executive Order No. 1997-12 separated the principal functions of the Michigan Employment Security Agency. Under the provisions of this reorganization, the state’s unemployment insurance functions are under the authority of the Department of Consumer and Industry Services, and the employment services are within the Michigan Jobs Commission. As part of this order, duties will be shifted to local workforce development boards; and

Whereas, The Michigan Employment Security Agency (formerly the Michigan Employment Security Commission) has operated in partnership with the federal government in several areas of service. One of the key components of the partnership is responsibility for serving veterans by providing help with finding employment. This is a requirement set in federal law. Apart from the legal requirement, Michigan has a moral obligation to live up to its promises to help veterans find meaningful employment; and

Whereas, During the implementation of Executive Order No. 1997-12, it is imperative that services for veterans continue undisrupted. Administrative shifting of duties and personnel must not interfere with the way the state handles responsibilities to veterans under the law and under our obligations to men and women who have already worked so hard on our behalf; now, therefore, be it

Resolved by the Senate, That we call on the Michigan Jobs Commission to maintain and improve the quality of employment services for veterans and urge that the Michigan Jobs Commission strengthen the preferential treatment of veterans with respect to incoming job orders and placement; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and to the Michigan Jobs Commission.

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 Human Resources, Labor and Veterans Affairs.

The motion prevailed.

Senator Gougeon offered the following resolution:

Senate Resolution No. 178.

A resolution to memorialize the Congress of the United States to provide that federal income taxes can only be raised through a supermajority vote in each house of the Congress.

Whereas, The issue of how taxes are set has been at the center of public policy discussions throughout our nation's history. Concerns over unfair taxation sparked the revolution that gave birth to our democratic republic. Today, many people feel that excessive or inequitable taxes are a serious threat to the long-term health of our economy and to faith in our government; and

Whereas, Our country has made historic strides in eliminating the annual federal budget deficit. This has helped fuel a period of remarkable prosperity. Many people feel that this sense of fiscal responsibility should be expanded by providing a reasonable and effective safeguard against new taxes or efforts to increase the rates or base of existing taxes; and

Whereas, There are several measures under consideration in Congress to protect the American public against increases in taxes by requiring a supermajority vote in the House and in the Senate for any legislative measure to increase taxes. The measures include proposed amendments to the United States Constitution and bills to put this requirement into federal law; and

Whereas, Taxes are a serious matter to the American people. It is reasonable to require that any step to raise taxes can only be put in place by more than a vote of a simple majority of members of Congress; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide that federal income taxes can only be raised through a supermajority vote in each house of the Congress; 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 Finance.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator V. Smith moved that Senator Berryman be excused from the balance of today's session.

The motion prevailed.

Senator Jaye introduced

Senate Bill No. 1085, entitled

A bill to prohibit the expenditure of public funds by the state civil service commission and the office of the state employer in the department of civil service for abortions; and to prescribe penalties for a violation of this act.

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

Senators Bullard, Hoffman and Miller introduced

Senate Bill No. 1086, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204f. The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senators Miller, Bullard and Hoffman introduced

Senate Bill No. 1087, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204c. The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senators Hoffman, Bullard and Miller introduced

Senate Bill No. 1088, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204d. The bill was read a first and second time by title and referred to the Committee on Government Operations.

Senators Steil, Rogers, Gougeon, Cisky, Bennett, Bullard, Geake, Stille, Dunaskiss, Hoffman and Shugars introduced

Senate Bill No. 1089, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 1993 PA 325.

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

Senator Steil introduced

Senate Bill No. 1090, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

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

Senators Rogers, McManus, Emmons, North, Schuette, Bullard, Jaye, Hoffman, Gast, Bouchard, Geake, Bennett, Steil, Gougeon and Shugars introduced

Senate Bill No. 1091, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d. The bill was read a first and second time by title and referred to the Committee on Judiciary.

House Bill No. 5152, entitled

A bill to amend 1921 PA 50, entitled "An act to authorize and empower townships to own and acquire land by gift or purchase for the erection of memorials to soldiers and sailors; to authorize the erection of such memorials; to provide for the assessment, levy and collection of taxes therefor, for the custody, control and management of such memorials and providing for a referendum by the electors thereof," (MCL 35.861 to 35.864) by amending the title and by adding section 5.

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 Government Operations.

House Bill No. 5153, entitled

A bill to amend 1965 PA 246, entitled "An act to establish and provide a civil service system in certain townships; to create a civil service commission, and to prescribe the duties thereof; to provide certain exemptions from and classifications in civil service; to prescribe penalties for the violation of the provisions of this act; and to prescribe the manner of adoption of this act by townships," (MCL 38.451 to 38.470) by adding section 1a.

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 Government Operations.

House Bill No. 5154, entitled

A bill to amend 1935 PA 78, entitled "An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; and to repeal certain acts and parts of acts," (MCL 38.501 to 38.518) by amending the title, as amended by 1986 PA 155, and by adding section 17b.

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 Government Operations.

House Bill No. 5155, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," (MCL 38.551 to 38.562) by amending the title, as amended by 1989 PA 7, and by adding section 11a.

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 Government Operations.

House Bill No. 5156, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; and to provide methods for abolition of a unified form of county government," by amending the title and section 23 (MCL 45.573), section 23 as amended by 1980 PA 100, and by adding section 3a.

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 Government Operations.

House Bill No. 5157, entitled

A bill to amend 1939 PA 342, entitled "County public improvement act of 1939," (MCL 46.171 to 46.188) by amending the title and by adding section 4a.

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 Government Operations.

House Bill No. 5158, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; and to repeal certain acts and parts of acts," (MCL 46.401 to 46.416) by amending the title and by adding section 11b.

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 Government Operations.

House Bill No. 5159, entitled

A bill to amend 1966 PA 298, entitled "An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; and to provide for referendums," (MCL 51.351 to 51.367) by amending the title and section 16 (MCL 51.366).

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 Government Operations.

House Bill No. 5160, entitled

A bill to amend 1921 PA 378, entitled "An act to provide for the several counties of the state of Michigan purchasing or making, establishing and maintaining systems of abstracts of title of lands in such counties; the making and selling

of abstracts of title and furnishing of information concerning the condition of titles and charging of fees therefor; the employing of persons to keep and maintain such systems of abstracts, and the doing of all things necessary for the carrying on of a general business of making and furnishing abstracts of title to the lands in such counties," (MCL 53.141 to 53.151) by amending the title and by adding section 12.

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 Government Operations.

House Bill No. 5161, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by amending the title, as amended by 1996 PA 478, and by adding section 3d to chapter 1.

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 Government Operations.

House Bill No. 5162, entitled

A bill to amend 1921 PA 144, entitled "An act to provide a primary election system for the nomination of village officers," (MCL 200.61 to 200.65) by amending the title and by adding section 1a.

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 Government Operations.

Statements

Senators Dingell and Van Regenmorter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Dingell's statement is as follows:

It had been my intention to move that the Senate discharge the Judiciary Committee today from consideration of the House-passed version of the bill to repeal the fireman's rule. For some months, police and fire groups had been agitating that I do that; they felt that negotiations were going nowhere. Just as soon as I made that announcement that I was going to discharge, police and fire groups felt that the negotiation climate had suddenly improved. Gee, I wonder why?

In any event, police and fire groups have now asked me to delay that motion for two weeks, or thereabout, so that the new, improved climate can perhaps bear fruit. If it doesn't, I will make the motion.

Senator Van Regenmorter's statement is as follows:

I missed a good one Thursday apparently, but I can tell just from the last two speakers, other than the introduction, that I'm earning my pay and am hereby asking for a raise—well, we will put that aside. There are two issues raised here that do deserve a response. Senator Hart made his statement about his bill dealing with the Internet and pornography on the Internet, and that is an important issue. As a matter of fact, my committee held a hearing on his bill on February 3. At that hearing, individuals from both sides of the aisle expressed concerns about the constitutionality of some of the language. I asked Senator Hart and his counsel to work on that language to bring it in conformity with the Constitution before we brought it up again. I must tell you that that wasn't done until this morning. This morning I was given a copy of a new revised version, which I assume addresses some of those important constitutional concerns that have been raised earlier. I have not yet read the latest draft, so I can't make judgments on whether it does or not. Senator Hart did in his comments, suggest that I had committed to take up this bill—I am assuming he means that bill. What I have agreed to do is take up the issue, but that is not any new agreement. That has been something that I have said all along. I think it is an important issue, but we want to deal with it in a way that works, not in a way that develops a passage of a statute which is quickly overturned as unconstitutional. So, the issue is an important one. It is our intention to take it up in Judiciary and to take it up soon—unrelated to any comments about discharge.

To Senator Dingell, I must differ just very slightly with my very good friend and outstanding committee member in his conclusion that his comments about discharge somehow improve the negotiating climate; that just isn't the case. In my conversations with those groups that would be impacted by whatever is done with the firefighters rule, said before, that they were not at this juncture supporting any kind of action like that. Both of these are complex matters, but the latter—the firefighters rule—is incredibly complex, and a number of meetings have been going on. There isn't any greater number, there isn't any fewer numbers of negotiations, and I don't know how they are going to evolve. Our interest is to make sure that what happens is in the best interest of every citizen of the state of Michigan, so we will continue those negotiations.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 456, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 216b. 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.

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 5002, entitled

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

With the recommendation that the bill pass.

David Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus, Hoffman, Byrum and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Farming, Agribusiness and Food Systems reported

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.

(For text of resolution, see Senate Journal No. 32, p. 617.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

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

Whereas, Federal departments such as 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 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 in future trade agreements; 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.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Berryman

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Farming, Agribusiness and Food Systems reported

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.

(For text of resolution, see Senate Journal No. 32, p. 617.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

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

Whereas, Federal departments such as 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 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 in future trade agreements; 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.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Berryman

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Farming, Agribusiness and Food Systems reported

Senate Bill No. 485, entitled

A bill to repeal 1953 PA 173, entitled "An act to provide for the regulation of garbage and the feeding of garbage to swine; to provide for the powers and duties of the Michigan department of agriculture with respect thereto; and to prescribe penalties for the violations of the provisions of this act," (MCL 287.401 to 287.409).

With the recommendation that the bill pass.

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

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Berryman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, April 22, 1998, at 3:00 p.m., Room 210, Farnum Building

Present: Senators McManus (C), Stille and Berryman

Excused: Senators Gougeon and Byrum

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submits the following:

Meeting held on Tuesday, April 21, 1998, at 1:30 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 21, 1998, at 3:00 p.m., Senate Appropriations Room, Capitol Building
Present: Senators McManus (C), Gast, Hoffman and A. Smith
Excused: Senator Koivisto

COMMITTEE ATTENDANCE REPORT

The Legislative Retirement Board of Trustees submits the following:
Meeting held on Wednesday, April 22, 1998, at 12:00 noon, Elijah Myers Room, Capitol Building
Present: Senators McManus (C), Emmons, Schwarz and Conroy

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:
Meeting held on Wednesday, April 22, 1998, at 3:30 p.m., Room 100, Farnum Building
Present: Senators Bennett (C), Dunaskiss, Gast, Dingell and DeBeaussaert

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Joint Capital Outlay submits the following:
Meeting held on Thursday, April 23, 1998, at 8:45 a.m., Senate Appropriations Room, Capitol Building
Present: Senators Gast (C), DeGrow, Geake, Schwarz, McManus, Conroy, Koivisto and Young

Scheduled Meetings

Families, Mental Health and Human Services Committee - Thursday, April 30, at 1:00 p.m., Room 100, Farnum Building (3-1777).

General Government Appropriations Subcommittee - Tuesdays, May 5 and May 12, at 3:00 p.m., Rooms 402 and 403, Capitol Building (3-7708).

Government Operations Committee - Wednesday, April 29, at 1:00 p.m., Rooms 402 and 403, Capitol Building (3-1758).

Local, Urban and State Affairs Committee - Wednesday, April 29, at 1:00 p.m., Room 100, Farnum Building (3-1635).

Michigan Capitol Committee - Wednesday, May 13, at 12:00 noon, Room 405, Capitol Building (3-0289).

Trial Court Assessment Commission - Friday, May 1, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 12:03 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Wednesday, April 29, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.