

**No. 41**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, May 4, 2000.

10:00 a.m.

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

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

Bennett—present  
Bullard—present  
Byrum—present  
Cherry—present  
DeBeaussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present  
Emerson—present  
Emmons—excused  
Gast—present  
Goschka—present  
Gougeon—present

Hammerstrom—present  
Hart—present  
Hoffman—present  
Jaye—present  
Johnson—present  
Koivisto—present  
Leland—present  
McCotter—present  
McManus—present  
Miller—present  
Murphy—present  
North—present  
Peters—present

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

Reverend Hugh Duncan of Michigan Districts Assemblies of God of Northville offered the following invocation:  
The invocation for today was written by Brian Laing, a 7th grade student at Northville Christian School.

“We thank You, Lord, for this day and for our country, where we are free to gather together on this National Day of Prayer. We pray that You continue to bless the United States and that its leaders seek Your guidance on the decisions they make. Give them the courage to uphold the values that this country was founded on, so that we can continue to proclaim, ‘In God we trust.’ ”

Let me add, Lord, we are indeed grateful to be here today for this opportunity to pray here in this Senate Chamber. May You guide the decisions that are made in this Senate Chamber. May there be a deep hunger within the hearts of these Senators not only to make wise decisions, but to know You and to be led by Your hand. On this National Day of Prayer, may Your will prevail. In the name of Christ our Savior. Amen.

Senators Rogers, Murphy, Young and Vaughn entered the Senate Chamber.

### **Motions and Communications**

Senator Rogers moved that Senator Emmons be excused from today’s session.

The motion prevailed.

Senator Emmons is testifying in Washington, D.C., on the use tax.

Senator V. Smith moved that Senator Miller be temporarily excused from today’s session.

The motion prevailed.

Senator Rogers moved that Senator Gougeon be temporarily excused from today’s session.

The motion prevailed.

Senator Miller entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 3:

**House Bill Nos. 4388 4427 4428 5582 5633 5669**

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

**Senate Bill Nos. 1220 1223 1224 1225 1226 1227 1228 1229 1230 1231 1232 1233 1234 1235  
1236**

**House Bill Nos. 5700 5701 5702 5703 5704 5705 5706 5707 5708 5709 5710 5711 5712 5713  
5714 5715 5716 5717 5718 5719 5720 5721**

By unanimous consent the Senate proceeded to the order of

### **Third Reading of Bills**

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

#### **Senate Bill No. 453, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 44 (MCL 211.44), as amended by 1996 PA 57.

The above bill was read a third time.

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. 250**

### **Yeas—36**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussiaert  
DeGrow

Gast  
Goschka  
Hammerstrom  
Hart  
Hoffman  
Jaye

McCotter  
McManus  
Miller  
Murphy  
North  
Peters

Shugars  
Sikkema  
Smith, A.  
Smith, V.  
Steil  
Stille

Dingell  
Dunaskiss  
Emerson

Johnson  
Koivisto  
Leland

Rogers  
Schuette  
Schwarz

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—2**

Emmons

Gougeon

**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. 1191, 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. 251**

**Yeas—36**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Gast  
Goschka  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto  
Leland

McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—2**

Emmons

Gougeon

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5044, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 1 of chapter XI (MCL 711.1), as amended by 1996 PA 495, and by adding section 3 to chapter XI.

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. 252**

**Yeas—36**

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Gast        | McCotter | Shugars         |
| Bullard      | Goschka     | McManus  | Sikkema         |
| Byrum        | Hammerstrom | Miller   | Smith, A.       |
| Cherry       | Hart        | Murphy   | Smith, V.       |
| DeBeaussaert | Hoffman     | North    | Steil           |
| DeGrow       | Jaye        | Peters   | Stille          |
| Dingell      | Johnson     | Rogers   | Van Regenmorter |
| Dunaskiss    | Koivisto    | Schuette | Vaughn          |
| Emerson      | Leland      | Schwarz  | Young           |

**Nays—0**

**Excused—2**

|        |         |
|--------|---------|
| Emmons | Gougeon |
|--------|---------|

**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 revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties.”.

The Senate agreed to the full title.

Senator Gougeon entered the Senate Chamber.

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

**Senate Bill No. 388, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40113 (MCL 324.40113), as added by 1995 PA 57.

The above bill was read a third time.

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. 253****Yeas—35**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Jaye  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Rogers  
Schuette

Schwarz  
Shugars  
Sikkema  
Smith, V.  
Steil  
Van Regenmorter  
Vaughn  
Young

**Nays—2**

Smith, A.

Stille

**Excused—1**

Emmons

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senators Byrum and DeGrow admittance to the Senate floor.

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

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

**Recess**

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

The motion prevailed, the time being 10:17 a.m.

10:29 a.m.

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

During the recess, Senator Byrum introduced to the Senate and presented a special tribute to the Waverly High School Varsity Boys Basketball Team, Class A State Champions.

Coach Phil Odium responded briefly.

Senators DeGrow 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 DeGrow's statement is as follows:

Part of the process here in the Legislature is that people come; they work with us, they do a good job, and then they move on to other things. We always miss them, but we understand certainly that's part of the process. Part of the other process is, I just realized, I don't read these things as well without my glasses—that's old age. But in any event, the legislative director for my staff is going to be leaving us.

He has a long, distinguished career here in the Legislature. He was an AA for Senator Bouchard, worked for the Governor's office with all of us, and when I became leader, I was delighted to have him come and serve as my legislative director. He's done a great job for us. Unfortunately, he's done such a great job that Blue Cross and Blue Shield has taken note and has made him an offer that he feels he needs to move forward with. And so while we miss them, we wish them well. As the tribute said, he's served us with ability, commitment, and integrity, and I might add with a sense of humor as well. I've certainly enjoyed working with him. We're going to miss him, but I understand that part of life is people move on to other things. We will miss him. We wish him well. He's served the people of Michigan with great distinction in all the jobs he's held here.

Mark, we wish you well. You've done a great job, and we'll be seeing you around in your new role. Congratulations and good luck!

Senator Rogers' statement is as follows:

I know, as many of my colleagues will echo, I was thinking just a minute ago, my staff said that Cook is leaving. I was saying, I didn't even know we had a kitchen here in the Senate. Mark Cook—I'm glad he's not listening.

I will echo the sentiments of our esteemed Majority Leader. Many of us have gotten to know Mark Cook from his tenure with Senator Bouchard and other posts that he has held here. I want to say a special thank you to his family because I don't know anyone who has worked harder and put more time in to do the right thing for the people he has worked for and the people of Michigan than Mark Cook. It was, I know, a sacrifice on behalf of his wife and his kids that he spent so much time away from home doing what he passionately believed in and doing something that he believed would make a difference for his children as well. I just want to add my name to the list of people who will congratulate him today and tell him a heartfelt congratulations and thank you for all the voices that don't know the great work that he has done. We appreciate it; we know you've made a difference, Mark. Godspeed and best of luck.

By unanimous consent the Senate returned to the order of

### **Messages from the House**

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

#### **House Bill No. 4712, entitled**

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending sections 916, 934 and 2950b (MCL 600.916, 600.934 and 600.2950b), section 934 as amended by 1980 PA 271, section 2950b as amended by 1994 PA 403, and by adding section 2950c.

(For text of amendment, see Senate Journal No. 39, p. 641.)

The question being on concurring in the House amendment made to the Senate amendments,

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

#### **Roll Call No. 254**

#### **Yeas—36**

|               |             |          |                 |
|---------------|-------------|----------|-----------------|
| Bennett       | Goschka     | McCotter | Shugars         |
| Byrum         | Gougeon     | McManus  | Sikkema         |
| Cherry        | Hammerstrom | Miller   | Smith, A.       |
| DeBeaussiaert | Hart        | Murphy   | Smith, V.       |
| DeGrow        | Hoffman     | North    | Steil           |
| Dingell       | Jaye        | Peters   | Stille          |
| Dunaskiss     | Johnson     | Rogers   | Van Regenmorter |

Emerson  
Gast

Koivisto  
Leland

Schuette  
Schwarz

Vaughn  
Young

**Nays—0**

**Excused—1**

Emmons

**Not Voting—1**

Bullard

In The Chair: President

Senator Rogers moved that Senator Bullard be excused from the balance of today's session.  
The motion prevailed.  
Senator Bullard is accompanying his daughter who is having surgery.

**Senate Bill No. 1068, entitled**

A bill to repeal 1927 PA 275, entitled "An act to authorize the governor and state treasurer to refund the 6 per cent bonds secured by mortgage deed of trust of the Michigan state fair grounds; to call, pay and retire the outstanding bonds, and to issue new bonds to procure the funds to pay and retire said outstanding bonds," (MCL 12.31 to 12.35).

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

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

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Young as Chairperson.

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

**Senate Bill No. 1194, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

**Senate Bill No. 1195, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 21 (MCL 205.111), as amended by 1994 PA 34.

**Senate Bill No. 1200, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 514.

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

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

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

**House Bill No. 4684, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2162 (MCL 600.2162), as amended by 1994 PA 67.

The above bill was read a third time.

The question being on the passage of the bill,  
 Senator Dingell offered the following substitute:

Substitute (S-2).

The substitute was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Senator McCotter's statement is as follows:

I just want, for the record, to point out a couple reasons that I am in support of this bill in response to what the good Senator from the 7th District has raised. I have a lot of respect for his integrity and intelligence, but we just have a fundamental disagreement. As a practical matter, with the spousal immunity privilege, if the spouse who has not been accused of a crime has that option, it will not come into play in the case where someone who is accused is innocent. If a spouse were innocent, the other spouse would probably be more than happy to testify in that incident to clear the good name of his or her spouse. When you get to the case of the person being guilty, then it would seem to me to be the proper role of the spouse who is affected by that person's wrongful actions to make that decision for themselves.

We've heard a lot about national prayer day and the fact that the sanctity of marriage and that marriage is sacred. I would agree with that, but because we are failed, flawed human beings, marriage is both sacred and profane. The one thing that we cannot project into that relationship is a lie. If you have a spouse who has committed a crime, who is guilty of a crime, and you are forced to lie for them in the very system of justice whose whole goal is to define the truth, you have forced a lie into a sacred institution, and that sacred institution will not long stand for that.

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. 255**

**Yeas—33**

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Hammerstrom | Miller   | Sikkema         |
| Byrum        | Hoffman     | Murphy   | Smith, A.       |
| DeBeaussaert | Jaye        | North    | Smith, V.       |
| DeGrow       | Johnson     | Peters   | Steil           |
| Dunaskiss    | Koivisto    | Rogers   | Stille          |
| Emerson      | Leland      | Schuette | Van Regenmorter |
| Gast         | McCotter    | Schwarz  | Vaughn          |
| Goschka      | McManus     | Shugars  | Young           |
| Gougeon      |             |          |                 |

**Nays—3**

|        |         |      |
|--------|---------|------|
| Cherry | Dingell | Hart |
|--------|---------|------|

**Excused—2**

|         |        |
|---------|--------|
| Bullard | Emmons |
|---------|--------|

**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 not concurred in, 2/3 of the members serving not voting therefor.

Senator Rogers requested the yeas and nays.

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

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 256****Yeas—32**

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Goschka     | McCotter | Schwarz         |
| Byrum        | Gougeon     | McManus  | Shugars         |
| Cherry       | Hammerstrom | Miller   | Sikkema         |
| DeBeaussaert | Hart        | Murphy   | Smith, A.       |
| DeGrow       | Jaye        | North    | Steil           |
| Dunaskiss    | Johnson     | Peters   | Stille          |
| Emerson      | Koivisto    | Rogers   | Van Regenmorter |
| Gast         | Leland      | Schuette | Young           |

**Nays—1**

Dingell

**Excused—2**

Bullard                      Emmons

**Not Voting—3**

Hoffman                      Smith, V.                      Vaughn

In The Chair: President

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

**Protest**

Senator Dingell, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4684 and moved that the statements he made during the discussion of the substitute he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator Dingell's first statement is as follows:

It's interesting that today is the National Day of Prayer, which is a sacred subject, at least to most of us. Here we have another bill in front of us that deals with something that actually is sacred. I noted yesterday there are a lot of people in defense of the flag who like to talk about it being sacred or approaching that. It may approach it, but it's not sacred. It is the symbol of the Constitution—the flag is. It isn't sacred either, but it approaches that kind of reverence.

Marriage is something that is sacred, and this legislation that is in front of us does something that steps on marriage in a very real sense. In committee, marriage was spoken of by proponents of this bill as being a voluntary association. Now any kind of Christian fundamentalist would probably think that persons who spoke of marriage as being a "voluntary association" were some kind of secular humanists, certainly not anyone who has any kind of religious reverence at all. The proponents of this bill want to be able to coerce one spouse to give testimony against another.

Now there are two different types of testimony that are resultant from coercion by police and prosecutors. One is the sort you're familiar with where police and the prosecutor plunk the witness on the witness stand, put them under oath, and tell them that if they refuse to testify, they'll be held in contempt. That's one way.

But there are other ways of coercion that are not quite as evident. Those are the types of coercion that worry me and that will cause marital breakups, and the particular marital privilege that is being modified was intended to be protected.

In front of us there is a substitute which says that prosecutors may have spouses testify against some defendant in a number of different cases. One family of different examples has to do with divorce and child custody and child abuse matters. This substitute would retain the original language of the bill regarding those, but it would expand the possible cases where prosecutors could coerce testimony from witnesses to get them to testify against their spouse to cases where the people used to be married or where there was a divorce going on right now. It would not allow testimony by one spouse against a defendant in cases where the two people were still married and there was no divorce ongoing.

If you feel that marriage is sacred, I don't see how you can vote "no" on this substitute. Without this substitute, I would think those of you who have any reverence for marriage at all would have to vote against the bill. I look forward to the words of my friend and colleague, Senator Van Regenmorter. My guess is he's not going to be happy with the substitute. I'd like to hear why.

Senator Dingell's second statement is as follows:

I've listened carefully to my friend and colleague, Senator Van Regenmorter, and he keeps talking about a need by prosecutors for this kind of broad intrusion of a sort that will cause a lot of trouble in marriages and result in divorces. Frankly, I don't see it. I listened carefully in committee to the testimony by the prosecutors, and in addition to being impressed that they seem to be a bunch of secular humanists, I was also impressed that the evidence that they had in hand was quite sufficient to impress any jury that the defendants should be convicted.

In an attempt to form some middle ground, what I did was I came up with this substitute, which would allow the spouses to testify in absolutely every one of the examples that were brought up by the prosecutors. This amendment will deal with all of the problems that the prosecutors claim to have, allow spouses to testify in every one of those cases, yet will provide substantially more protection for marriages from the kind of coercion that Senator Van Regenmorter says doesn't happen, but anybody who can find their derriere with both hands knows happens. So I urge you to support this Dingell substitute.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 168**

**Senate Resolution No. 169**

The resolution consent calendar was adopted.

Senator Schuette offered the following resolution:

**Senate Resolution No. 168.**

A resolution to commemorate the dedication of the Robert F. Williams Community and Family Service Center in Baldwin, Michigan.

Whereas, Robert F. Williams was a distinguished citizen of the state of Michigan and gave countless hours of service as a leader in the national civil rights movement; and

Whereas, The economic, legal, and educational status of children and families in Lake County were improved through the efforts of Robert F. Williams; and

Whereas, The FiveCAP, Incorporated, Board of Directors has recognized the importance of Robert F. Williams to not only the citizens of Lake County, but to all Michigan residents by acknowledging his hard work and dedicating the Community and Family Service Center in Lake County in his honor; and

Whereas, On October 12, 1999, the Robert F. Williams Community and Family Service Center was opened in Baldwin, Michigan. A formal dedication ceremony will be held on May 5, 2000; now, therefore, be it

Resolved by the Senate, That we commemorate the dedication of the Robert F. Williams Community and Family Service Center in honor of the efforts of Robert F. Williams in improving the quality of life in Lake County. May his name continue to symbolize improving the lives of the community; and be it further

Resolved, That copies of this resolution be transmitted to the Robert F. Williams Community and Family Service Center in appreciation of his efforts in Michigan.

Senators V. Smith, DeGrow, Cherry, Vaughn, Hart, Murphy, Koivisto, Peters, Dingell, A. Smith, DeBeaussaert, Miller, Young, Emerson, Jaye, Johnson, Leland, Schuette, Steil, Gast, Goschka, Rogers, Hoffman, Van Regenmorter, Schwarz, Gougeon, Stille, Bennett, Sikkema, Dunaskiss, Shugars, Hammerstrom, McCotter, North, Byrum and McManus offered the following resolution:

**Senate Resolution No. 169.**

A resolution to commemorate and honor the life of State Trooper Frederick Anthony Hardy.

Whereas, It is with great sadness that we join the family and citizens of the state of Michigan in saluting Trooper Frederick Anthony Hardy for his immense contributions to our community. With over nine years of service with the Michigan State Police, Frederick earned the respect of the entire state as a professional and had served steadfastly. We would like to thank his family for his dedication to the residents of our great state; and

Whereas, One of the most important services that our community receives is from our law enforcement officers. This was often displayed by Trooper Hardy in his recovery of occupied stolen vehicles, for which he received the A.C.T. award as recognition. The challenges and risks these officers face on a daily basis is truly unique. On November 6, 1999, Trooper Hardy encountered one of these truly unique situations, and unfortunately, paid the ultimate price; and

Whereas, With his untimely death, the citizens of the state of Michigan lost a valuable guardian and protector. However, even more important, his family has lost a devoted father, husband, son, cousin, and friend. The dedication that Frederick Hardy has shown his family and profession deserves our praise; and

Whereas, Hard work, good judgment, and friendliness are just a few of the positive traits Trooper Hardy brought with him to his position. He took with him admiration and gratefulness. The citizens of the state of Michigan are proud to join family and friends in saluting his successful career; now, therefore, be it

Resolved by the Senate, That we commemorate and honor the life of Trooper Frederick Anthony Hardy for his successful and outstanding career with the Michigan State Police. We would also like to extend our best wishes to his wife Tamyra, daughters Brittany and Jayla, and parents Willie Fred and Annys Hardy, as well as the rest of his family; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Trooper Hardy in memory of his outstanding work and the lasting esteem we have for him.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

A moment of silence was observed in memory of State Trooper Frederick Anthony Hardy.

### Introduction and Referral of Bills

Senators Bullard and DeBeaussaert introduced

**Senate Bill No. 1243, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 222, and 251 (MCL 257.217, 257.222, and 257.251), section 217 as amended by 1998 PA 247, section 222 as amended by 1999 PA 267, and section 251 as amended by 1998 PA 455.

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

Senators Bullard, Gougeon, Emmons, Shugars, Steil, Bennett, Stille, North, Hammerstrom, Dunaskiss, Hart, Miller, McManus, Johnson, Schwarz, Jaye, Hoffman, McCotter, Dingell, Leland, Goschka, DeBeaussaert and Emerson introduced

**Senate Bill No. 1244, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," (MCL 722.21 to 722.30) by adding section 11.

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

Senators Emmons, McManus, Sikkema, Gougeon, Stille, Gast, Rogers, Schwarz, Koivisto, Hammerstrom and Goschka introduced

**Senate Bill No. 1245, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd, 7ee, 10, 10d, 10f, 24, 24a, 24b, 24c, 27a, 27b, 27c, 31, 34, 34c, 34d, 42, 44, and 53b (MCL 211.7dd, 211.7ee, 211.10, 211.10d, 211.10f, 211.24, 211.24a, 211.24b, 211.24c, 211.27a, 211.27b, 211.27c, 211.31, 211.34, 211.34c, 211.34d, 211.42, 211.44, and 211.53b), sections 7dd, 7ee, 10f, 24c, 27a, 27b, 34c, and 34d as amended and section 27c as added by 1996 PA 476, sections 10, 24, and 24b as amended by 1994 PA 415, section 10d as amended by 1984 PA 19, section 34 as amended by 1986 PA 105, section 44 as amended by 1996 PA 57, and section 53b as amended by 1995 PA 74, and by adding sections 7gg, 27e, 28a, 29a, 30d, 30e, 32a, and 33a; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators McManus, Emmons, Sikkema, Gougeon, Stille, Gast, Schwarz, Hammerstrom and Goschka introduced

**Senate Bill No. 1246, entitled**

A bill to impose a state recapture tax on the change in use of certain agricultural 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 recapture tax; and to prescribe penalties and provide remedies.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators Sikkema, McManus, Emmons, Gougeon, Stille, Gast, Rogers, Schwarz, Koivisto, Hammerstrom and Goschka introduced

**Senate Bill No. 1247, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 362.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

**House Bill No. 4388, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1606 (MCL 324.1606), as added by 1995 PA 60; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

**House Bill No. 4427, entitled**

A bill to define, develop, and regulate privately owned cervidae as an agricultural enterprise in this state; to provide powers and duties of certain state agencies and departments; and to provide for certain penalties and remedies.

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 Farming, Agribusiness and Food Systems.

**House Bill No. 4428, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103, 41102, and 42702 (MCL 324.40103, 324.41102, and 324.42702), section 40103 as amended by 1999 PA 66 and sections 41102 and 42702 as added by 1995 PA 57; and to repeal acts and parts of acts.

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 Farming, Agribusiness and Food Systems.

**House Bill No. 5582, entitled**

A bill to amend 1929 PA 313, entitled "An act to provide for the control and eradication of white pine blister rust; to provide for the destruction of trees, plants and bushes infected with white pine blister rust; to authorize the

commissioner of agriculture to remove, appraise and pay for healthy host plants necessarily destroyed; to declare certain plants and bushes a public nuisance; to authorize the commissioner to set aside fruiting currant and gooseberry and white pine growing districts as control areas; to provide for co-operation between state departments; to authorize the promulgation of rules and regulations; to provide funds for carrying out the purposes of this act; and to provide penalties for its violation,” by amending section 2 (MCL 286.102).

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

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

**House Bill No. 5633, entitled**

A bill to amend 1955 PA 162, entitled “An act to provide for the licensing and inspection of agricultural liming material and to regulate the sale thereof; and to prescribe penalties for the violations of the provisions of this act,” by amending section 8 (MCL 290.538).

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

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

**House Bill No. 5669, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2000 PA 82.

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

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

**Committee Reports**

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 4205, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 115 (MCL 750.115).

With the recommendation that the bill pass.

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

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**House Bill No. 5316, entitled**

A bill to authorize certain governmental units to issue notes or bonds for planning for the acquisition, construction, improvement, or installation of safe drinking water facilities; to provide security for the payment of the principal of and interest on the notes or bonds; and to prescribe the powers and duties of certain governmental units.

With the recommendation that the bill pass.

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

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 1201, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3112a (MCL 324.3112a), as amended by 1998 PA 3.

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

1. Amend page 2, following line 19, by inserting:

“(2) UPON BEING NOTIFIED OF A DISCHARGE UNDER SUBSECTION (1), THE DEPARTMENT SHALL PROMPTLY POST NOTIFICATION UPON ITS WEB SITE.” and renumbering the remaining subsections.

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

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 1216, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 3112c.

With the recommendation that the bill pass.

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

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

**Senate Resolution No. 133.**

A resolution to memorialize the Congress of the United States to provide adequate funding for Michigan’s Remedial Action Plans for Areas of Concern under the Great Lakes Water Quality Agreement.

(For text of resolution, see Senate Journal No. 19, p. 184.)

With the recommendation that the resolution be adopted.

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

**Senate Resolution No. 146.**

A resolution to urge the Natural Resources Commission to implement a program to provide hunters with a terminal illness additional opportunities for permits for game taken under a lottery selection process.

(For text of resolution, see Senate Journal No. 26, p. 349.)

With the recommendation that the resolution be adopted.

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Dunaskiss, Gast, Peters and Young

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submits the following:

Meeting held on Tuesday, May 2, 2000, at 3:00 p.m., Room 810, Farnum Building

Present: Senators Sikkema (C), Dunaskiss, Gast, Peters and Young

The Committee on Transportation and Tourism reported

**Senate Bill No. 859, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 667a.

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.

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Hart

Nays: None

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

The Committee on Transportation and Tourism reported

**House Bill No. 4458, entitled**

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

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil, North and Hart

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submits the following:

Meeting held on Tuesday, May 2, 2000, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Steil, North, Leland and Hart

The Committee on Financial Services reported

**Senate Bill No. 1173, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 230 (MCL 418.230), as amended by 1994 PA 271.

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars, Miller and Leland

Nays: None

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

The Committee on Financial Services reported

**Senate Bill No. 1219, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1101, 1103, 1105, 1125, and 8132 (MCL 500.1101, 500.1103, 500.1105, 500.1125, and 500.8132), sections 1101, 1105, and 1125 as added by 1994 PA 226, section 1103 as amended by 1994 PA 443, and section 8132 as added by 1989 PA 302.

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Emmons, Dunaskiss, Shugars, Jaye, Miller and Leland

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, May 3, 2000, at 9:00 a.m., Room 100, Farnum Building

Present: Senators Bullard (C), Emmons, Dunaskiss, Shugars, Jaye, Miller and Leland

The Committee on Health Policy reported

**Senate Concurrent Resolution No. 37.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to remove the time limit for Medicare coverage for immunosuppressive drugs.

(For text of resolution, see Senate Journal No. 34, p. 547.)

With the recommendation that the concurrent resolution be adopted.

Dale L. Shugars  
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Health Policy reported

**Senate Resolution No. 153.**

A resolution to memorialize the Congress of the United States to enact legislation to remove the time limit for Medicare coverage for immunosuppressive drugs.

(For text of resolution, see Senate Journal No. 34, p. 548.)

With the recommendation that the resolution be adopted.

Dale L. Shugars  
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Murphy

Nays: None

The resolution was placed on the order of Resolutions.

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, May 2, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Murphy

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, May 2, 2000, at 1:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Career Development Strategic Fund Agency submits the following:

Meeting held on Tuesday, May 2, 2000, at 3:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators Johnson (C), Stille and Emerson

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Wednesday, May 3, 2000, at 1:00 p.m., Room 426, Capitol Building

Present: Senators Schwarz (C), Johnson and Young

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary submits the following:

Meeting held on Wednesday, May 3, 2000, at 1:00 p.m., Room 210, Farnum Building

Present: Senators North (C), Goschka and Vaughn

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Consumer and Industry Services submits the following:

Meeting held on Wednesday, May 3, 2000, at 1:00 p.m. Senate Appropriations Room, Capitol Building

Present: Senators Bennett (C), Stille and Young

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Agriculture** - Wednesday, May 10, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Capital Outlay** - Thursday, May 11, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Consumer and Industry Services** - Thursday, May 11, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

**Family Independence Agency** - Tuesday, May 9, 1:00 p.m., Room 210, Farnum Building (373-1760)

**General Government** - Tuesday, May 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Wednesday, May 10, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Judiciary** - Wednesday, May 10, 1:00 p.m., Room 210, Farnum Building (373-2413)

**Natural Resources** - Tuesday, May 9, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (CANCELED); and Wednesday, May 10, 1:00 p.m., Room 404, Capitol Building (373-1725)

**State Police and Military Affairs** - Tuesday, May 9, 1:30 p.m., Room 405, Capitol Building (373-2426)

**Transportation** - Thursday, May 11, 8:30 a.m., and Tuesday, May 16, 11:30 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

**Education** - Wednesday, May 10, 3:00 p.m., Room 110, Farnum Building (373-7350)

**Families, Mental Health and Human Services** - Fridays, May 12, 9:00 a.m., Fetzer Center, Western Michigan University, Kalamazoo and 1:30 p.m., Eberhard Center, Grand Valley State University, Grand Rapids; May 19, 9:00 a.m., Morris Lawrence Building Auditorium, Washtenaw Community College, Ann Arbor; and Wednesday, May 24, 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-3543)

**Health Policy** - Tuesday, May 9, 3:00 p.m., Room 100, Farnum Building (373-0793)

**Transportation and Tourism** - Tuesday, May 9, 3:00 p.m., Room 110, Farnum Building (373-1758)

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 11:24 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, May 9, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

