No. 30

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, April 16, 1997.

10:00 a.m.

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

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

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

Pastor Les VanDyke of Reeman Christian Reformed Church in Fremont offered the following invocation:

Our gracious Father, we begin this meeting with You, but it's just not the beginning. We pray Your grace will penetrate every minute of it. We need Your grace today as we make decisions and as we seek Your will.

We ask for Your blessing. Bless each member here. We pray for their families. They have special needs and concerns which You know about. We pray for Your will today. We pray that we may not use power and authority for our own advantage or gain, but that we may seek Your will. Bless us and be with us in Jesus' name, our Lord. Amen.

Motions and Communications

Senators Steil, Rogers and Gast entered the Senate Chamber.

Senator DeGrow moved that rule 3.902 be suspended to allow the guest of Senator Schuette admittance to the Senate floor.

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

Senators Young and Cherry entered the Senate Chamber.

Senator Byrum moved that Senators V. Smith, Conroy and Miller be temporarily excused from today's session.

The motion prevailed.

The following communication was received:

Calhoun Intermediate School District

April 10, 1997

Enclosed are copies of the Program Year 1997 Job Training Plans for funding under the Job Training Partnership Act (JTPA), as developed by the Workforce Development Board and Chief Elected Officials of the Barry, Branch and Calhoun Michigan Works! Service delivery area.

In accordance with the Americans Disabilities Act (ADA), the information contained in this plan will be made available in alternative format (large type, audio tape, etc.) upon special request received by our office.

Comments regarding the plans are to be directed in writing to the Workforce Development Board and Chief Elected Officials, in care of the Calhoun Intermediate School District, 17111 "G" Drive North, Marshall, MI 49068. If you have any questions, please contact our Workforce Development Team at 616-789-2409.

Yours truly,
Roger T. LaBonte
Superintendent

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 15:

House Bill Nos. 4117 4386 4520

The Secretary announced the printing and placement in the members' files on Tuesday, April 15 of:

House Bill Nos. 4610 4611 4612 4613 4614 4615

Messages from the Governor

The following message from the Governor was received:

Date: April 15, 1997
Time: 11:30 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 127 (Public Act No. 3), being

An act to amend 1943 PA 240, entitled "An act to provide for a state employees' retirement system; to create a state employees' retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; and to prescribe penalties and provide remedies," by amending sections 16 and 19f (MCL 38.16 and 38.19f), section 19f as added by 1996 PA 487.

(Filed with the Secretary of State on April 15, 1997, at 1:20 p.m.)

Respectfully,
John Engler
Governor

Senators Geake, Conroy, Miller and V. Smith entered the Senate Chamber.

Third Reading of Bills

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 208, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1996 PA 484.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 13, following line 18, by inserting:

"SEC. 253. (1) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, A QUALIFIED TAXPAYER MAY CREDIT AGAINST THE TAX IMPOSED BY THIS ACT AN AMOUNT EQUAL TO 25% OF THE CREDIT THE QUALIFIED TAXPAYER IS ALLOWED TO CLAIM AS A CREDIT UNDER SECTION 32 OF THE INTERNAL REVENUE CODE FOR A TAX YEAR ON A RETURN FILED UNDER THIS ACT FOR THE SAME TAX YEAR.

(2) IF THE CREDIT ALLOWED BY THIS SECTION EXCEEDS THE TAX OTHERWISE DUE FOR THE TAX YEAR, THE STATE TREASURER SHALL REFUND THE EXCESS TO THE QUALIFIED TAXPAYER WITHOUT INTEREST, EXCEPT AS PROVIDED IN SECTION 30 OF 1941 PA 122, MCL 205.30.

(3) AS USED IN THIS SECTION, "QUALIFIED TAXPAYER" MEANS A TAXPAYER WHO IS ELIGIBLE TO CLAIM A CREDIT UNDER SECTION 32 OF THE INTERNAL REVENUE CODE AND HAS A QUALIFYING CHILD AS THAT TERM IS DEFINED IN SECTION 32 OF THE INTERNAL REVENUE CODE.".

The question being on the adoption of the amendment,

Senator Emmons offered the following amendment to the amendment:

1. Amend Senator Peters' Amendment No. 1, page 13, following line 18, section 253, following subsection (3), by inserting:

"(4) TO QUALIFY FOR THE CREDIT UNDER THIS SECTION, A TAXPAYER SHALL ATTACH TO HIS OR HER ANNUAL RETURN FOR A TAX YEAR IN WHICH A CREDIT UNDER THIS SECTION IS CLAIMED A STATEMENT SIGNED BY AN ADMINISTRATOR OF THE SCHOOL ATTENDED BY EACH OF THE TAXPAYER'S CHILDREN WHO ARE 18 YEARS OF AGE OR YOUNGER THAT STATES THAT THE CHILD OR CHILDREN ATTENDED SCHOOL ON 90% OF THE REQUIRED SCHOOL DAYS DURING THE TAX YEAR.".

The question being on the adoption of the amendment to the amendment,

Senator Emmons moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator Peters offered the following amendment:

1. Amend page 13, following line 18, by inserting:

"SEC. 253. (1) A QUALIFIED TAXPAYER MAY CREDIT AGAINST THE TAX IMPOSED BY THIS ACT AN AMOUNT EQUAL TO 10% OF THE CREDIT THE QUALIFIED TAXPAYER IS ALLOWED TO CLAIM AS A CREDIT UNDER SECTION 32 OF THE INTERNAL REVENUE CODE FOR A TAX YEAR ON A RETURN FILED UNDER THIS ACT FOR THE SAME TAX YEAR.

(2) IF THE CREDIT ALLOWED BY THIS SECTION EXCEEDS THE TAX OTHERWISE DUE FOR THE TAX YEAR, THE STATE TREASURER SHALL REFUND THE EXCESS TO THE QUALIFIED TAXPAYER WITHOUT INTEREST, EXCEPT AS PROVIDED IN SECTION 30 OF 1941 PA 122, MCL 205.30.

(3) AS USED IN THIS SECTION, "QUALIFIED TAXPAYER" MEANS A TAXPAYER WHO IS ELIGIBLE TO CLAIM A CREDIT UNDER SECTION 32 OF THE INTERNAL REVENUE CODE AND HAS A QUALIFYING CHILD AS THAT TERM IS DEFINED IN SECTION 32 OF THE INTERNAL REVENUE CODE.".

The question being on the adoption of the amendment,

Senator Peters moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

Senator Cherry offered the following amendment:

1. Amend page 9, following line 12, by inserting:

"(V) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, DEDUCT, TO THE EXTENT INCLUDED IN ADJUSTED GROSS INCOME, UNEMPLOYMENT COMPENSATION RECEIVED IN THE TAX YEAR.".

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

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 110 **Yeas—17**

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

Nays—21

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

Excused—0

Not Voting—0

In The Chair: President

Protests

Senators Emmons and Shugars, under their constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator Cherry to Senate Bill No. 208.

Senator Emmons' statement, in which Senator Shugars concurred, is as follows:

I voted "no" on the unemployment addition to this bill because I believe we should include in income unemployment for people who earn $50,000 or $60,000 a year. I don't think poor waitresses who earn only $16,000 ought to be asked to pay taxes to supplement incomes in the area of $50,000 to $60,000.

Senator Shugars' statement is as follows:

It is my belief that these amendments are to load up the bill and try to kill the bill and I think that's the wrong strategy for the minority party to do.

Senator A. Smith offered the following amendment:

1. Amend page 10, following line 15, by inserting:

"(E) THE TOTAL ADJUSTED GROSS INCOME FOR THE FAMILY OF THE TAXPAYER IS $10,000.00 OR LESS FOR THE TAX YEAR. AS USED IN THIS SUBDIVISION, "FAMILY" MEANS THE TAXPAYER, THE TAXPAYER'S SPOUSE, AND THE CHILDREN OF THE TAXPAYER FOR WHOM DEPENDENCY EXEMPTIONS UNDER SUBSECTION (2) ARE CLAIMED BY THE TAXPAYER FOR THE TAX YEAR.".

The question being on the adoption of the amendment,

Senator A. Smith moved that further consideration of the amendment be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate returned to consideration of the first amendment offered by Senator Peters.

The question being on the adoption of the amendment to the amendment offered by Senator Emmons,

Senator Emmons withdrew the amendment to the amendment.

The question being on the adoption of the amendment offered by Senator Peters,

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

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 111 **Yeas—19**

Bennett	Conroy	Koivisto	Smith, V.
Berryman	DeBeaussaert	Miller	Stallings

Byrum	Dingell	O'Brien	Vaughn
Cherry	Gougeon	Peters	Young
Cisky	Hart	Smith, A.	

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to consideration of the second amendment offered by Senator Peters.
The question being on the adoption of the amendment,
The amendment was not adopted, a majority of the members serving not voting therefor.
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 112 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to consideration of the amendment offered by Senator A. Smith.
The question being on the adoption of the amendment,
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 113 **Yeas—19**

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

Nays—19

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

Excused—0

Not Voting—0

In The Chair: President

Senator Byrum offered the following amendment:
1. Amend page 9, line 25, after "1996" by striking out "$2,500.00" and inserting "$2,600.00".
The question being on the adoption of the amendment,
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 114 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Protest

Senator Rogers, under his constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of amendment offered by Senator Byrum to Senate Bill No. 208 and moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no”.

The motion prevailed.

Senator Rogers’ statement is as follows:

I rise to address a couple of comments by the Senator from the 14th District. I think this certainly exemplifies the hollow, shallow and certainly short-sighted rhetoric that is flying over from the other side of the aisle. This clearly, and by his own comments, is looking out for the next election as opposed to the next generation. If we are about anything in this chamber it is about trying to make sure that those who come after us have as great an opportunity as we have had as our ancestors before us, as our parents and grandparents enjoyed in this country.

He talked about the tip credit and how horrible it was that we didn’t want waitresses to get a raise in the tip credit. That alone shows that they are more interested in the election cycle than they are in real progress for working men and women, especially waitresses. We know that by that bill that was passed we are going to cost about 250 to 500 waitresses their jobs next year. We know that. That’s the conservative estimate. There’s a better way to make sure that they get more money in their pocket without costing one waitress a job, and that’s this bill. This bill eliminates and replaces a sense of fairness back into the system for those who are earning money off tips, specifically waitresses. To say that you’re truly interested in people is absurd when you’re willing to stand up and thump your chest and say, “See what we did for waitresses,” when we know it’s going to cost 250 of them their jobs as opposed to this that instills fairness back in the system.

I would hope that you would reconsider your position, Senator, and start putting a face and a person, and look that waitress in the eye when she packs up her stuff and can’t come back to that restaurant because she no longer has the opportunity for those flexible hours so she can take care of her family and earn that kind of a wage. Those are the people you ought to consider, Mr. Senator from the 14th. Not that election campaign ad that you’ve already got written for next year.

Senators Schuette, Cherry, Posthumus, Berryman and Hoffman asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schuette’s statement is as follows:

I support the Chairman of the Finance Committee and her recommendation that we turn down this amendment.

What’s been interesting today in this body, is that we’re talking about tax policy during tax week, tax month and there are two different approaches being discussed here. The chair of the tax policy of the Finance Committee has talked about having further discussions and talking about broad-based tax cuts for families across this state.

What we’ve been talking about is targeted, trying to fit the mold, and if you’re deserving of a tax cut from the Democratic approach, maybe you will get it. I think it’s important we have broad-based tax cuts for Michigan’s future where 9.5 million people can determine on their own with a broad-based tax cut if they want to buy a car, if they want to remodel their home, if they want to save for their child’s education, or if they want to sock some money away for the families health care needs. Let people decide and let them have the freedom to make determinations on what they want to do with a broad-based tax cut instead of trying to fit the mold if you’re so lucky and you’re so deserving from the Democratic viewpoint of what tax cuts mean.

Obviously, tax policies have been helpful for Michigan’s future. It’s stimulated growth. We need to do more to put money in people’s pockets. But, let people decide that families have the freedom to make that decision with broad-based income tax rate cuts instead of targeted means which, frankly, don’t fit the bill for every family in this state.

Senator Cherry’s statement is as follows:

I wanted to deal with the issue raised by my good colleague, the Senator from the 21st District. I am not sure of the logic here, but as I recall it somehow the only reason we support amendments like the Byrum amendment is because we support the gas tax increase. He is wrong on two counts.

First of all, I support the Byrum amendment because of the merits of the issue. Let me assure him right here and now that if there is a gas tax increase it is going to be because of your votes, not ours. There may be, over here, a couple of people who may be willing to support one. But I can tell you, rest assured, that this caucus does not support a gas tax increase. If there is going to be one, it is because you all do. You all advocate for one. You all put one forward. We, in the budget process, believed that we could rectify some of the problems right here in this construction season by looking to our bank account. That is our position. Our position was to use that money we have tucked away in our bank account to help construct and repair some of the enormous damage that is being done to Michigan roads. This whole idea of a gas tax is one that you simply have now put forward here on the Senate floor, which we are not supportive of.

I hate to see an issue as important as this, not only in terms of the bill itself but the amendments put forward, being clouded by such a myth that the Senator from the 21st District wants to perpetuate here this morning. Let me demythicize that by simply saying that this caucus is not advocating any increase in the Michigan gas tax.

Senator Posthumus' statement is as follows:

Given what the Minority Leader just said, I think it is important to note that the only bill that has been introduced to increase the gas tax comes from his caucus. Not from this caucus. This chamber has in fact taken a position, led by this caucus, on what we are going to do for roads. We are waiting for the House Democrats to do something. We have passed $130 - $180 million of new money for the roads, this year. Almost $200 million next year. That is equivalent to a three cent tax increase this year, almost a four cent tax increase in every year thereafter, without taking a dime out of the pocketbooks of the taxpayers of this state. That is what this is about. That is what this caucus supports and that is what this Senate supports. It is time the House acts.

Senator Berryman's statement is as follows:

I know that the distinguished Majority Leader and the Senator from the 21st District and all of you find it very difficult, that people on this side of the aisle can have an individual thought—that we all just don't line up and do what the Majority Leader tells you to do. We have individuals over here who can think for themselves.

That gas tax proposal is Senator Berryman's gas tax proposal. You don't see another co-sponsor from either side of the aisle. That was my introduction, myself having an individual thought because your side of the aisle won't act, because this administration won't act. If you think that bringing up a gas tax will try to divert what you are trying to do here—and that's to give an individualized tax for special people over here, divert the attention to the gas tax is wrong.

First of all, you cannot duck the issue of Michigan's crumbling roads. If you think the roads started crumbling on January 1, 1997, you are mistaken. They have been crumbling for a long time and you have failed to deal with them, or to do anything about them, so I stood up last year, and I offered a solution. I reintroduced that solution this year. I also introduced a resolution last year that asked the federal government to send our federal dollars that we send to Washington, I asked for a resolution to the federal authorities to send that back to the state of Michigan. You buried it in committee. You buried in committee, and then just a couple of weeks ago you passed one identical because the Governor happened to mention in the State of the State "Now I want money back from the feds." You had an opportunity to do that a year ago, and you didn't.

Now I know that you can always try to have that broad brush and paint all Democrats as liberal and tax-and-spend Democrats. It doesn't fit here. That is my bill, my bill alone and no co-sponsorships and I'll stand and defend that bill anytime because mine addresses a long-term solution to rebuilding Michigan's infrastructure and for seven and one have years you have done absolutely nothing, absolutely nothing and because of that our roads are falling apart. Shame on you. Shame on your governor.

Senator Hoffman's statement is as follows:

In response to the Senator from the 17th District, I don't believe it's in anyone's best interest to demagogue what's been going on in the area of transportation. I am pleased to stand here this morning and be able to say that the transportation problems in this state have responsibly been dealt with by this Chamber. Members on both sides of this aisle have joined together and sent a responsible plan to the House of Representatives for their consideration. The House of Representatives until this time (to my knowledge) has not responded.

To the good Senator from the 17th District the reason we didn't take up his resolutions last year is because that we had already passed two similar resolutions authored by the Senator from the 22nd District, Senate Concurrent Resolution No. 265 and Senate Concurrent Resolution No. 266, both asking Congress of the United States and the President to send back a fairer share of our federal gas dollars back to the state of Michigan.

It's unfortunate, but it does appear to me that maybe the Senator from the 17th District is more interested on grandstanding than on debating and offering solutions to the serious problems that perplex this state.

I think to offer a gasoline tax increase before we go and try to reform the department bureaucracies that exist here, is like putting the cart before the horse. I don't think it's the best way to responsibly deal with an issue such as transportation reform in the state of Michigan. As the Senate Majority Leader just said, we have appropriated and sent to the House of Representatives over $330 million in new dollars reprioritized and reallocated from transportation spending without asking our citizens for an increase in the gas tax at this time. That is the equivalent of over 6.5 cents a gallon in the gasoline tax without asking our citizens for more money.

I joined with the Senate Minority Leader and I'll only pledge that we will do everything in our power to avoid at all cost an increase in the gasoline tax. I think that it took courage on the part of the Senator from the 18th District to stand up and to say that a gasoline tax wouldn't come from his side of the aisle. Well, Senator, I'm probably not the most appropriate person to make that pledge from our side of the aisle, but I do believe in consultation with my colleagues that we probably won't be authoring or passing a gas tax increase from our side of the aisle either.

Recess

Senator DeGrow moved that the Senate recess until 12:30 p.m.
The motion prevailed, the time being 11:25 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Recess

Senator DeGrow moved that the Senate recess until 12:45 p.m.
The motion prevailed, the time being 12:31 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the Associate President pro tempore, Senator Vaughn.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 12:46 p.m.

1:00 p.m.

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

Senator Hart offered the following amendment:
1. Amend page 9, line 25, after “1996” by striking out “$2,500.00” and inserting “$2,550.00”.
The question being on the adoption of the amendment,
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 115 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator A. Smith offered the following amendment:

1. Amend page 9, following line 12, by inserting:

"(V) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, DEDUCT, TO THE EXTENT NOT DEDUCTED IN DETERMINING ADJUSTED GROSS INCOME, THE AMOUNT OF EMPLOYMENT RELATED QUALIFIED CHILD CARE EXPENSES PAID IN THE TAX YEAR NOT TO EXCEED $5,000.00 PER CHILD. AS USED IN THIS SUBDIVISION:

(*i*) "EMPLOYMENT RELATED QUALIFIED CHILD CARE EXPENSES" MEANS QUALIFIED CHILD CARE EXPENSES INCURRED TO ENABLE THE TAXPAYER TO BE GAINFULLY EMPLOYED.

(*ii*) "QUALIFIED CHILD CARE EXPENSES" MEANS EXPENSES PAID FOR THE CARE OF A DEPENDENT OF THE TAXPAYER TO A CHILD CARE CENTER, DAY CARE CENTER, FAMILY DAY CARE HOME, OR GROUP HOME, LICENSED OR REGISTERED BY THE FAMILY INDEPENDENCE AGENCY UNDER 1973 PA 116, MCL 722.111 TO 722.128, OR PAID TO AN INDIVIDUAL UNRELATED TO THE TAXPAYER WHO PROVIDES CHILD CARE IN THE TAXPAYER'S HOME.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

Senator DeGrow moved that rule 2.106 be suspended to allow the Legislative Council to meet during Senate session.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 116 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Dingell offered the following amendment:

1. Amend page 13, following line 18, by inserting:

"SEC. 266. (1) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER 1997, A TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO $500.00 FOR EACH CHILD, SIX YEARS OF AGE OR YOUNGER, FOR WHOM THE TAXPAYER CLAIMS A DEPENDENCY EXEMPTION UNDER SECTION 30(2).

(2) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION OF THE CREDIT THAT EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED.".

The question being on the adoption of the amendment,

Point of Order

Senator DeGrow raised the Point of Order that the amendment was not germane because it added another section to a single-section bill.

The President pro tempore, Senator Schwarz, ruled that the amendment was not germane.

Senator DeBeaussaert offered the following amendment:

1. Amend page 10, line 2, by striking out "$900.00" and inserting "$1,200.00".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 117 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Protest

Senator Shugars, under his constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of the amendment offered by Senator DeBeaussaert to Senate Bill No. 208 and moved that the statements he made during the discussion of the amendments be printed as his reasons for voting "no."

The motion prevailed.

Senator Shugars' first statement is as follows:

I rise in opposition to this amendment and all the rest of the amendments. It's important that this bill goes through without any amendments. We want to help the waiters and waitresses. We want to make it a fairness issue. We're not going to broaden this into a major tax cut for a number of reasons, so I urge my colleagues to vote "no" on this amendment.

Senator Shugars' second statement is as follows:

The question about fairness that I am talking about is that the IRS in the minimum wage laws, treat the waiters and waitresses differently than if you were in any other capacity earning tips. Until you actually work with the IRS, the employers annual information return tip income and allocated tips, Form 8027 of the IRS, and understand that they specifically ask for the tips reported under the charge slips and then they calculate 8% and 10% to try to find out if everyone reported all of their tips. There's no other employee out there that the IRS targets. What we're saying is let's try to make it a fairer situation or fairer system that if you receive tips and you're not a waitress, then you're treated similarly as if you were a waitress. That's the type of fairness that we're talking about; not a question of a value judgement of helping out seniors or parents that wish to both work and send their child to a daycare facility or increase the exemptions and things of that sort. There is a lot of merit to a lot of those amendments, but this is not the time or the place for these particular amendments. What we're dealing with are just the waitresses and waiters. I urge a "no" vote on the amendment.

Senator Peters offered the following amendment:

1. Amend page 13, following line 18, by inserting:

"SEC. 266. (1) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER 1997, A TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO $500.00 FOR EACH INDIVIDUAL 65 YEARS OR OLDER FOR WHOM THE TAXPAYER CLAIMS A DEPENDENCY EXEMPTION UNDER SECTION 30(2).

(2) IF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION OF THE CREDIT THAT EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED.".

The question being on the adoption of the amendment,

Point of Order

Senator DeGrow raised the Point of Order that the amendment was not germane because it added another section to a single-section bill.

The President pro tempore, Senator Schwarz, ruled that the amendment was not germane.

Senator Peters offered the following amendment:

1. Amend page 10, following line 15, by inserting:

"(E) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, FOR EACH CHILD OF THE TAXPAYER FOR WHOM THE TAXPAYER CLAIMS A DEPENDENCY EXEMPTION UNDER SUBSECTION (2) AND WHO IS 6 YEARS OF AGE OR YOUNGER AT THE END OF THE TAX YEAR FOR WHICH THE EXEMPTION UNDER THIS SUBSECTION IS CLAIMED.".

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

Senator Peters requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 118 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Dingell offered the following amendment:

1. Amend page 10, following line 15, by inserting:

"(V) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER 1997, A TAXPAYER MAY CLAIM AN EXEMPTION AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO $500.00 FOR EACH CHILD, SIX YEARS OF AGE OR YOUNGER, FOR WHOM THE TAXPAYER CLAIMS A DEPENDENCY EXEMPTION UNDER SECTION 30(2).

(W) IF THE EXEMPTION ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION OF THE EXEMPTION THAT EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 119 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 13, following line 18, by inserting:

"(V) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER 1997, A TAXPAYER MAY CLAIM AN EXEMPTION AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO $500.00 FOR EACH INDIVIDUAL 65 YEARS OR OLDER FOR WHOM THE TAXPAYER CLAIMS A DEPENDENCY EXEMPTION UNDER SECTION 30(2).

(W) IF THE EXEMPTION ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION OF THE EXEMPTION THAT EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 120 **Yeas—19**

Bennett	Conroy	Koivisto	Smith, V.
Berryman	DeBeaussaert	Miller	Stallings

Byrum	Dingell	O'Brien	Vaughn
Cherry	Gougeon	Peters	Young
Cisky	Hart	Smith, A.	

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Berryman offered the following amendment:

1. Amend page 13, following line 18, by inserting:

"(V) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, A TAXPAYER MAY CLAIM A EXEMPTION AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO 50% OF THE AMOUNT OF A CASH DONATION MADE BY THE TAXPAYER IN THE TAX YEAR TO AN ORGANIZATION THAT MEETS ALL OF THE FOLLOWING CRITERIA:

(*i*) QUALIFIES FOR AN EXEMPTION FROM FEDERAL TAXATION UNDER SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE AND IS LICENSED AS A CHILD PLACING AGENCY OR CHILD CARING INSTITUTION UNDER 1973 PA 116, MCL 722.111 TO 722.128, AND THAT PROVIDES CARE TO CHILDREN UNDER A CONTRACT WITH THE STATE OR WITH A COUNTY GOVERNMENT.

(*ii*) PROVIDES OUT-OF-HOME CARE FOR CHILDREN WHO ARE YOUNGER THAN 17 YEARS OF AGE.

(A) THE AMOUNT ALLOWED AS A EXEMPTION UNDER THIS SECTION FOR A TAX YEAR SHALL NOT EXCEED $100.00, OR FOR A HUSBAND AND WIFE FILING A JOINT RETURN, $200.00.

(B) IF THE EXEMPTION ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION OF THE EXEMPTION THAT EXCEEDS THE TAX LIABILITY SHALL NOT BE REFUNDED.".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 121 **Yeas—19**

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

Nays—19

Bouchard	Emmons	North	Shugars
Bullard	Gast	Posthumus	Steil
Carl	Geake	Rogers	Stille
DeGrow	Hoffman	Schuette	Van Regenmorter
Dunaskiss	McManus	Schwarz	

Excused—0

Not Voting—0

In The Chair: Schwarz

Senator Dingell offered the following amendment:
1. Amend page 9, line 4, by striking out “NOT TO EXCEED $10,000.00,”.
The question being on the adoption of the amendment,
Senator V. Smith requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 122 **Yeas—17**

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

Nays—20

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

Excused—0

Not Voting—1

Bullard

In The Chair: Schwarz

Senator Hart offered the following amendment:
1. Amend page 9, following line 12, by inserting:
“(V) FOR THE 1997 TAX YEAR AND EACH TAX YEAR AFTER THE 1997 TAX YEAR, A TAXPAYER WHO ATTACHES BOTH AN INCIDENT REPORT ISSUED BY A LAW ENFORCEMENT AGENCY WITH DETAILS OF THE DAMAGE TO HIS OR HER MOTOR VEHICLE AND THAT STATES THAT THE CAUSE OF THE DAMAGE TO HIS OR HER MOTOR VEHICLE WAS LACK OF MAINTENANCE OF A ROAD OR HIGHWAY IN THIS STATE AND A RECEIPT MARKED PAID FOR THE REPAIR OF THE DAMAGE MAY DEDUCT, TO THE EXTENT NOT DEDUCTED IN DETERMINING ADJUSTED GROSS INCOME, QUALIFIED COSTS PAID BY THE TAXPAYER IN THE TAX YEAR. AS USED IN THIS SUBDIVISION:
(*i*) “MOTOR VEHICLE” MEANS THAT TERM AS DEFINED IN THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.
(*ii*) “QUALIFIED COSTS” MEANS THE COSTS PAID BY THE TAXPAYER TO REPAIR DAMAGE TO A MOTOR VEHICLE OWNED BY THE TAXPAYER THAT WAS CAUSED BY THE LACK OF MAINTENANCE OF A ROAD OR HIGHWAY IN THIS STATE.”.

The question being on the adoption of the amendment,
Senator Hart requested the yeas and nays.
The yeas and nays were ordered, 1/5 of the members present voting therefor.
The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 123 **Yeas—16**

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

Nays—22

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

Excused—0

Not Voting—0

In The Chair: Schwarz

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. 124 **Yeas—34**

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

Nays—4

Berryman	Gast	Smith, A.	Stille

Excused—0

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Berryman and A. Smith, under their constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 208.

Senator Berryman's statement, in which Senator A. Smith concurred, is as follows:

I voted "no" on Senate Bill No. 208 because I think it does definitely set up at least two classes of individuals who will be treated differently when coming to state income tax.

As much as I understand how hard the men and women who serve work, because my mother did that and she worked very hard and it was tiring, as much as they deserve that break, you have others who are not servers, are not tipped employees, who work as stock boys, stock women, delivery people who make $5.15 a hour. They work very, very hard and they're going to pay state income tax from dollar one.

Yet another group of people in the long run make more money in a year than those individuals make. They're going to have their first $10,000 of tip wages exempt from state income tax. I don't think that's fairness in taxation. One, I'd like to know if it's even constituently legal to separate those kind of employees from the state income tax, but it certainly does not show those individuals who do work—not tipped wages, but just people who work for $5.15 or $5.25 per hour. Some of those are men and women work in nursing homes and that's all they get paid. They get paid $5.25 or $5.50 per hour and they're responsible for your grandparents or your parents, and they're going to be paying state income tax from dollar one. When the Senator from the 23rd District kept talking about fairness, I certainly don't think this goes along the issue of fairness.

Senators Gougeon, Emmons, Hoffman, Rogers, Steil and McManus moved that they be named co-sponsors of the following bill:

Senate Bill No. 208

The motion prevailed.

Senators Gougeon, Van Regenmorter, A. Smith and North asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gougeon's statement is as follows:

Last year in August, I had the opportunity of appointing Maureen Czerwinski as a Page on this Senate Floor and today will mark her last day as a Page. She's leaving to go to work for Representative Al Kukuk.

Many of you are probably not aware, but Maureen was the Michigan Bean Queen prior to being a Page on this Senate Floor. I think she's done an outstanding job as a Page here and I hope my colleagues would join me today and thank Maureen for her year of excellent service.

Senator Van Regenmorter's statement is as follows:

Maureen Czerwinski is also an Intern in my office and is going to be working for Representative Kukuk in the House and Representative Kukuk is going to be getting one fine, fine person.

I want to congratulate my good colleague, Senator Gougeon, for appointing such a fine person as Maureen Czerwinski. In addition to being the Bean Queen of Michigan for 1996, if she is an example of the young people we have coming up to hopefully run for elected office in the future, we are in good shape.

Senator A. Smith's statement is as follows:

I would like to echo the remarks of Senator Van Regenmorter. Maureen has been an absolutely delightful young woman to work with. She is extraordinarily pleasant. I do not know why Representative Kukuk is getting her and not somebody over here in the Senate. I think she would be a marvelous addition. I wish her the best of luck.

Senator North's statement is as follows:

I would just echo my colleagues', Senator Van Regenmorter and Senator Alma Smith, remarks. Senator Van Regenmorter noted that she is symbolic of the type of person who may run for elected office in the future. All that I would add is thank goodness she does not live in my district.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 20

Senate Concurrent Resolution No. 11

Senate Concurrent Resolution No. 18
Senate Concurrent Resolution No. 19
Senate Concurrent Resolution No. 20
Senate Concurrent Resolution No. 21
Senate Concurrent Resolution No. 22
The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:
Senate Resolution No. 40
Senate Resolution No. 41
Senate Resolution No. 42
Senate Resolution No. 44
The resolution consent calendar was adopted.

Senator Stille offered the following resolution:
Senate Resolution No. 40.
A resolution in recognition of May 1, 1997, as the National Day of Prayer.
Whereas, Throughout the history of our great nation, citizens have relied on prayer for guidance, strength, and comfort; and
Whereas, Prayer continues to provide direction and understanding to clergy, laymen, and government officials alike; and
Whereas, By practicing prayer, we are given the opportunity for a closer relationship with our Creator; and
Whereas, Although prayers are common during times of strife, it is also important to lift our hearts and minds in prayers of thanksgiving and praise; and
Whereas, Every year since 1952 the President of the United States has proclaimed a National Day of Prayer and called upon citizens to gather together to pray for our nation; and
Whereas, This year the National Day of Prayer will be observed on May 1, 1997; now, therefore, be it
Resolved by the Senate, That May 1, 1997, be proclaimed as National Day of Prayer in Muskegon and Ottawa Counties; and be it further
Resolved, That all citizens of the state of Michigan be urged to gather on this day in their homes and places of worship to pray, each in his or her own manner, in the giving of thanks to God for His blessings and in seeking His guidance and strength.
Senators DeGrow, Shugars, Bouchard, Schuette, DeBeaussaert, Schwarz, McManus, Young, Stallings and Hoffman were named co-sponsors of the resolution.

Senator Byrum offered the following resolution:
Senate Resolution No. 41.
A resolution in commemoration of the Drinking Water Celebration.
Whereas, A Drinking Water Celebration on May 5, 1997, will bring together state and local leaders from across Michigan to reflect and build upon the vast accomplishments that have been made to promote drinking water protection among diverse audiences; and
Whereas, This Celebration is the culmination of a ten-year effort of the Groundwater Education in Michigan (GEM) Program, a multimillion dollar statewide program funded through the W.K. Kellogg Foundation, to heighten awareness of Michigan’s groundwater resources and promote proactive voluntary drinking water protection activities; and
Whereas, The Celebration will showcase a cross-section of the 35 local and regional GEM projects which have developed educational materials, provided technical assistance to communities, and implemented training sessions and workshops on drinking water protection; and
Whereas, The Institute of Water Research at Michigan State University and the five university-based GEM Regional Centers at Western Michigan University, University of Michigan-Flint, Grand Valley State University, Michigan Technological University, and Eastern Michigan University have played major roles in developing programs and advancing pollution prevention efforts that protect the state’s drinking water resources; and
Whereas, Important partnerships and new initiatives have emerged among statewide organizations and agencies that will carry on the objectives of the GEM program and which focus upon voluntary locally-driven pollution prevention activities; and
Whereas, The Celebration will initiate a collective vision for the future regarding protection of Michigan’s drinking water resources and launch a statewide media campaign to heighten awareness of drinking water among Michigan citizens; now, therefore, be it

Resolved by the Senate, That the members of the Michigan Senate join in commemorating the Drinking Water Celebration and commending the W.K. Kellogg Foundation, the GEM program, and a myriad of local and state organizations throughout Michigan for their involvement; and be it further

Resolved, That a copy of this resolution be presented to the W.K. Kellogg Foundation as a token of our esteem.

Senators Schwarz, Young, Stallings and Hoffman were named co-sponsors of the resolution.

Senator Bouchard offered the following resolution:

Senate Resolution No. 42.

A resolution to commemorate the work of sculptor Marshall Fredericks.

Whereas, As a sculptor for over 60 years, our own Marshall Fredericks of Birmingham, Michigan, has not only inspired people with his work around our state, but is internationally renowned for his unique vision of the human spirit and its boundless possibilities; and

Whereas, On January 31, 1908, Marshall Fredericks was born in Rock Island, Illinois. Having graduated from the Cleveland School of Art, he continued his studies throughout Europe. In 1932, Marshall moved to Birmingham, Michigan, to teach at Cranbrook Academy where he taught for 10 years before joining the United States Air Force during World War II; and

Whereas, After the war, Marshall returned to Birmingham with a new sense of inspiration and began working full time on his sculptures. Among Marshall's most impressive works are "Freedom of the Human Spirit" in Shain Park in Birmingham and the 28-foot high "Spirit of Detroit" in front of the City-County Building in Detroit. Not only do the exquisite works of Marshall Fredericks decorate and exalt joy throughout the Detroit Metro area, but all over Michigan, the United States and several countries throughout the world as well; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to commemorate the sculptures of Marshall Fredericks; and be it further

Resolved, That a copy of this resolution be transmitted to Marshall Fredericks as evidence of our great respect for the value of his work in our society.

Senators Cisky, Schuette, DeBeaussaert, Schwarz, Young, Stallings and Hoffman were named co-sponsors of the resolution.

Senators Schuette, Gougeon, Hart, Steil, North, Young and McManus offered the following resolution:

Senate Resolution No. 44.

A resolution commemorating that the week of April 27-May 1, 1997, be proclaimed Violence Prevention Week.

Whereas, The violence in all areas of our state and its communities continues to increase at an alarming rate; and

Whereas, The county and city of Midland support an increase of local, regional, and statewide violence prevention efforts; and

Whereas, The Community Victory Over Violence Committee in Midland County will be encouraging broad citizen involvement and concern in violence prevention; and

Whereas, The Community Victory Over Violence Committee in Midland County will be inviting community participation against violent acts on: Sunday, April 27, 1997, with the religious community; Monday, April 28, 1997, with the schools; Tuesday, April 29, 1997, with the community service organizations; Wednesday, April 30, 1997, with corporations, business and industry; and Thursday, May 1, 1997, with Law Day; and

Whereas, Citizens in the state of Michigan are also encouraged to recognize and participate in violence prevention; now, therefore, be it

Resolved by the Senate, That the week of April 27-May 1, 1997, be proclaimed Violence Prevention Week; and be it further

Resolved, That a copy of this resolution be transmitted to the Community Victory Over Violence Committee, the Midland County Board of Commissioners and the city of Midland as evidence of our support for their endeavors.

Senator Stallings was named co-sponsor of the resolution.

House Concurrent Resolution No. 25.

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

Whereas, On March 12, 1997, Governor Engler, pursuant to authority outlined in Article V, Section 2 of the Constitution of the State of Michigan, issued Executive Order 1997-2. This proposal on executive reorganization provides for changes in responsibilities for the Department of State Police, the Department of Consumer and Industry Services, the Department of Environmental Quality, and the Fire Marshal Division; and

Whereas, Article V, Section 2 of the Constitution of the State of Michigan also provides:

> Where these changes require the force of law, they shall be set forth in executive orders and submitted to the legislature. Thereafter the legislature shall have 60 calendar days of a regular session, or a full regular session if of shorter duration, to disapprove each executive order. Unless disapproved in both houses by a

resolution concurred in by a majority of the members elected to and serving in each house, each order shall become effective at a date thereafter to be designated by the governor.

; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of the Michigan Legislature, pursuant to Article V, Section 2 of the Constitution of the State of Michigan, disapprove Executive Order 1997-2; and be it further

Resolved, That a copy of this resolution be transmitted to the office of the Governor.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Bennett, Gougeon, Cisky, Steil, Stille, Geake, Gast, Schwarz, Dunaskiss, Shugars, North, Emmons, McManus and Rogers offered the following resolution:

Senate Resolution No. 43.

A resolution to urge the Environmental Protection Agency to delay the effective date of a permit approving the disposal of PCB wastes in Van Buren Township and to reconsider and deny approval of the request to dispose of the PCB wastes.

Whereas, The Environmental Protection agency has given its approval to the disposal of PCB wastes in a landfill in Van Buren Township. The initial shipment of PCB wastes under this permit is imminent; and

Whereas, Federal law, in 5 U.S.C. 705, provides for judicial review of proceedings. A delay granted by EPA administrators can provide for this much needed review. A stay of the actions would allow citizens the opportunity to articulate their concerns and objections to the permit as a threat to the well-being of the community; and

Whereas, With the potential for harm in PCB handling, transporting, and storage, granting a permit to allow PCB wastes in the landfill is poor public policy. The characteristics of the region, the objections of the community, and long-term concerns for public health and safety argue strongly against the approved permit; now, therefore, be it

Resolved by the Senate, That we urge the Environmental Protection Agency to delay the effective date of a permit approving the disposal of PCB wastes in Van Buren Township and to reconsider and deny approval of the request to dispose of the PCB wastes; and be it further

Resolved, That copies of this resolution be transmitted to officials of the Environmental Protection Agency.

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 A. Smith offered the following amendment:

1. Amend the first Resolving clause, page 1, line 2, after “Agency” by inserting “and the Department of Environmental Quality”.

The amendment was adopted.

The resolution, as amended, was not adopted.

Senators Shugars and Cisky moved that their names be removed as co-sponsors of the following resolution:

Senate Resolution No. 43

The motion prevailed.

Senators Emmons, McManus, Rogers, Bennett, Gougeon, Steil, Stille, Geake, Schwarz, Shugars, Bullard, Schuette, North, Byrum and Koivisto offered the following resolution:

Senate Resolution No. 45.

A resolution to encourage the Department of Natural Resources and the Natural Resources Commission to increase efforts to reduce deer crop damage and the number of deer/car accidents.

Whereas, Over the past several years, Michigan’s large deer population has resulted in more crop damage and a growing number of accidents on the state’s roads. In the fall of 1996, it was estimated that the state’s deer population was between 1.8 and 2 million; and

Whereas, According to records of the Department of State Police, the number of deer/car accidents in Michigan more than doubled in the ten-year period from 1985 to 1995. This increase, from 28,968 accidents in 1985 to 62,502 in 1995, also reflects a shift in patterns of development in the state; and

Whereas, In response to the size of the deer population and the related traffic safety and crop losses, hunting was increased. While this is an appropriate response to the problem, there must be other initiatives that could address the problems statewide and in specific regions. The costs to safety and agriculture argue for stronger efforts; now, therefore, be it

Resolved by the Senate, That we encourage the Department of Natural Resources and the Natural Resources Commission to increase efforts to reduce deer crop damage and the number of deer/car accidents; and be it further

Resolved, That copies of this resolution be transmitted to the Natural Resources Commission and the Department of Natural Resources.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that when the Senate adjourns today, it stand adjourned until Tuesday, April 22.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Hoffman, Steil, Bullard and Stallings introduced

Senate Bill No. 407, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending the title and sections 1, 1a, and 12 of chapter I, sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II, sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8 of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chapter VI, sections 1, 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19, 23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and 64 of chapter VII, sections 31 and 34 of chapter VIII, sections 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter IX, sections 1, 2, 3, 4, 5, 6, 9, and 11 of chapter X, sections 1, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6, 7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter XIII, and sections 3, 5, 6, 7, 18a, 19, 20, 21, and 22 of chapter XIV (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4, 62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7, 64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12, 64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a, 66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.1, 67.3, 67.4, 67.5, 67.6, 67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23, 67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, 67.64, 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9, 69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24, 69.25, 70.1, 70.2, 70.3, 70.4, 70.5, 70.6, 70.9, 70.11, 71.1, 71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5, 74.6, 74.7, 74.18a, 74.19, 74.20, 74.21, and 74.22), the title and section 5 of chapter XII as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, section 8 of chapter V, and sections 1 and 4 of chapter X as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, section 4 of chapter VI as amended by 1982 PA 346, section 1 of chapter VII as amended by 1994 PA 314, section 15 of chapter IX as amended by 1984 PA 179, and section 18a of chapter XIV as added by 1988 PA 33, and by adding sections 3 and 4 to chapter III, section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 18b, 18c, 18d, 18e, 18f, and 23 to chapter XIV; 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 Local, Urban and State Affairs.

Senators Hoffman, Bullard and Stallings introduced

Senate Bill No. 408, entitled

A bill to repeal 1941 PA 309, entitled “An act to give the state board of examiners of barbers jurisdiction to investigate trade practices among barbers, haircutters, barber and haircutting schools and colleges; to enforce such regulations pertaining to reasonable service charges and reasonable hours of operation of barber shops, haircutting shops, barber and haircutting schools and colleges as will tend to eliminate unfair and insanitary practices; fixing territorial units for such regulations; regulating barber schools, haircutting schools and colleges and practices therein; and repealing all acts and parts of acts in conflict herewith,” (MCL 338.651 to 338.662).

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

Senators Gougeon, Koivisto, North and Cisky introduced

Senate Bill No. 409, entitled

A bill to amend 1996 PA 195, entitled “Police officer’s and fire fighter’s survivor tuition act,” by amending the title and sections 1, 2, and 3 (MCL 390.1241, 390.1242, and 390.1243).

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

Senators Steil, Stille, Bullard, Cisky, North, Gougeon, Gast, Shugars, McManus, Koivisto and Schwarz introduced

Senate Bill No. 410, entitled

A bill to amend 1971 PA 140, entitled “State revenue sharing act of 1971,” by amending section 13 (MCL 141.913), as amended by 1996 PA 342.

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

Senators Geake, Gast, Steil, Bullard and Shugars introduced

Senate Bill No. 411, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 13a.

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

Senators DeBeaussaert, Gougeon, Koivisto, Schwarz, Dingell, Hart, Miller, Berryman, A. Smith, Cherry, Peters, Stille, Rogers, Carl, Stallings and Cisky introduced

Senate Bill No. 412, entitled

A bill to amend 1965 PA 190, entitled “An act to provide for a system of uniformity of service for veterans,” by amending section 1 (MCL 35.61).

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senator Bouchard introduced

Senate Bill No. 413, entitled

A bill to amend 1981 PA 125, entitled “An act to define and regulate secondary mortgage loans; to prescribe powers and duties of the financial institutions bureau and certain state agencies; to provide for the establishment of a financial institutions bureau operations fund; to provide for the promulgation of rules; and to provide for civil fines and penalties,” by amending the title and sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 29, and 30 (MCL 493.51, 493.52, 493.53, 493.54, 493.55, 493.56, 493.58, 493.59, 493.60, 493.61, 493.62, 493.63, 493.64, 493.65, 493.67, 493.68, 493.70, 493.71, 493.72, 493.73, 493.74, 493.75, 493.76, 493.77, 493.79, and 493.80), the title and sections 1, 21, 22, and 27 as amended by 1995 PA 164, section 2 as amended by 1988 PA 164, sections 4, 8, 14, and 26 as amended by 1992 PA 77, and section 30 as amended by 1984 PA 124, and by adding sections 3a, 6a, 6b, and 12a; 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 Financial Services.

Senator Bouchard introduced

Senate Bill No. 414, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending sections 132, 151, 209, 212, 217, 302, 303, 336, 344, 345, 404, 415, 421, 472, 489, 491a, 528, 551, 564a, 564b, 567, 602, 611, 631, 641, 701, 703a, 706, 707, 712, 724, 735, 751, 753, 762, 801, 805, 817, 842a, 855a, 1011, 1041, 1042, and 1062 (MCL 450.1132, 450.1151, 450.1209, 450.1212, 450.1217, 450.1302, 450.1303, 450.1336, 450.1344, 450.1345, 450.1404, 450.1415, 450.1421, 450.1472, 450.1489, 450.1491a, 450.1528, 450.1551, 450.1564a, 450.1564b, 450.1567, 450.1602, 450.1611, 450.1631, 450.1641, 450.1701, 450.1703a, 450.1706, 450.1707, 450.1712, 450.1724, 450.1735, 450.1751, 450.1753, 450.1762, 450.1801, 450.1805, 450.1817, 450.1842a, 450.1855a, 450.2011, 450.2041, 450.2042, and 450.2062), sections 132, 212, 217, 302, 303, 404, 415, 567, 602, 701, 706, 707, 762, 801, 817, and 1041 as amended and sections 336, 489, 491a, 564a, 703a, 724, and 855a as added by 1989 PA 121, sections 209, 344, 345, 472, 528, 551, 564b, 631, 712, 735, 753, 805, 842a, 1042, and 1062 as amended by 1993 PA 91, and section 641 as amended by 1982 PA 407, and by adding sections 406, 488, and 736; 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 Financial Services.

Senator Bouchard introduced

Senate Bill No. 415, entitled

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending section 39 of chapter X (MCL 710.39), as amended by 1996 PA 409.

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

House Bill No. 4117, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 1988 PA 372.

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 Families, Mental Health and Human Services.

House Bill No. 4386, entitled

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending sections 3 and 8 (MCL 15.323 and 15.328), section 3 as amended by 1984 PA 184.

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. 4520, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 17h (MCL 436.17h), as amended by 1996 PA 379.

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 Economic Development, International Trade and Regulatory Affairs.

Committee Reports

The Committee on Finance reported

Senate Bill No. 340, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 11, 18, 19, 20, 23, 25, and 31 (MCL 567.231, 567.238, 567.239, 567.240, 567.243, 567.245, and 567.251); and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Carl, Shugars, Peters and Stallings

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, April 15, 1997, at 1:05 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Carl, Shugars, Peters and Stallings

Scheduled Meetings

Transportation and Tourism Committee - Wednesday, April 23, at 3:00 p.m., Room 405, Capitol Building (3-7670).

Trial Court Assessment Commission - Fridays, May 2 and May 9, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Scheduled Meetings Canceled

Human Resources, Labor and Veterans Affairs Committee - Thursday, April 17, at 1:00 p.m., Room 210, Farnum Building (3-2420).

Transportation Appropriations Subcommittee - Thursday, April 17, at 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-2426).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 2:27 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, April 22, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.