

No. 39
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, May 6, 1998.

10:00 a.m.

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

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

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

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

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

Father Bruce McNab of St. John's Episcopal Church of Midland offered the following invocation:

O God, the fountain of all wisdom, Your will is good and gracious and Your law is truth. We ask for Your peaceable presence in the inspiration of Your spirit in the deliberations of this Senate. Guide the Senators assembled here this day, that they may enact such laws as shall fulfill Your purposes and improve the circumstances of the people of Michigan. Mindful that we shall one day account to You for both our words and our deeds, we pray that You would give to these, Your servants, wisdom and grace in the exercise of their duties, so that all they say and all they do may honor You and do credit to them. In all of this we ask through Jesus Christ our Lord. Amen.

Motions and Communications

Senator Geake entered the Senate Chamber.

Senator DeGrow moved that Senators Bennett, Jaye and Schwarz be temporarily excused from today's session. The motion prevailed.

Senator Bennett entered the Senate Chamber.

Senator Berryman moved that Senator Young be temporarily excused from today's session. The motion prevailed.

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

The following communication was received:

Michigan Works! Livingston Jobs Center

April 30, 1998

Enclosed is the summary of the PY 1998 JTPA Title III Economic Dislocation and Worker Adjustment Assistance Act Local Biennial Job Training plan for the Livingston County Michigan Works! Agency (MWA).

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

The summary identifies the proposed activities, budget and planned number to be served. Copies of the complete plan are available for review and may be requested.

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

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

Sincerely,
William S. Sleight
Director

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, May 5:

**House Bill Nos. 5163 5164 5165 5167 5180 5181 5182 5183 5184 5185 5186 5187 5188 5189
5190 5191 5192 5193 5194 5195 5196 5588 5637**

The Secretary announced the printing and placement in the members' files on Tuesday, May 5 of:

Senate Bill Nos. 1099 1105

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator DeGrow moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 1079

Senate Bill No. 1080

Senate Bill No. 1081

Senate Bill No. 1082

Senate Bill No. 1083

The motion prevailed.

Senators Schwarz and A. Smith entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 1079, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1995 PA 194.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 2, line 18, after "OF" by striking out "1.012%" and inserting "1.067%".

The question being on the adoption of the amendment,

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

The motion prevailed.

Senators Young, Gast and Jaye entered the Senate Chamber.

Senator Peters offered the following substitute:

Substitute (S-5).

The question being on the adoption of the substitute,

Point of Order

Senator DeGrow raised the Point of Order that a multi-section substitute cannot be offered to a single-section bill.

The President, Lieutenant Governor Binsfeld, ruled that a multi-section substitute cannot be offered to a single-section bill.

Senator Berryman appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

The decision of the Chair stood as the judgment of the Senate, a majority of the members present voting therefor, as follows:

Roll Call No. 256

Yeas—22

Bennett
Bouchard
Bullard
Cisky
DeGrow
Dunaskiss

Emmons
Gast
Geake
Gougeon
Hoffman
Jaye

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Nays—14

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Koivisto

Miller
O'Brien
Peters

Smith, A.
Vaughn
Young

Excused—1

Smith, V.

Not Voting—0

In The Chair: President

Senator Jaye offered the following amendments:

1. Amend page 1, line 6, after “1,” by striking out “2000” and inserting “1998”.
2. Amend page 1, line 7, after “1,” by striking out the balance of the subdivision and inserting “1998, 3.9%.”.
3. Amend page 2, line 2, after “section” by striking out “AND SECTIONS 51C, 51D, 51E, AND 51F,”.
4. Amend page 2, line 11, after “1,” by striking out “2000” and inserting “1998”.
5. Amend page 2, line 13, after “1,” by striking out “2000” and inserting “1998”.

The question being on the adoption of the amendments,

Senator Jaye moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senator Peters offered the following amendment:

1. Amend page 4, following line 13, by inserting:

“(10) FOR THE 1998 TAX YEAR AND EACH TAX YEAR AFTER THE 1998 TAX YEAR, AN ELIGIBLE TAXPAYER MAY CLAIM A NONREFUNDABLE CREDIT EQUAL TO \$550.00. AS USED IN THIS SUBSECTION, “ELIGIBLE TAXPAYER” MEANS A TAXPAYER WITH \$15,000.00 OR LESS OF ADJUSTED GROSS INCOME FOR THE TAX YEAR IN WHICH THE CREDIT IS BEING CLAIMED. IF THE TAXPAYER FILES A JOINT RETURN, THE ADJUSTED GROSS INCOME ON THAT JOINT RETURN SHALL BE \$15,000.00 OR LESS.”.

The question being on the adoption of the amendment,

Senator Berryman 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. 257**Yeas—17**

Berryman
Byrum
Cherry
Conroy
DeBeaussaert

Dingell
Gougeon
Hart
Jaye

Koivisto
Miller
O’Brien
Peters

Shugars
Smith, A.
Vaughn
Young

Nays—19

Bennett
Bouchard
Bullard
Cisky
DeGrow

Dunaskiss
Emmons
Gast
Geake
Hoffman

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Steil
Stille
Van Regenmorter

Excused—1

Smith, V.

Not Voting—0

In The Chair: President

Senator Peters offered the following amendments:

1. Amend page 1, line 6, after “1,” by striking out “2000” and inserting “1998”.
2. Amend page 1, line 7, after “1,” by striking out the balance of the subsection and inserting “1998, 4.2%.”.
3. Amend page 2, line 2, after “section” by striking out “AND SECTIONS 51C, 51D, 51E, AND 51F,”.
4. Amend page 2, line 11, after “1,” by striking out “2000” and inserting “1998”.
5. Amend page 2, line 13, after “1,” by striking out “2000” and inserting “1998”.

The question being on the adoption of the amendments,

Senator Berryman requested the yeas and nays.

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

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

Roll Call No. 258

Yeas—16

Bennett	DeBeaussaert	Koivisto	Shugars
Byrum	Dingell	Miller	Smith, A.
Cherry	Hart	O'Brien	Vaughn
Conroy	Jaye	Peters	Young

Nays—20

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

Excused—1

Smith, V.

Not Voting—0

In The Chair: President

Protests

Senators Posthumus, DeGrow, Emmons, McManus, Gougeon, North, Stille, Bouchard and Berryman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendments offered by Senator Peters to Senate Bill No. 1079.

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

The motion prevailed.

Senator Posthumus' statement, in which Senators DeGrow, Emmons, McManus, Gougeon, North and Stille concurred, is as follows:

I think our good friends on the other side of the aisle have missed the whole gist of tax cuts. A number of them, including the previous speaker, I believe was one of those who voted to increase the income tax to over six percent when I first got here. In 1982, I, along with a number of members that came in here, made a commitment that this state had a high tax burden. As a result, it was hurting the creation of jobs, and we needed to embark on a long-term effort and a consistent effort to cut the tax rates across the board for people, for individuals, and for businesses. By doing that over a long-term basis, we were going to create economic growth and, in fact, create new tax revenues; but you are not going to do it overnight. So we embarked, starting in 1990, cutting on a long-term basis, and that's what we

are attempting to do today. With these tax cuts—to continue that long-term effort to continue to cut taxes, we will increase revenues not decrease them; we will increase them. But, if you do it right now, and you try to get every tax cut today, then logic will tell you that you are not going to be able to pay for it today. But if you continue to cut taxes as we have over the long-term—\$200 million new tax cuts this year, \$200 million more in tax cuts next year, and these tax cuts over the long-term; we are going to create jobs and create new tax revenues. That’s what this is all about.

I think there are those here who are trying to kill these bills with kindness—that’s what this amendment is. I am not sure where many of these folks have been on tax cuts in the past, but I know that this is a continuation of what we have been attempting to do since 1983.

Senator Bouchard’s statement is as follows:

This amendment and the discussions about it talk about speeding up a tax cut. The point I would like to make is that we have passed and signed into law—Governor Engler has signed into law, cuts that are going into place this year and next year. It is a continuing process, so every fiscal year more cuts go into place. I have yet to have one person in my district come to me and say, “We don’t want another cut to go into place.” The year’s out when these stop, and that’s exactly where these cuts start, when the ones we’ve already passed will finish going into place. This will continue the policy of every year adding more tax cuts, reducing the burden the men and women of this state are paying. I think that is most appropriate and also fiscally sound and forward thinking to do it in a deliberative long-term fashion. In addition, it gives every business person and every individual resident of this state a very clear picture that this is the policy of this state—long term. They can count on continuing tax reductions and continuing fiscal stewardship as the years progress, even into the out years. So when they look at locating a world headquarters or their family headquarters, they can say, “Michigan has cuts going in line year after year, after year, after year, and that’s a long-term commitment they have made, and we will make the same.” Therefore, I oppose the amendment as it defeats that long-term vision and policy.

Senator Berryman’s statement is as follows:

I voted against that amendment because I do not believe that we can afford it this year. I am certainly not convinced that we can afford it in the year 2000 to 2004 either. To be consistent, I voted against this amendment, and I congratulate Senator Peters for having this discussion, and I think what this whole discussion has brought out was that we cannot afford it. If you want to do this tax cut in the year 2000, then you ought to vote on it in the year 2000.

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

Senator A. Smith offered the following amendment:

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

“(4) BEGINNING JANUARY 1, 2000 THERE SHALL BE DEPOSITED IN AN ACCOUNT THAT PORTION OF THE GROSS REVENUES COLLECTED BEFORE REFUNDS IN THIS SECTION AND SECTION 51C, 51D, 51E, AND 51F THAT IS EQUAL TO THE AMOUNT THAT WOULD RESULT IF A RATE OF 1.126% HAD BEEN LEVIED AND IMPOSED UPON THE TAXABLE INCOME OF EVERY PERSON OTHER THAN A CORPORATION. THE MONEY DEPOSITED INTO THIS ACCOUNT IS THEN TO BE APPROPRIATED TO STATE PUBLIC UNIVERSITIES AND COMMUNITY COLLEGES IN THE FISCAL YEAR THAT THE FUNDS WERE DEPOSITED INTO THE ACCOUNT.” and renumbering the remaining subsections.

The question being on the adoption of the amendment,

Senator Berryman 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. 259

Yeas—13

Berryman
Byrum
Cherry
DeBeaussiaert

Dingell
Hart
Koivisto

Miller
O’Brien
Peters

Smith, A.
Vaughn
Young

Nays—23

Bennett
Bouchard

Dunaskiss
Emmons

Jaye
McManus

Schwarz
Shugars

Bullard
Cisky
Conroy
DeGrow

Gast
Geake
Gougeon
Hoffman

North
Posthumus
Rogers
Schuette

Steil
Stille
Van Regenmorter

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in opposition to the Smith amendment. This discussion is very interesting, and I think we will all have more as time goes on. These amendments that are being offered are all kindred souls. They're all being made with a similar philosophy, and that is you're against cutting taxes. This is not about affordability, it is about what you believe. This is not about whether lawmakers present in the chamber have experienced bad times and difficult choices. It's about whether families have a job, whether a college education is more affordable to families, whether people are receiving a paycheck, whether you have an opportunity to save. By cutting taxes—when you give people back more of what they earn, and it is their money after all—you're helping an economy flourish. Yes, nobody in this room has a crystal ball, but I can tell you that if we don't continually fine tune our state's policy, making sure people have more of what they earn, then we cut taxes so there is more money in people's paychecks, so small business people have an opportunity to expand their business. When people can save for the healthcare of an elderly loved one—if we are not doing those things, the state will fall on hard times. Our job here is to make sure that we have the vision and the philosophy of where we want Michigan to be in the future.

People who offer these amendments to these tax cuts, those who are ringing their hands and saying how bad they are one way or the other, I sure hope that on final passage you keep your principles intact and vote "no," because that is really what this is all about. If you are not for tax cuts, vote "no." But if you offer these amendments, clever as they might be, kindred soul as they are, and then vote "yes" on final passage—I think the politics are coming from the other side, not from us. We've seen in Michigan an increase in state revenues since 1995 by \$3 million. And what that means is that we have been able to provide increases in our state budgets for universities and community colleges that are second to none. The point is, we can make commitments, we can make priorities, cut taxes, and make sure this state grows.

I am not impugning anyone's character whatsoever. This is a philosophical question of where we want the state to go. We should vote "no" on this amendment and cut taxes for Michigan citizens.

Senator Hart offered the following amendments:

1. Amend page 1, line 6, after "AND" by striking out "BEFORE JANUARY 1, 2000" and inserting "BEFORE DECEMBER 31, 1997".
2. Amend page 1, line 7, after "1," by striking out "2000" and inserting "1998".
3. Amend page 1, line 9, after "1," by striking out "2001" and inserting "1999".
4. Amend page 2, line 11, after "(C)" by striking out "BEGINNING JANUARY 1, 2000" and inserting "AFTER DECEMBER 31, 1997".
5. Amend page 2, line 13, after "(3)" by striking out "BEGINNING JANUARY 1, 2000" and inserting "AFTER DECEMBER 31, 1997".

The question being on the adoption of the amendments,

Senator Berryman requested the yeas and nays.

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

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

Roll Call No. 260**Yeas—12**

Bennett
Byrum
Cherry

DeBeaussaert
Dingell
Hart

Jaye
Miller
O'Brien

Peters
Vaughn
Young

Nays—24

Berryman
Bouchard
Bullard
Cisky
Conroy
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

Koivisto
McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, A.
Steil
Stille
Van Regenmorter

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

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

The motion prevailed.

Senator Hart's statement is as follows:

This amendment—if we are sincere about giving people a tax break, let's not misrepresent or dilly-dally about the time frame. Let's do it now and that's exactly what this amendment alludes to.

Senator Emmons offered the following amendment:

1. Amend page 2, line 9, after "1996" by inserting "AND BEFORE JANUARY 1, 2000".

The amendment was adopted, a majority of the members serving voting therefor.

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

Senator Peters withdrew the amendment.

By unanimous consent the Senate returned to consideration of the amendments offered by Senator Jaye.

Senator Jaye withdrew the amendments.

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

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

The question being on the passage of the bill,

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

Roll Call No. 261**Yeas—33**

Bennett
Bouchard

Dunaskiss
Emmons

Koivisto
McManus

Schuette
Schwarz

Bullard
Byrum
Cherry
Cisky
DeBeaussaert
DeGrow
Dingell

Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Miller
North
O'Brien
Peters
Posthumus
Rogers

Shugars
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—3

Berryman

Conroy

Smith, A.

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in support of this Bennett bill, the series of tax cuts that we are offering, and the Governor's leadership to make sure that we provide for Michigan in the future the jet fuel for our economy as we approach this new dawn of a new century. This debate has been tremendous today because this is a welcome to the debate of Michigan's future. Welcome to the debate in this economic civil war in terms of where Michigan positions itself in terms of jobs for people. An economy that grows in the future and where we want to make sure Michigan is number one in terms of growth, economic development, and having a good life for Michigan families. What we are trying to do today is cut taxes and cut taxes, and cut taxes, cut taxes and cut taxes again. What we are going to try to do is, on the Michigan 1040, give Michigan taxpayers relief. And say you pay too much, it is your money after all, and we are going to cut your taxes so you can save more and plan for the future. What we are trying to do is make sure that Michigan, instead of having the taxes per capital as percent of income being higher than the national average—make sure we bring it in line and even lower than the national average. Right now, Michigan pays \$10,361 per capital total of taxes; that is higher than other states in the country. We want to bring in line with our competitors that surround Michigan, whether it's Indiana, Tennessee, a state like Florida that's attracting jobs—we want to make sure that we position Michigan as a winning state of the future.

This is not about can the state provide something for daycare, or can the state make payments on education? It's not about the collective wisdom of bureaucrats or government making better decisions than individuals—no. This is about making sure that people have tax cuts and more to plan for their future. For some, making college education more in reach, more affordable. For some it might mean a teenage driver coming of age—you are able to get that car for her or for him. It is about people making decisions, not about the collective wisdom of the state.

Some have said that the money for these tax cuts is minimal or meaningless. The total amount of these tax cuts for a family of four is \$480; that is a lot of money for hardworking Michigan families. What that means is a family could buy a car seat that costs \$32.50—they might need that for their child; it might be a high-chair or a stroller. These things cost money. When you get people more money back in their pockets that they earn, then you are putting people in charge. So, whether it is a car seat for a single mom that needs another one. It might be for a family with middle income means. We are helping families make decisions on their own. But for heavens sake, let people make that decision, not the state and its collective wisdom.

The vote here is about Michigan's future, and we need to have tax cuts so that families are in charge, and they make their own decision. I encourage a "yes" vote on this bill, and the leadership of Senator Bennett I applaud as well.

The following bill was read a third time:

Senate Bill No. 1080, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51c.

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. 262

Yeas—33

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

Nays—3

Berryman	Conroy	Smith, A.
----------	--------	-----------

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1081, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51d.

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. 263

Yeas—33

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

Nays—3

Berryman

Conroy

Smith, A.

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1082, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 51e.

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. 264**Yeas—33**Bennett
Bouchard

Bullard

Byrum

Cherry

Cisky

DeBeaussaert

DeGrow

Dingell

Dunaskiss

Emmons

Gast

Geake

Gougeon

Hart

Hoffman

Jaye

Koivisto

McManus

Miller

North

O’Brien

Peters

Posthumus

Rogers

Schuette

Schwarz

Shugars

Steil

Stille

Van Regenmorter

Vaughn

Young

Nays—3

Berryman

Conroy

Smith, A.

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1083, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 51f.

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. 265

Yeas—33

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

Nays—3

Berryman	Conroy	Smith, A.
----------	--------	-----------

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Conroy, A. Smith and Berryman, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 1079, 1080, 1081, 1082 and 1083 and moved that the statements they made during the discussion of Senate Bill No. 1079 be printed as their reasons for voting "no."

The motion prevailed.

Senator Conroy's statement is as follows:

I oppose this bill. I think that it's an election-year gimmick to getting reelected, and I just think it's fooling the public. With the kind of the economy that the state of Michigan has had, not only the last six or seven years since the Democrats have been in control nationally when we've had such a great economy, but over a 20- or 25-year period we're apt to have downturns every three or four years or five years or sometimes three years, and Michigan always gets hit the hardest. It's the state that really gets pneumonia while others get a cold. You folks are guessing what is going to be happening two or three years from now, and I just don't know that anyone in this body is competent enough to do that. When economists can't tell us, it's difficult for me to assume that my colleagues can. I remember having to cut the budget upwards of a billion dollars, and it's not a fun exercise. It's pretty difficult to do when you have to tell higher education that there's not going to be any increases. It will get into a position where you will have to then charge more for tuition.

There are basic necessities and needs that the state has to deliver, and those will be at risk. There are giant steps that we could be taking in education to really increase youngsters' needs to know how to read and compute and reason at an early age. We can focus in on those kids and make a real difference in their test scores and as leaders of our state in the future, but we're deciding against that because we want to give some family \$47 a year if they make \$50,000 or \$37 a year if they make \$40,000.

I suggest to you that they've elected me to decide—I'd rather have a safer state. I'd rather have a state that's better protected. I'd rather have a state that is more devoted to its students. I'd rather have a state that I can drive down the road without chattering my teeth, without falling into a hole where I have to get a whole new front end for \$780. That's the kind of electorate who I think live in my district, and they're pretty well informed. They know what they're doing. They would rather have a little money set aside as we have in the budget stabilization fund for those future down turns than plying them with some kind of false notion that 37 bucks a year is going to be a big deal in their lives, this 90 cents a week that you want to give them. I think it's certainly bad public policy. It may be good politics as you view it. I think it's not healthy for the state, and it very well can put our bond rating at risk as we turn in to the new millennium.

We've been there before, folks. We've had a bad bond rating, and we've had to redo our financial structure, and we've had to cut budgets. We've got a good bond rating now. Why mess with it? Why change that? Why change that for a \$37 promise to a family that makes 40,000 bucks a year. I don't think they're going to believe it. They're certainly not going to see it, and it's something that could very well damage the youngsters in this state who may need that focus of attention that education can give them, so they can go out and create a new horizon for themselves and the state's future.

Senator A. Smith's statement is as follows:

I have no doubt that this bill is going to move forward, but it's going to move forward without my vote. I have some real concerns about the tax cut that we're building beginning in the year 2000 when we really are uncertain about what our revenue stream is going to be. All of these projections have been made on a five-year trend line of 4.5 to almost 5.0 percent revenue increase. There is no crystal ball here that says that is, in fact, going to happen. We know that Michigan has been subject from time to time to recessions, to slow downs and that those hit us on certainly a more critical scale than some other states.

This isn't about whether or not an individual family can make a decision to buy a stroller or a high chair. This is about whether we as a state have sufficient revenue to make it possible for those individuals who have the choice of buying a stroller or a high chair or are confronted with the awesome economic responsibility of managing the health care of a senior parent. Taking that revenue out of their household budget because the state doesn't have the revenue in its health care and community health programs to support certain projects that the department does to keep seniors at home, to do supportive family living situations so that the adult senior parent can stay in their home.

This is about whether or not we have an ability to keep tuition rates low so that higher education is affordable to the students in the state of Michigan. One hundred and forty-seven dollars to an average household isn't going to solve a problem of a tuition bill that comes in at \$8,000. What they will look at at the dinner table is not whether or not the tax cut they will have at the end of the year 2004 will afford them the choice of sending their children to college. What they will look at is, if we do, how on earth do we pay this back?

Government is not the answer to every problem, but collectively government is the answer to some difficulties. It does allow people who have children with mental health problems or children with special needs that derive special resources from the special services program, to put those resources that the state assists them with toward that expenditure so that their \$25,000 annual income can be used to address those day-to-day expenditures that every family faces. What government does with its spending is often to help people afford those items of day-to-day life over and above what every other family must achieve and meet. As we reduce our ability to do that by returning taxes and then say to everybody, "Well, you're getting a real deal here. We're giving you a lot of money back so that you can have more freedom to make economic decisions that amount to \$147 a year."

I would argue that is not always the best policy. We heard arguments on why it was important to hold K-12 education harmless. The argument was that that is a part of the budget that we have the greatest responsibility for and the least flexibility for, and I guess, by extension of an argument on why we don't need to hold higher education and community colleges harmless because we have a good chair of a subcommittee, I guess they're suggesting we don't have a good chair of the K-12 subcommittee or that each member of the Legislature doesn't have two or more school districts in their home district to which they have to be answerable and that they—and they are future legislators—would not have the common sense to budget appropriately for K-12 education within the resources of state government.

I don't question the sincerity of my colleagues as they talk about a tax cut plan for the state of Michigan and long-term planning and the validity of that. I would appreciate it if nobody would question mine when I say that I think it's important that government, which does have a role in the lives of every citizen in the state of Michigan, have the resources to fulfill those important components of that role whether it's K-12 education, which the parents in the Plymouth-Canton school district will tell you is seriously underfunded, or whether it's higher education or programs that help them through Community Health or Family Independence or the Jobs Commission or other programs that the

state funds. As we reduce our ability to meet those requirements and those needs, we do damage to the citizens of the state of Michigan, and what they receive in exchange—the average tax-paying household—is \$147. I urge your opposition to the bill.

Senator Berryman's statement is as follows:

Finally, on final passage, I feel I have been very consistent. I have voted against my colleagues that would move the date up. I feel that this bill is poor policy. It talks about a tax cut that we can't afford. My colleagues on the other side of the aisle said we can't move the date up because tax cuts are going in this year and next year. We can't afford it. Programs would have to be cut. Why reiterate? Those tax cuts don't end in the year 2000. Those tax cuts continue.

In this tax cut we will add to that. If my colleagues on the other side of the aisle are so convinced—and I agree with them, that we can't afford them this year—then how are you so assured that a future Legislature, a Legislature that I won't be a part of, can afford these tax cuts? I would love to be able to go back to my district and say I voted for additional tax cuts in a political year that is any politician's dream. But it is poor policy. It just hasn't been happening this year.

I have received calls from parents that are being told that their child can no longer come to daycare because the state is not making the payment on their behalf. The state is behind. I have private agencies that the state has contracts with that aren't being paid for three or four months or greater. The state can't make those payments.

In a time when the largest retailers in the state of Michigan—all of the businesses you all support and I support—the largest retailers in the state of Michigan are not being asked. It is demanded that they pay their taxes in advance, not even waiting until the sale is made, like other retailers that let them determine what they sold first before the tax is due. The largest retailers in the state of Michigan are paying their sales tax in advance because of negative cash flow. Why don't we make those corrections before we start talking about the tax cut?

The people of my district aren't stupid. They look at a tax cut that isn't even going to take affect until the year 2000. But yet, we are talking in this chamber, in this Legislature, about borrowing \$500 million for an environmental bond issue—\$500 million that I think needs to be spent to clean up the environment, clean up brownfield sites—then why don't we pay as we go? We're going to borrow \$500 million. When you have to pay that back, you have to pay it back with principle and interest. By the time those bonds are paid back, I've been told we are going to be paying back at least an additional \$500 million in interest—\$500 million that isn't going to go to higher education, the mental health system. It isn't going to go to the roads; \$500 million that is strictly going to go to interest. If we have the ability for a tax cut, then I would vote for a tax cut, but how can you vote to cut the taxes and yet continue to borrow? The average citizen sees that. They say, "How can you go out and borrow that much money and turn around and cut taxes?" They know it's political. You make it very difficult in a political year not to vote to cut taxes.

Well, I am not going to vote for this because I think it is poor policy. You all can use it any way you want, against me or anybody else that votes against it. At some point you have to stand up and vote for not what you think is good politics, but vote against something that you think is bad policy. I think Senator Koivisto—and he doesn't mind me using his name because he is a friend of mine—was absolutely right when he talks about he remembers the executive order cuts and all that we had to go through. I'm very willing to vote for a tax cut if you can show me that you can afford to do that without cutting the programs. Or show me the exchange of cutting programs for the amount of tax cut.

We are going to make it very easy to vote for a tax cut in 1998 that doesn't even take effect until 2000-2004. I don't think that is statesmanship. I don't think it's political courage. I think it is politics at its worst. I think it's a bill that is not based in good policy. Look in the year 2000. If you can afford in the year 2000—you that are here—vote for it in 2000 and cut those taxes. If not, have the courage to stand up as you have today and say that you can't afford it today, and tell the people what has to be cut or what additional borrowing has to take place.

Everyone knows you can't keep maxing out your credit cards. Sooner or later it comes to you. Will you continue to max out the credit card? Every other state across the country in these good economic times are paying down their debt. We are adding to our debt, and this bill will add more to that debt.

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Geake submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 796, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

Recommends:

First: That the House agree to the Senate amendment numbered 2, which reads as follows:

2. Amend page 7, following line 12, by striking out all of subsection (10).

Second: That the Senate and House agree to Senate amendment numbered 1 amended to read as follows:

1. Amend page 7, following line 12, subsection (9), after the first "WHO" by striking out the balance of the subsection and inserting "DEMONSTRATES HE OR SHE IS EXEMPT UNDER LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR TO AN APPLICANT WHO FOR RELIGIOUS CONVICTIONS IS EXEMPT UNDER LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE SECRETARY OF STATE SHALL INFORM THE APPLICANT OF THIS POSSIBLE EXEMPTION."

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

R. Robert Geake
Jon A. Cisky
Gary Peters
Conferees for the Senate

Edward LaForge
Jack Horton
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator DeGrow moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 266

Yeas—31

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

Nays—4

Berryman	Dingell	Jaye	Van Regenmorter
----------	---------	------	-----------------

Excused—1

Smith, V.

Not Voting—1

Posthumus

In The Chair: Schwarz

Protests

Senators Van Regenmorter and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the conference report to Senate Bill No. 796.

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

I realize there's a lot of money involved, but this is another example of the federal government using its incredible power and its unfettered willingness to circumvent the Tenth Amendment which says that the federal government has those powers expressly given to it by the Constitution. All other powers belong to the states and the people. This is circumventing that Tenth Amendment in, I think, a very nasty way—by picking on our children and our children's interests.

Unfortunately, the federal government's heavy hand in this process has not been all that visible outside of this chamber and possibly the chamber across the hall. I think Senator Steil, who wrote a letter to the editor in the *Grand Rapids Press*, expressed it very eloquently when he pointed out that this is the kind of issue that needs to be brought to the attention of the federal government by the people of this state. I voted "no" because the principle of succumbing to the feds, and putting in place an identification numbering system which potentially imperils the freedom of every citizen in Michigan is a big mistake.

Senator Geake submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 797, entitled

A bill to amend 1996 PA 236, entitled "Regulated occupation support enforcement act," (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

Recommends:

First: That the House agree to the Senate amendments numbered 2 and 3, which read as follows:

2. Amend page 2, following line 4, by striking out all of subsection (4).

3. Amend page 2, following line 4, enacting section 1, after "effect" by striking out "July 1" and inserting "June 30".

Second: That the Senate and House agree to Senate amendment numbered 1 amended to read as follows:

1. Amend page 2, following line 4, subsection (3), after the first "WHO" by striking out the balance of the subsection and inserting "DEMONSTRATES HE OR SHE IS EXEMPT UNDER LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR TO AN APPLICANT WHO FOR RELIGIOUS CONVICTIONS IS EXEMPT UNDER LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE OCCUPATIONAL REGULATORY AGENCY SHALL INFORM THE APPLICANT OF THIS POSSIBLE EXEMPTION."

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1996 PA 236, entitled "An act to provide for the suspension of certain occupational licenses under certain circumstances; and to provide for certain powers and duties for certain state agencies," (MCL 338.3431 to 338.3436) by amending the title and by adding section 4a.

R. Robert Geake
Jon A. Cisky
Gary Peters
Conferees for the Senate

Edward LaForge
Jack Horton
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator DeGrow moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 267

Yeas—29

Bennett	Dunaskiss	McManus	Schuette
Bouchard	Emmons	Miller	Schwarz
Bullard	Gast	North	Shugars
Cherry	Geake	O'Brien	Steil
Cisky	Gougeon	Peters	Stille
Conroy	Hart	Posthumus	Vaughn
DeBeaussaert	Hoffman	Rogers	Young
DeGrow			

Nays—7

Berryman	Dingell	Koivisto	Van Regenmorter
Byrum	Jaye	Smith, A.	

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Geake submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 798, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2813 and 16177 (MCL 333.2813 and 333.16177), section 16177 as amended by 1993 PA 80, and by adding section 21533.

Recommends:

First: That the House agree to the Senate amendments numbered 2 and 3, which read as follows:

2. Amend page 5, following line 7, by striking out all of subsection (5).

3. Amend page 5, following line 16, enacting section 1, after "effect" by striking out "July 1" and inserting "June 30".

Second: That the Senate and House agree to Senate amendment numbered 1 amended to read as follows:

1. Amend page 5, following line 7, subsection (4), after the first "WHO" by striking out the balance of the subsection and inserting "DEMONSTRATES HE OR SHE IS EXEMPT UNDER LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR TO AN APPLICANT WHO FOR RELIGIOUS CONVICTIONS IS EXEMPT UNDER LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE DEPARTMENT SHALL INFORM THE APPLICANT OF THIS POSSIBLE EXEMPTION.".

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending the title and sections 2811, 2813, and 16177 (MCL 333.2811, 333.2813, and 333.16177), the title as amended by 1994 PA 170 and section 16177 as amended by 1993 PA 80, and by adding section 21533.

R. Robert Geake
Jon A. Cisky
Gary Peters
Conferees for the Senate

Edward LaForge
Jack Horton
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator DeGrow moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 268

Yeas—28

Bennett	DeBeaussaert	Hart	Rogers
Bouchar	DeGrow	Hoffman	Schuetten
Bullard	Dunaskiss	McManus	Schwarz
Byrum	Emmons	Miller	Shugars
Cherry	Gast	North	Steil
Cisky	Geake	Peters	Stille
Conroy	Gougeon	Posthumus	Young

Nays—8

Berryman	Jaye	O'Brien	Van Regenmorter
Dingell	Koivisto	Smith, A.	Vaughn

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Geake submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 799, entitled

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same,” by amending section 2 (MCL 551.102).

Recommends:

First: That the House agree to the Senate amendments numbered 2 and 3, which read as follows:

2. Amend page 2, following line 14, by striking out all of subsection (4).

3. Amend page 2, following line 14, enacting section 1, after “effect” by striking out “July 1” and inserting “June 30”.

Second: That the Senate and House agree to Senate amendment numbered 1 amended to read as follows:

1. Amend page 2, following line 14, subsection (3), after the first “WHO” by striking out the balance of the subsection and inserting “DEMONSTRATES HE OR SHE IS EXEMPT UNDER LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR TO AN APPLICANT WHO FOR RELIGIOUS CONVICTIONS IS EXEMPT UNDER LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE COUNTY CLERK SHALL INFORM THE APPLICANT OF THIS POSSIBLE EXEMPTION.”.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same,” by amending the title and section 2 (MCL 551.102).

R. Robert Geake

Jon A. Cisky

Gary Peters

Conferees for the Senate

Edward LaForge

Jack Horton

Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator DeGrow moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 269

Yeas—30

Bennett
Boucharde
Bullard
Byrum
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman

McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers

Schuetter
Schwarz
Shugars
Steil
Stille
Vaughn
Young

Nays—6

Berryman
Dingell

Jaye
Koivisto

Smith, A.

Van Regenmorter

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

Senator Geake submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 803, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

Recommends:

First: That the House agree to the Senate amendments numbered 2 and 3, which read as follows:

2. Amend page 11, following line 9, by striking out all of subsection (7) and renumbering the remaining subsection.

3. Amend page 26, line 8, after "COURT" by striking out "SHALL" and inserting "MAY".

Second: That the Senate and House agree to Senate amendment numbered 1 amended to read as follows:

1. Amend page 11, line 9, after the first "WHO" by striking out the balance of the subdivision and inserting "DEMONSTRATES HE OR SHE IS EXEMPT UNDER LAW FROM OBTAINING A SOCIAL SECURITY NUMBER OR TO A PAYER OR PAYEE WHO FOR RELIGIOUS CONVICTIONS IS EXEMPT UNDER LAW FROM DISCLOSURE OF HIS OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE COURT SHALL INFORM THE PAYER AND PAYEE OF THIS POSSIBLE EXEMPTION."

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1982 PA 295, entitled "An act to provide for and to supplement statutes that provide for the enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody, and spouse support; to prescribe certain provisions of those orders; to prescribe the powers and duties of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

R. Robert Geake

Jon A. Cisky

Gary Peters

Conferees for the Senate

Edward LaForge

Jack Horton

Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator DeGrow moved that the rule be suspended.

The motion prevailed.

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 270**Yeas—30**

Bennett
Bouchard

DeGrow
Dunaskiss

McManus
Miller

Schuetze
Schwarz

Bullard	Emmons	North	Shugars
Byrum	Gast	O'Brien	Steil
Cherry	Geake	Peters	Stille
Cisky	Gougeon	Posthumus	Vaughn
Conroy	Hart	Rogers	Young
DeBeaussaert	Hoffman		

Nays—6

Berryman	Jaye	Smith, A.	Van Regenmorter
Dingell	Koivisto		

Excused—1

Smith, V.

Not Voting—0

In The Chair: Schwarz

Protests

Senators Berryman and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of conference reports to Senate Bill Nos. 796, 797, 798, 799 and 803.

Senator Berryman moved that the statement he made during the discussion of the the conference reports to Senate Bill No. 796 be printed as his reasons for voting “no.”

The motion prevailed.

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

I voted “no” on this bill. I understand that the federal government is putting pressure on us to add Social Security numbers to all of those licenses that we’ve talked about, and then hang it over our heads that we’ll cut health care or whatever if you don’t abide by it. I think somewhere, sometimes, you have to tell the federal government “enough is enough.” Affixing Social Security numbers to all of those different types of licenses that we’re going to be talking about I think is extremely dangerous. If we can only look to the MESA, where we were guaranteed that Social Security numbers would not be used or be able to be taken off computers, we found that people were able to do that. Social Security numbers were used.

Actually, it scares the heck out of me that with the Internet, with Social Security numbers being so widely used, someone can take your name, address, your phone number, and once they’ve got your Social Security number, they can buy a car. They can do so many things with your Social Security number before you ever understand and realize what’s happened. I think it’s a real danger. I think there are an awful lot of people in this state, and certainly in my district, who find this is a real intrusion and that there are potentials for great, great harm that can be caused to individuals. Again, just look back to MESA, when we were guaranteed it wouldn’t happen, it wouldn’t happen, it wouldn’t happen. It did happen, and it can certainly happen with this.

So, I think at some point you have to tell the federal government that they were wrong, and Social Security numbers should be used for purposes, not affixed to licenses such as fishing licenses and all the others.

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Dunaskiss as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5250, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 217 (MCL 38.2217), as amended by 1996 PA 525.

House Bill No. 5251, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 821a.

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

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

Senate Bill No. 773, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 115, 131, 203, 204, 205, 217, 219, 221, 237, 241, 241a, 242, 244, 247, 248, 251, 303, 305, 342, 344, 350, 350a, 350d, 350e, 352, 355, 363, 367, 367b, 367f, 371, 372, 384, 386, 393, 396, 404, 434, 451, 454, 461, 462, 484, 485, 486, 488, 492, and 493 (MCL 18.1115, 18.1131, 18.1203, 18.1204, 18.1205, 18.1217, 18.1219, 18.1221, 18.1237, 18.1241, 18.1241a, 18.1242, 18.1244, 18.1247, 18.1248, 18.1251, 18.1303, 18.1305, 18.1342, 18.1344, 18.1350, 18.1350a, 18.1350d, 18.1350e, 18.1352, 18.1355, 18.1363, 18.1367, 18.1367b, 18.1367f, 18.1371, 18.1372, 18.1384, 18.1386, 18.1393, 18.1396, 18.1404, 18.1434, 18.1451, 18.1454, 18.1461, 18.1462, 18.1484, 18.1485, 18.1486, 18.1488, 18.1492, and 18.1493), sections 115, 203, 205, 217, 221, 244, 247, 342, 350, 367, 371, 372, 384, 386, 393, and 451 as amended and sections 204, 241a, 350a, 350d, 350e, 396, and 454 as added by 1988 PA 504, sections 219, 352, and 355 as amended and sections 367b and 367f as added by 1991 PA 72, section 363 as amended by 1993 PA 2, section 461 as amended by 1986 PA 251, and sections 484, 485, 486, and 488 as added by 1986 PA 272; and to repeal acts and parts of acts.

Substitute (S-4).

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

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

Senate Bill No. 610, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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

1. Amend page 3, line 4, by striking out all of subdivisions (A) and (B) and inserting:

"(A) REQUIRE THAT A PERSON WHO BIDS OR IS AWARDED A STATE CONTRACT HAVE AN AFFIRMATIVE ACTION PLAN IN PLACE UNLESS THAT PERSON HAS A FINDING OF DISCRIMINATION AGAINST THAT PERSON BY AN ADMINISTRATIVE AGENCY OR COURT.

(B) GIVE PREFERENCE TO A BUSINESS WHEN REVIEWING BIDS OR AWARDING CONTRACTS BECAUSE AN AFFIRMATIVE ACTION PLAN EXISTS OR DOES NOT EXIST."

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

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

Senate Bill No. 615, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 202, 203, and 402 (MCL 37.2202, 37.2203, and 37.2402), section 202 as amended by 1991 PA 11 and section 402 as amended by 1993 PA 216.

Substitute (S-1).

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

Resolutions

Senators Bullard, Schuette, Bennett, Jaye and Shugars offered the following resolution:

Senate Resolution No. 182.

A resolution to memorialize the Congress of the United States to amend the Internal Revenue Code to remove the requirement that a home office must be used exclusively for business in order to be eligible for any tax deduction.

Whereas, Because of changes in technology, society, and the way our economy functions, the notion of the workplace is far different today than it was only a few years ago. More and more citizens work out of their homes. In addition to the obvious influence of computers, people are choosing to work at home to care for children and aging parents as well; and

Whereas, Under current law, expenses of maintaining a home office can be deducted from income for federal tax purposes only if an office is used exclusively for business. There are also stringent record-keeping requirements. These restrictions can place people working at home at a severe disadvantage in the marketplace. The current status also likely stifles the initiative of some entrepreneurs; and

Whereas, Government policies should encourage citizens to be responsible to their families and should not hinder efforts to increase productivity. Public policy must keep pace with the changes that are taking place in how Americans live and work. The models upon which the tax status of the home office was based do not reflect today's working world; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to amend the Internal Revenue Code to remove the requirement that a home office must be used exclusively for business in order to be eligible for any tax deduction; and be it further

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

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

Senator Hoffman was named co-sponsor of the resolution.

Senator McManus offered the following resolution:

Senate Resolution No. 184.

A resolution to urge all public schools to encourage full participation in parent-teacher conferences by holding evening conferences and by providing for alternate arrangements.

Whereas, Academic success depends upon the active participation of parents and guardians working closely with teachers and all school personnel. There is no tool more important to education than strong communication between home and school, regardless of the talent of the teacher or the availability of the finest resources; and

Whereas, It is imperative that every effort be made to foster parental involvement, especially in making it as convenient as possible for parents and guardians to attend conferences with teachers. Parent-teacher conferences cannot be restricted to after-school hours, but must be offered in evenings to accommodate working families. When circumstances require greater flexibility, public schools ought to provide alternate arrangement to find time for parents to meet with teachers; and

Whereas, While most schools and teachers do all they can to encourage parental participation at conferences, it is appropriate to remove as many obstacles as possible to full attendance at parent-teacher conferences in our state; now, therefore, be it

Resolved by the Senate, That we urge all public schools to encourage full participation in parent-teacher conferences by ensuring that at least 50 percent of the time periods available for parent-teacher conferences are scheduled after 5:00 p.m. and by providing for alternate arrangements to accommodate parents unable to participate during normal conference times.

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

Senator McManus offered the following concurrent resolution:

Senate Concurrent Resolution No. 85.

A concurrent resolution to urge all public schools to encourage full participation in parent-teacher conferences by holding evening conferences and by providing for alternate arrangements.

Whereas, Academic success depends upon the active participation of parents and guardians working closely with teachers and all school personnel. There is no tool more important to education than strong communication between home and school, regardless of the talent of the teacher or the availability of the finest resources; and

Whereas, It is imperative that every effort be made to foster parental involvement, especially in making it as convenient as possible for parents and guardians to attend conferences with teachers. Parent-teacher conferences cannot be restricted to after-school hours, but must be offered in evenings to accommodate working families. When circumstances require greater flexibility, public schools ought to provide alternate arrangement to find time for parents to meet with teachers; and

Whereas, While most schools and teachers do all they can to encourage parental participation at conferences, it is appropriate to remove as many obstacles as possible to full attendance at parent-teacher conferences in our state; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge all public schools to encourage full participation in parent-teacher conferences by ensuring that at least 50 percent of the time periods available for parent-teacher conferences are scheduled after 5:00 p.m. and by providing for alternate arrangements to accommodate parents unable to participate during normal conference times.

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

Introduction and Referral of Bills

Senator DeGrow moved that rule 2.106 be suspended to allow all committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senators Peters, Schwarz, Byrum, A. Smith, DeBeaussaert and O'Brien introduced

Senate Bill No. 1106, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20104 and 20106 (MCL 333.20104 and 333.20106), section 20106 as amended by 1996 PA 267, and by adding part 204.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Senior Citizens.

Senators Geake, North, Stille, Bennett, Steil, Gougeon, Cisky, McManus and Gast introduced

Senate Bill No. 1107, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2950, 2950a, and 8301 (MCL 600.2950, 600.2950a, and 600.8301), sections 2950 and 2950a as amended by 1997 PA 115 and section 8301 as amended by 1996 PA 388.

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

Senators Geake, North, Stille, Bennett, Steil, Gougeon, Cisky, McManus, Schwarz and Gast introduced

Senate Bill No. 1108, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter IV (MCL 764.15b), as amended by 1996 PA 15.

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

Senators Rogers, Steil, Shugars, Schuette, Gougeon, Stille, Geake, McManus, Emmons and North introduced

Senate Bill No. 1109, entitled

A bill to establish a vocational education enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; 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 Human Resources, Labor and Veterans Affairs.

Senators Rogers, Steil, Bullard, Dunaskiss, Shugars, Schuette, Gougeon, Geake, McManus, Emmons and North introduced

Senate Bill No. 1110, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 502 (MCL 380.502), as amended by 1995 PA 289.

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

Senator Gougeon introduced

Senate Bill No. 1111, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 1997 PA 142.

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

Senators North, Steil, Bullard, Dunaskiss, Rogers, Shugars, Schuette, Gougeon, Stille, Geake, McManus and Emmons introduced

Senate Bill No. 1112, entitled

A bill to establish a job skills assessment office within the Michigan employment service agency; and to prescribe the duties of that office.

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

Senator Shugars introduced

Senate Bill No. 1113, entitled

A bill to amend 1963 (2nd Ex Sess) PA 42, entitled "An act to provide for the submission of accounts to the legislature by state supported institutions of higher education," (MCL 390.1101) by adding section 2.

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

Senator Shugars introduced

Senate Bill No. 1114, entitled

A bill to amend 1963 (2nd Ex Sess) PA 42, entitled "An act to provide for the submission of accounts to the legislature by state supported institutions of higher education," (MCL 390.1101) by adding section 2.

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

Senators Bennett and Shugars introduced

Senate Bill No. 1115, entitled

A bill to create the student advocate program at institutions of higher education; and to prescribe the powers and duties of certain state departments and officials.

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

Senators Bennett and Shugars introduced

Senate Bill No. 1116, entitled

A bill to provide for the submission of certain reports to the legislature by institutions of higher education.

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

Senator Shugars introduced

Senate Bill No. 1117, entitled

A bill to require institutions of higher education to report on free or reduced tuition for certain students.

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

House Bill No. 5163, entitled

A bill to amend 1978 PA 485, entitled "An act to permit the creation of a county officers compensation commission; and to prescribe the powers and duties of the commission and other public officers," (MCL 45.471 to 45.477) by amending the title and by adding section 6a.

The House of Representatives has passed the bill.

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

House Bill No. 5164, entitled

A bill to amend 1923 PA 116, entitled "Township and village public improvement and public service act," by amending the title and section 3a (MCL 41.413a), the title as amended by 1989 PA 82 and section 3a as amended by 1992 PA 177.

The House of Representatives has passed the bill.

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

House Bill No. 5165, entitled

A bill to amend 1905 PA 157, entitled "An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; and to provide the powers and duties of certain local units of government and certain officials," (MCL 41.421 to 41.429) by amending the title, as amended by 1989 PA 79, and by adding section 5a.

The House of Representatives has passed the bill.

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

House Bill No. 5167, entitled

A bill to amend 1974 PA 160, entitled "An act to provide for the adjustment of county boundaries; to provide for referendum thereon; and to prescribe the powers and duties of the secretary of state," (MCL 45.101 to 45.102) by amending the title and by adding section 1a.

The House of Representatives has passed the bill.

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

House Bill No. 5180, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; and providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials," by amending the title and section 1 of chapter IV (MCL 224.1), the title as amended by 1996 PA 218.

The House of Representatives has passed the bill.

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

House Bill No. 5181, entitled

A bill to amend 1957 PA 206, entitled "An act to authorize 2 or more counties, cities, townships and incorporated villages, or any combination thereof, to incorporate an airport authority for the planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating the landing, navigational and building facilities necessary thereto of 1 or more community airports; to provide for changes in the membership therein; to authorize an authority or the counties, cities, townships and incorporated villages that form an authority to levy taxes for such purposes; to provide for the operation and maintenance and issuing notes therefor; and to authorize condemnation proceedings," (MCL 259.621 to 259.631) by amending the title, as amended by 1987 PA 153, and by adding section 8a.

The House of Representatives has passed the bill.

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

House Bill No. 5182, entitled

A bill to amend 1956 PA 197, entitled "An act to promote the agricultural interests of the various townships of this state; to provide referenda," (MCL 285.201 to 285.203) by amending the title and by adding section 2a.

The House of Representatives has passed the bill.

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

House Bill No. 5183, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," (MCL 397.171 to 397.196) by amending the title and by adding section 10a.

The House of Representatives has passed the bill.

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

House Bill No. 5184, entitled

A bill to amend 1877 PA 164, entitled "An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms," (MCL 397.201 to 397.217) by amending the title, as amended by 1984 PA 128, and by adding section 11a.

The House of Representatives has passed the bill.

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

House Bill No. 5185, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," (MCL 436.1 to 436.58) by adding section 18b.

The House of Representatives has passed the bill.

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

House Bill No. 5186, entitled

A bill to amend 1967 PA 179, entitled "An act to authorize the registered electors of, or governing body of, a county, city, village, or township to levy taxes and expend funds for youth centers," (MCL 123.461) by amending the title, as amended by 1988 PA 342, and by adding section 2.

The House of Representatives has passed the bill.

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

House Bill No. 5187, entitled

A bill to amend 1891 PA 186, entitled "An act to authorize the cities and villages of this state to provide for the lighting of their streets and other public places therein by means of electric or other lights," (MCL 123.91 to 123.93) by amending the title and by adding section 4.

The House of Representatives has passed the bill.

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

House Bill No. 5188, entitled

A bill to amend 1929 PA 199, entitled "An act to authorize and empower villages and townships of this state having a population not exceeding 10,000 inhabitants, to levy a tax for the maintenance or the purchase of lands and maintenance of property for a community center for the benefit of the public, provided the question of such purchase or maintenance, or both purchase and maintenance, as the case may be, is submitted to the duly qualified voters of such villages or townships and is adopted by a majority vote of those participating in said election," (MCL 123.41 to 123.46) by amending the title and by adding section 1a.

The House of Representatives has passed the bill.

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

House Bill No. 5189, entitled

A bill to amend 1923 PA 230, entitled "An act to authorize and empower villages and townships of this state, also cities having a population not exceeding 50,000 inhabitants, to levy a tax for the maintenance and employment of a band for musical purposes for the benefit of the public, provided said special question is submitted to the duly qualified voters of such villages, townships or cities and adopted or agreed to by a majority vote of those participating in said election," (MCL 123.861 to 123.863) by amending the title and by adding section 1a.

The House of Representatives has passed the bill.

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

House Bill No. 5190, entitled

A bill to amend 1955 PA 233, entitled "An act to provide for the incorporation of certain municipal authorities to acquire, own, extend, improve, and operate sewage disposal systems, water supply systems, and solid waste management systems; to prescribe the rights, powers, and duties thereof; to authorize contracts between such authorities and public corporations; and to provide for the issuance of bonds to acquire, construct, extend, or improve the systems," (MCL 124.281 to 124.294) by amending the title, as amended by 1981 PA 154, and by adding section 8a.

The House of Representatives has passed the bill.

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

House Bill No. 5191, entitled

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," (MCL 124.401 to 124.426) by amending the title, as amended by 1988 PA 481, and by adding section 16a.

The House of Representatives has passed the bill.

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

House Bill No. 5192, entitled

A bill to amend 1927 PA 165, entitled "An act to authorize the consolidation of township libraries in adjoining townships in certain cases, and to provide for their joint maintenance," by amending the title and section 2 (MCL 397.352).

The House of Representatives has passed the bill.

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

House Bill No. 5193, entitled

A bill to amend 1956 (Ex Sess) PA 6, entitled "Township water system act of 1956," (MCL 486.501 to 486.508) by amending the title and by adding section 4a.

The House of Representatives has passed the bill.

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

House Bill No. 5194, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; and to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities," (MCL 331.1 to 331.11) by amending the title, as amended by 1987 PA 117, and by adding section 10.

The House of Representatives has passed the bill.

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

House Bill No. 5195, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1102.

The House of Representatives has passed the bill.

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

House Bill No. 5196, entitled

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," (MCL 120.101 to 120.130) by amending the title and by adding section 14a.

The House of Representatives has passed the bill.

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

House Bill No. 5588, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 1999; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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 Appropriations.

House Bill No. 5637, entitled

A bill to create the Michigan freedom trail commission; and to prescribe the powers and duties of certain state departments, agencies, commissions, and officers.

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 Local, Urban and State Affairs.

Statements

Senators Peters, Bullard, Emmons and Cherry asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Peters' statement is as follows:

I was disappointed that the Senate did not pass immediate tax cuts for Michigan families and that my amendment, as well as Senator Hart's amendment, did not receive majority party approval. We do have the resources in our budget now to give immediate tax relief to individuals in this state, and unfortunately, we passed an opportunity to do that. I was also disappointed that the majority party used technical maneuvering to prevent some very significant tax cuts, which were going to be proposed by my colleagues, for middle-income taxpayers from being debated.

We thought after General Orders yesterday that we would have an opportunity to debate some substantive tax cuts for middle-income individuals, but due to the technical maneuvering by the majority party we were unable to do that. It is disappointing, and I certainly think that it is unfortunate for the taxpayers of the state of Michigan.

However, I am encouraged that we do have a number of House Bills that are sitting here in the Senate that can be brought up and debated. The House has passed some very significant tax cuts for middle-income taxpayers, and I believe that we should debate those here in the Senate. We spent a great deal of time talking about future tax cuts that don't take effect for a couple years, and yet we do have an opportunity to debate these House Bills.

One in particular that I believe very strongly in is House Bill No. 4189, which establishes an earned income tax credit add-on here in the state of Michigan. It is that earned income tax credit that could have a significant impact on helping middle-income taxpayers meet their obligations to their families and provide for the future. I hope that the Senate takes up that bill and gives it the full debate that it deserves. For that reason, it is my intent to move for discharge tomorrow of House Bill No. 4189, and I certainly hope that the Senate has a good, full, and vigorous debate of the bill, and I look forward to that tomorrow.

Senator Bullard's statement is as follows:

Let me express my appreciation for Senator Emmons' talents. She has done a great job on this historic income tax cut. Today, the Michigan Senate has confirmed its commitment to protecting and extending our state's excellent economic condition. These tax cuts send a strong message across the state and indeed across the nation, that Michigan has faith in the future.

Cutting the tax rate 15 percent over a five-year time line is fiscally responsible. Despite the fact that Michigan has cut taxes 24 times, saving our taxpayers almost \$2 billion each year, we are still, because of high federal taxation, the tenth highest tax state in the United States (if you calculate that based on total taxes per capita as a percentage of income per capita). Per capita, our citizens are paying over \$10,000 per person in federal, state, and local taxes. This is 33 percent of per capita income in our state.

I'd like to reiterate the wise words of Senator Emmons that we should all take pride in the package that is being sent over to the House of Representatives, and I urge leaders to join us in moving these measures forward to the Governor to be signed into law.

Senator Emmons' statement is as follows:

To the previous speaker: tomorrow he can vote with us on Senate Joint Resolution A to protect all the \$11 billion that we've given, kept in taxpayers' pockets, to require a majority vote of three-fifths to raise taxes. That would give protection way, way, way into the future, if he wants to keep tax cuts going.

To the Senators who supported tax cuts today, I want to thank you. These across-the-board tax cuts benefit every single tax payer. We have a history to prove that tax cuts actually stimulate the economy, make more jobs, and help families. Joined with the 24 tax cuts that we have already passed, these new tax cuts will be bringing net savings to taxpayers of \$14 billion. Nobody anywhere has ever had that kind of tax cut. This is a landmark today for taxpayers. I want to thank this body for the support of those tax cuts, and I ask the other side of the rotunda to react quickly and get these tax cuts to the Governor's desk.

Senator Cherry's statement is as follows:

The good Senator from the 23rd District got my curiosity up, and, in fact, made me pull out my glasses. I am looking here at Senate Joint Resolution A and trying to find the words "tax cut" in here. I do not see it. The impression was that she said that if we wanted the opportunity to vote for more tax cuts, we did not have to vote for this discharge

motion, all we had to do was vote for Senate Joint Resolution A. But nowhere as I look it, page one or page two, either in Section 26, subsections (1), (2), (3), or (4) do I find the words "tax cut." Am I missing something? Did the committee do something that I am not aware of or somehow was not caught by the Secretary of the Senate when they produced the substitute?

I think what really happening is just a bunch of rhetoric. I am here in the Senate. I am in the minority. I do not think I am in the minority because of how I voted or my colleagues have voted on taxes. I think it has to do more with how reapportionment plans are drawn. Ultimately, I think what we have to understand is that much, much of what we hear on taxes, on either side of the aisle, over the next six months is terribly suspect. This is an election year. For many of us it may be the last legislative election we face. Quite frankly, this is a body of very astute politicians who understand what makes voters tick. So we will be talking tax cuts until the cows come home. That is the nature of this year. I think we understand that it is rhetoric and not much more than that. I think Senate Joint Resolution A will stand on its merits. I do not think it is a tax-cut proposal at all. I think, though, it does deal with taxes, and yes, we will have a chance to debate it tomorrow. We will have a chance to vote on it tomorrow, but that will not be a vote on tax cuts. If we want to vote on a tax cut tomorrow, we will have the opportunity on the discharge vote.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 785, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d. With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 1091, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145d. With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

William Van Regenmorter
Chairperson

To Report Out:

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

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 Judiciary submits the following:

Meeting held on Tuesday, May 5, 1998, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), Rogers, Cisky, Geake, Dingell and Peters

Excused: Senator V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submits the following:

Meeting held on Tuesday, May 5, 1998, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Cisky (C), Hoffman and Vaughn

Scheduled Meetings

Conference Committee on Senate Bill No. 3 - Thursday, May 14, at 2:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Economic Development, International Trade and Regulatory Affairs Committee - Wednesdays, May 13, May 20 and May 27, at 1:00 p.m., Room 210, Farnum Building (3-7946).

Scheduled Meeting Canceled

Government Operations Committee - Thursday, May 7, at 9:00 a.m., Room 210, Farnum Building (3-1758).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 2:09 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, May 7, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

