

**No. 44**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Wednesday, May 21, 1997.

10:00 a.m.

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

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

Bennett—present  
Berryman—present  
Bouchard—present  
Bullard—present  
Byrum—present  
Carl—present  
Cherry—present  
Cisky—present  
Conroy—present  
DeBeaussaert—present  
DeGrow—present  
Dingell—present  
Dunaskiss—present

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

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

Senator George Z. Hart of the 6th District offered the following invocation:

Our Father, who art in Heaven, we ask that You provide us with Your wisdom and guidance in what we say and do here today. Lord, as we approach this Memorial Day weekend, let all of us be mindful of the dangers in our travels, especially this week. We ask this in Your name. Amen.

### Motions and Communications

Senator Emmons entered the Senate Chamber.

Senator DeGrow moved that Senators Dunaskiss, Geake, Posthumus and Rogers be temporarily excused from today's session.

The motion prevailed.

Senators Young, Conroy, Geake, O'Brien, Posthumus, Cherry and Rogers entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Wednesday, May 21 of:  
**Senate Bill Nos. 512 513**

### Messages from the House

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

**House Bill No. 4220**

**House Bill No. 4219**

The motion prevailed.

### Senate Bill No. 140, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101) and by adding sections 3131, 3132, and 3133.

(For text of amendments, see Senate Journal No. 43, p. 684.)

The question being on concurring in the amendments made to the bill by the House,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

### Roll Call No. 239

**Yeas—37**

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

**Nays—0**

**Excused—1**

Dunaskiss

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
 The recommendation was concurred in, 2/3 of the members serving voting therefor.  
 The Senate agreed to the full title of the bill.  
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

The following bill was read a third time:

**Senate Bill No. 466, entitled**

A bill to amend 1982 PA 294, entitled “Friend of the court act,” by amending section 9 (MCL 552.509), as amended by 1996 PA 365.

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. 240**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Dunaskiss

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 467, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 10c.

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. 241**

**Yeas—37**

Bennett	DeGrow	McManus	Shugars
Berryman	Dingell	Miller	Smith, A.
Bouchard	Emmons	North	Smith, V.
Bullard	Gast	O’Brien	Stallings
Byrum	Geake	Peters	Steil
Carl	Gougeon	Posthumus	Stille

Cherry  
Cisky  
Conroy  
DeBeaussaert

Hart  
Hoffman  
Koivisto

Rogers  
Schuette  
Schwarz

Van Regenmorter  
Vaughn  
Young

**Nays—0**

**Excused—1**

Dunaskiss

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

**Senate Bill No. 490**

The motion prevailed.

Senator Dunaskiss entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 491, entitled**

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

The 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. 242**

**Yeas—38**

Bennett  
Berryman  
Bouchard  
Bullard  
Byrum  
Carl  
Cherry  
Cisky  
Conroy  
DeBeaussaert

DeGrow  
Dingell  
Dunaskiss  
Emmons  
Gast  
Geake  
Gougeon  
Hart  
Hoffman  
Koivisto

McManus  
Miller  
North  
O'Brien  
Peters  
Posthumus  
Rogers  
Schuette  
Schwarz

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 492, entitled**

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

The 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. 243**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Peters moved that he be named co-sponsor of the following bills:

**Senate Bill No. 491**

**Senate Bill No. 492**

The motion prevailed.

Senators Vaughn, Rogers, Hoffman, Conroy and Peters asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Vaughn's statement is as follows:

I have an important announcement. Cathy Sundeen, as most of you know, has served us well. She has worked on the Senate Staff from August 1993. She immediately became a competent and indispensable part of our security and the General Services and Physical Properties Units. In her friendly, positive ways, she has assisted all of us, as you know, including Senators, staff members and Pages in an effort to serve Michigan citizens.

Cathy, as most of you know, has accepted a new position with the Michigan Health and Hospital Association and we would like to take this opportunity to wish her much success in her new endeavors and also to thank her very much for the future and all that she's done.

Could we give a round of applause for this outstanding employee who has done so well and great for all of us?

Senator Rogers' statement is as follows:

I rise today to wish a fond farewell to Cathy Sundeen who is leaving the Senate. We are truly losing a valuable employee today and as we have often said here in the Chamber, there are far, far more people who help make this process work than we realize—and their good work, although it's not recognized, does not go unnoticed.

While Cathy fits that criteria, she has been extremely helpful to all the Senate offices with tributes and she has actually made Kit Askin and Mike Ferland look far better than they really are. I know you're going to be missed for that because they may be stumbling around for a couple of days until they can figure out what you were really doing for them. She was the answer person—you could call down there and get the answer that you needed. In talking with both Kit and Mike, they said not only did she occasionally go above and beyond, she always went above and beyond the call of duty.

We again, Cathy, are sorry to see you leave, but we congratulate you. She is moving on to be the Administrative Assistant for the Michigan Hospital Association. Our loss is certainly their gain. We wish you the very best and we hope you will look back on your days with the Michigan Senate fondly because we certainly will miss you and will look at your good work and know that you were doing all the right things for the people of Michigan.

Senator Hoffman's statement is as follows:

Like Senator Rogers, I just want to say that it is with regret that we see Cathy Sundeen leave our service here in the Michigan Senate

I told her jokingly that she has to get two-thirds of the Senate to approve her departure. We feel that she's a valuable enough employee that I would argue against the two-thirds majority to let her voluntarily leave. Maybe we could entice her to hang around. When you get a good employee, they are an asset. They are like fine wine, the longer they've been around, the more they understand what we do. It's certainly going to be a sad day to see General Services and the Sergeants operating without Cathy's services. I understand that she's been hired away by a Lansing outfit, so I guess we will still see her smiling face, but we won't see her as an insider—she will be coming back to us asking us to help and I guess that's called payback, isn't it Cathy? That's what I thought.

Well, we're going to lose a good employee, Cathy, and I hope that your new endeavor is as fruitful and as happy as the work that you have provided us. Good luck.

Senator Conroy's statement is as follows:

I would like to make note this morning of a colleague's family's success. Joe Young III graduated from Bishop Gallagher High School—or is about to graduate. He is just a super student and a fine young man and I wanted to recite some of the achievements that he's made.

He is a 4.0 student. He is the Valedictorian of his class. He's been given an award for athletic excellence. He was given the academic award for excellence of computer science, the excellence award of mathematic achievement and he is an example of what we like to see in our young people. We don't really expect this much, but we certainly have gotten a lot from the fine family of Mr. and Mrs. Joe Young. I'm sure that his grandmother who is living today is quite proud of him as his family members and certainly his grandfather would be most particularly proud of this event. So, we congratulate Joseph Young III in his academic as well as his athletic achievements. Congratulations to the parents who have helped this young man along the way.

Senator Peters' statement is as follows:

I too, am losing a very valuable staff member who has served me from the first day I came here in the Senate Chamber. Todd Cook came into my employment as soon I came in the Senate. He has been a very diligent and hard-working employee over the last two-and-one-half years. However, he's not leaving service in the legislature. He's actually going over to the House side where he will be working for the Deputy Director for the House Democratic Communication Staff and dealing with Democrats in the House on a statewide basis.

We are really proud of his accomplishments and know that he will do an outstanding job in the House.

Given this is also Oakland University Lobby Day, he's also a proud alumni of Oakland University and represents the university very well here in Lansing as well as other Oakland University alumni who are working here in the Capitol.

I'd like my colleagues to wish Todd Cook all the best of success as he works in the House and look forward to working with him in another capacity at some point in the future.

The following bill was read a third time:

**Senate Bill No. 297, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920, 20921, and 20965 (MCL 333.20920, 333.20921, and 333.20965), as added by 1990 PA 179.

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. 244****Yeas—37**

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

**Nays—1**

Cherry

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Bennett asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bennett's first statement is as follows:

I'd like to take the opportunity, on the bill that just passed, Senate Bill No. 297, I have two people in the Gallery, Jan and Cathy, if you might rise for a moment please. These are two individuals from the district who have given me a great deal of counsel and advice on this particular bill. They helped work through some of the technical aspects of it and I truly owe Jan and Cathy a great debt of gratitude. Thank you. I wish my colleagues would recognize them.

Senator Bennett's second statement is as follows:

Regarding Senate Bill No. 297 that just passed—it is something that I believe is certainly going to move this state in the right direction of allowing individuals who unfortunately find themselves in emergency situations to have the best possible emergency care that the paramedics around the state of Michigan can possibly offer. There have been some concerns that it will provide an inconsistent level of care, that we have built in many protections and protocols into the bill to make sure that does not happen. It will allow, in fact, for those generally smaller departments, volunteer departments, paramedics to use all of the skills that the state of Michigan has trained and licensed them to use. I appreciate the body's support on this particular piece of legislation.

The following bill was read a third time:

**Senate Bill No. 501, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 501b.

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. 245****Yeas—38**

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

**Nays—0****Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**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, Lieutenant Governor Binsfeld, designated Senator Bullard as Chairperson.

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

**House Bill No. 4034, entitled**

A bill to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending sections 1 and 3 (MCL 125.31 and 125.33), section 3 as amended by 1986 PA 5.

**Senate Bill No. 503, entitled**

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

The 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. 272, entitled**

A bill to make appropriations for various state departments and agencies for the fiscal year ending September 30, 1997; and to provide for the expenditure of the appropriations.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 6, line 16, after "projects" by striking out "\$573,400" and inserting "\$873,400".
2. Amend page 6, line 21, after "funds" by striking out "100,000" and inserting "400,000" and adjusting all subtotals, totals and section 201 accordingly.

3. Amend page 17, following line 6, by inserting:

“Family preservation and prevention services ..... \$ 7,000,000”.

4. Amend page 17, line 7, by striking out “\$27,918,300” and inserting “\$34,918,300”.

5. Amend page 17, line 11, by striking out “\$19,053,700” and inserting “\$26,053,700” and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 19, following line 16, by inserting:

“GRANTS

City of Jackson - Grand River cap removal project..... \$ 750,000

GROSS APPROPRIATION ..... \$ 750,000

Appropriated from:

State general fund/general purpose ..... \$ 750,000”

and adjusting all subtotals, totals and section 201 accordingly.

7. Amend page 31, line 26, after “Sec. 322.” by striking out the balance of the line through “to” on line 27, and inserting “Of the settlement funds appropriated in section 101, \$100,000.00 shall”.

8. Amend page 32, following line 3, by inserting:

“Sec. 323. Of the settlement funds appropriated in section 101, \$300,000.00 shall be designated from the Bil-Mar settlement for watershed cleanup projects in Ottawa county.”.

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

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

**Senate Bill No. 414, entitled**

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

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.

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

**Senate Bill No. 495, entitled**

A bill to amend 1986 PA 89, entitled “Michigan BIDCO act,” by amending sections 102, 104, 105, 106, 211, 217, 301, 303, 305, 311, 315, 317, 401, 403, 405, 407, 503, 505, 507, 509, 511, 601, 603, 709, 711, 713, 801, 807, and 813 (MCL 487.1102, 487.1104, 487.1105, 487.1106, 487.1211, 487.1217, 487.1301, 487.1303, 487.1305, 487.1311, 487.1315, 487.1317, 487.1401, 487.1403, 487.1405, 487.1407, 487.1503, 487.1505, 487.1507, 487.1509, 487.1511, 487.1601, 487.1603, 487.1709, 487.1711, 487.1713, 487.1801, 487.1807, and 487.1813).

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.

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

**Senate Bill No. 504, entitled**

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 7 (MCL 722.627), as amended by 1995 PA 225, and by adding section 7b.

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.

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

**Senate Resolution No. 20.**

A resolution to memorialize the President and the Congress of the United States to repeal the federal unified gift and estate tax.

The question being on the adoption of the resolution,

Senators Bullard and Byrum offered the following substitute:

A resolution to express support for the recently announced balanced budget agreement and to urge the President and the Congress of the United States to include in the finalized actions significant cuts in federal taxes totaling \$135 billion.

Whereas, The recent announcement from the President and congressional leadership that an agreement has been reached on an overall plan to achieve a balanced budget and cut taxes by \$135 billion is cause for great optimism among all Americans. In addition to the importance of this step toward fiscal responsibility for our nation, the announcement also included significant tax cuts that will help strengthen the long-term vitality of our economy. Among these tax cuts are proposals to reduce significantly the federal estate tax and the capital gains tax and to create tax credits for families with children and for college tuition costs; and

Whereas, The federal unified gift and estate tax generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance, and in fact has been shown to decrease those federal revenues from what they might otherwise have been. This "Death Tax" has been identified as destructive to job opportunity and expansion, especially to minority entrepreneurs and family farmers; and

Whereas, Federal estate taxes go into effect for estates with values exceeding \$600,000. The rate of tax rises sharply and begins, in effect, at 37 percent of the amount over \$600,000. As a result, many families, including farming operations and other modestly sized businesses, are forced to liquidate assets to pay the tax. Many observers feel that the federal estate tax contributes to the low rate of family owned businesses successfully passing down to the next generations; and

Whereas, The threshold for federal estate tax liability was last amended in 1981, with the \$600,000 level going into effect January 1, 1987. In addition to the impact of inflation over the past decades, the value of the assets of many individuals, including small business owners, has risen dramatically with the rise in equity values in real estate and the stock market. As a result, more and more middle class families face severe tax bills; and

Whereas, The capital gains tax is another major impediment to investment in our country. Homeowners, investors, and business owners are important generators of wealth and employment, yet their full potential for creating jobs and capital is dulled by a capital gains system that, in effect, is a disincentive for people to pursue their dreams and ambitions. The capital gains tax serves to hamper growth and financial strength not only for individuals and families, but also for the nation as a whole; and

Whereas, Of all investment strategies our country should pursue, tax policies to give direct help to families with children is a concept that can only enrich our nation. The budget proposal calls for a tax credit of \$500 per child under the age of 18. With the correlation between our future and the health and well-being of the next generation, a tax credit for children will reap many rewards for the people who most need it; and

Whereas, As America attempts to reinvigorate its economy in the face of new challenges in technology and global competition, it is clear that education is of the utmost importance. Just as our country derived enormous benefits from the GI education program started after World War II, we would do well to encourage people to gain the skills America must have in the twenty-first century. The budget proposal includes a tax credit of \$1,500 per child for the first two years of college for students maintaining certain standards; and

Whereas, Reductions in the federal estate tax and the capital gains tax and creation of tax credits for college tuition and families with children are consistent with the ultimate goals of savings and investment inherent in a balanced budget; now, therefore, be it

Resolved by the Senate, That we express support for the recently announced balanced budget agreement and to urge the President and the Congress of the United States to include in the finalized actions significant cuts in federal taxes totaling \$135 billion, including cuts in estate and capital gains taxes and credits for tuition and for families with children; and be it further

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

The question being on the adoption of the substitute,

Senator V. Smith requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

The substitute was adopted.

The resolution, as substituted, was adopted.

**Senate Concurrent Resolution No. 11.**

A concurrent resolution to memorialize the President and the Congress of the United States to repeal the federal unified gift and estate tax.

The question being on the adoption of the concurrent resolution, Senators Bullard and Byrum offered the following substitute:

A concurrent resolution to express support for the recently announced balanced budget agreement and to urge the President and the Congress of the United States to include in the finalized actions significant cuts in federal taxes totaling \$135 billion.

Whereas, The recent announcement from the President and congressional leadership that an agreement has been reached on an overall plan to achieve a balanced budget and cut taxes by \$135 billion is cause for great optimism among all Americans. In addition to the importance of this step toward fiscal responsibility for our nation, the announcement also included significant tax cuts that will help strengthen the long-term vitality of our economy. Among these tax cuts are proposals to reduce significantly the federal estate tax and the capital gains tax and to create tax credits for families with children and for college tuition costs; and

Whereas, The federal unified gift and estate tax generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance, and in fact has been shown to decrease those federal revenues from what they might otherwise have been. This "Death Tax" has been identified as destructive to job opportunity and expansion, especially to minority entrepreneurs and family farmers; and

Whereas, Federal estate taxes go into effect for estates with values exceeding \$600,000. The rate of tax rises sharply and begins, in effect, at 37 percent of the amount over \$600,000. As a result, many families, including farming operations and other modestly sized businesses, are forced to liquidate assets to pay the tax. Many observers feel that the federal estate tax contributes to the low rate of family owned businesses successfully passing down to the next generations; and

Whereas, The threshold for federal estate tax liability was last amended in 1981, with the \$600,000 level going into effect January 1, 1987. In addition to the impact of inflation over the past decades, the value of the assets of many individuals, including small business owners, has risen dramatically with the rise in equity values in real estate and the stock market. As a result, more and more middle class families face severe tax bills; and

Whereas, The capital gains tax is another major impediment to investment in our country. Homeowners, investors, and business owners are important generators of wealth and employment, yet their full potential for creating jobs and capital is dulled by a capital gains system that, in effect, is a disincentive for people to pursue their dreams and ambitions. The capital gains tax serves to hamper growth and financial strength not only for individuals and families, but also for the nation as a whole; and

Whereas, Of all investment strategies our country should pursue, tax policies to give direct help to families with children is a concept that can only enrich our nation. The budget proposal calls for a tax credit of \$500 per child under the age of 18. With the correlation between our future and the health and well-being of the next generation, a tax credit for children will reap many rewards for the people who most need it; and

Whereas, As America attempts to reinvigorate its economy in the face of new challenges in technology and global competition, it is clear that education is of the utmost importance. Just as our country derived enormous benefits from the GI education program started after World War II, we would do well to encourage people to gain the skills America must have in the twenty-first century. The budget proposal includes a tax credit of \$1,500 per child for the first two years of college for students maintaining certain standards; and

Whereas, Reductions in the federal estate tax and the capital gains tax and creation of tax credits for college tuition and families with children are consistent with the ultimate goals of savings and investment inherent in a balanced budget; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express support for the recently announced balanced budget agreement and to urge the President and the Congress of the United States to include in the finalized actions significant cuts in federal taxes totaling \$135 billion, including cuts in estate and capital gains taxes and credits for tuition and for families with children; and be it further

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

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

**Protest**

Senator V. Smith, under his constitutional right of protest (Art. IV, Sec. 18), protested against the adoption of Senate Resolution No. 20 and Senate Concurrent Resolution No. 11 and moved that the statement he made during the discussion of the Senate Resolution No. 11 be printed as his reasons for voting "no."

The motion prevailed.

Senator V. Smith's statement is as follows:

I voted "no" on Senate Resolution No. 20 because, even though I appreciate the fact that a budget agreement has been worked out in Congress and as part of that overall budget agreement that is being played out in the halls of Congress, is a tax cut that will be part of that agreement. The amount and where that tax cut comes from has not been specifically laid out within that agreement. I do not want to support a resolution which encourages the Congress to include the gift and the estate tax as a way of helping to give tax breaks to the general population and public. I am supportive of the overall budget agreement in itself. But, if there are tax breaks that are to be given to the tune of \$135 billion, I would hope that those tax breaks would be spread through reductions in the income tax and federal taxes. I hoped it would have a broader application that would affect all of the taxpayers in this country, rather than a very small minority, who are the taxpayers who have the highest amount of taxable income. Therefore, I voted "no" on Senate Resolution No. 20.

**House Concurrent Resolution No. 37.**

A concurrent resolution to memorialize the Congress of the United States and the Environmental Protection Agency not to restrict the use of barbecue grills.

Whereas, In discussions on possible steps to help clean our air, some federal officials are proposing restrictions on the use of charcoal and gas grills used for cooking. Apparently, federal air regulators are considering restrictions on barbecue grills as a means to reduce levels of ground-level ozone and soot. One of the reasons for trying to find a way to reduce ground-level smoke is the problems that it can have on people with certain respiratory conditions, including those suffering from asthma; and

Whereas, While there is certainly good reason to reduce excessive ground-level smoke, restricting charcoal or gas grills is an overreaction. With the problems generated by other, far more harmful practices, most of which can be monitored far more effectively anyway, a ban or restrictions on grilling is not a wise public policy decision. Even in a specific situation where a problem may exist for someone, the matter is hardly appropriate for federal actions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and the Environmental Protection Agency not to restrict the use of barbecue grills; 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, the members of the Michigan congressional delegation, and officials of the Environmental Protection Agency.

The House of Representatives has adopted the concurrent resolution.

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

Senators Young, Schwarz and Hart were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

Senators Shugars and Dunaskiss introduced

**Senate Bill No. 514, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2213b (MCL 500.2213b), as added by 1996 PA 517.

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

Senators Emmons and Gougeon introduced

**Senate Bill No. 515, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 8 (MCL 722.627 and 722.628), section 7 as amended by 1995 PA 225 and section 8 as amended by 1988 PA 372, and by adding sections 7b, 8b, and 8c.

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

Senator Gougeon introduced

**Senate Bill No. 516, entitled**

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing

the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," by amending sections 13a, 17, 17c, 18f, 19, and 19b of chapter XIIA (MCL 712A.13a, 712A.17, 712A.17c, 712A.18f, 712A.19, and 712A.19b), sections 13a and 17 as amended by 1996 PA 409, sections 17c and 19b as amended by 1994 PA 264, and sections 18f and 19 as amended by 1996 PA 16, and by adding sections 13b, 13c, 13d, and 19d to chapter XIIA.

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

Senators McManus and Gougeon introduced

**Senate Bill No. 517, entitled**

A bill to amend 1984 PA 422, entitled "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties," by amending sections 4, 5, and 7 (MCL 722.134, 722.135, and 722.137), as amended by 1989 PA 74.

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

Senators Shugars and Dunaskiss introduced

**Senate Bill No. 518, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

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

Senators Shugars and Dunaskiss introduced

**Senate Bill No. 519, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending sections 2, 3, 5, and 10 (MCL 15.232, 15.233, 15.235, and 15.240), as amended by 1996 PA 553.

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

Senators Shugars, Dunaskiss, Stille, North and A. Smith introduced

**Senate Bill No. 520, entitled**

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 3 (MCL 397.173).

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

Senator Schwarz introduced

**Senate Bill No. 521, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1996 PA 513.

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

Senators Cisky, Schwarz, Gougeon and McManus introduced

**Senate Bill No. 522, entitled**

A bill to amend 1984 PA 218, entitled "Third party administrator act," (MCL 550.901 to 550.962) by adding section 43.

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

Senators Cisky, Schwarz, Gougeon and McManus introduced

**Senate Bill No. 523, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2219.

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

Senators Cisky, Schwarz, Gougeon and McManus introduced

**Senate Bill No. 524, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401e.

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

Senators Cisky, Schwarz, Gougeon and McManus introduced

**Senate Bill No. 525, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 2226a and 21050a.

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

### Committee Reports

The Committee on Finance reported

**Senate Bill No. 116, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255, and by adding section 22g.

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.

Joanne G. Emmons  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 428, entitled**

A bill to amend 1923 PA 116, entitled "Township and village public improvement and public service act," by amending section 4 (MCL 41.414), as amended by 1989 PA 82.

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

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

Joanne G. Emmons  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 429, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44c.

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**Senate Bill No. 430, entitled**

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending sections 5 and 15b (MCL 41.725 and 41.735b), section 5 as amended by 1986 PA 180.

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

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

Joanne G. Emmons

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 432, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 1 (MCL 41.801), as amended by 1989 PA 81.

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

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

Joanne G. Emmons

Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Joint Resolution L, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX and adding section 37 to article IX, to levy special assessments on the taxable value of the property assessed.

With the recommendation that the substitute (S-4) be adopted and that the joint resolution then be adopted.

Joanne G. Emmons

Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, May 20, 1997, at 1:05 p.m., Room 810, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on School Aid (K-12) and Department of Education submits the following:

Meeting held on Tuesday, May 20, 1997, at 1:00 p.m., Senate Appropriations Room, Capitol Building

Present: Senators DeGrow (C), Schwarz and Conroy

## COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:  
Meeting held on Tuesday, May 20, 1997, at 3:00 p.m., Room 100, Farnum Building  
Present: Senators Shugars (C), Schwarz, Bullard and Byrum  
Excused: Senator O'Brien

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Colleges submits the following:  
Meeting held on Tuesday, May 20, 1997, at 3:00 p.m., Senate Appropriations Room, Capitol Building  
Present: Senators Gast (C), DeGrow and Vaughn

**Scheduled Meetings**

Appropriations Committee - Tuesday, May 27 and Wednesday, May 28, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Capital Outlay Joint Subcommittee - Thursday, May 29, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Financial Services Committee - Thursday, May 22, at 1:30 p.m., Room 100, Farnum Building (3-2523).

Local, Urban and State Affairs Committee - Monday, June 2, at 6:00 p.m., North Central Michigan College, Library and Conference Center Building, 1515 Howard, Petoskey; Thursday, June 5, at 6:30 p.m., Oakland County Commissioner's Auditorium, 1200 North Telegraph Road, Pontiac; and Monday, June 9, at 6:00 p.m., Eberhardt Center/Grand Valley State University, 301 W. Fulton, 2nd Floor Conference Center, Grand Rapids (3-1535).

Technology and Energy Committee - Tuesday, May 27, at 9:00 a.m., 8th Floor Conference Room, Farnum Building (3-2417).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 11:44 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, May 22, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.