

No. 16
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 26, 1998.

10:00 a.m.

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

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

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

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

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

David Breen of Fairhaven Ministries of Hudsonville offered the following invocation:

Loving God, sometimes when we are given responsibilities, we feel overwhelmed and inadequate. Sometimes when we are given responsibilities, we tend to feel superior or arrogant. Meet us where those roads meet with Your Spirit of compassion, courage, and conviction.

Bring a special blessing on this place today and in the homes and families from which they come. In Your name. Amen.

Senator Van Regenmorter entered the Senate Chamber.

Motions and Communications

Senator Conroy entered the Senate Chamber.

Senator DeGrow moved that Senator Bullard be excused from today's session.
The motion prevailed.

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

Senator Hoffman entered the Senate Chamber.

Recess

Senator DeGrow moved that the Senate recess until 10:15 a.m.
The motion prevailed, the time being 10:04 a.m.

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

During the recess, Senators Young, Stille, Geake, Emmons, McManus, Jaye, Bennett, Gougeon, Steil, Schuette, Dunaskiss, Bouchard and North entered the Senate Chamber.

Senator Posthumus entered the Senate Chamber.

Messages from the House

Senate Bill No. 367, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending sections 7 and 14 (MCL 408.387 and 408.394).

Substitute (H-1)

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

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

Roll Call No. 65

Yeas—36

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

Nays—0

Excused—1

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

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

Senate Bill No. 714, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Mackinac county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance. Substitute (H-1)

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

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

Roll Call No. 66

Yeas—36

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

Nays—0

Excused—1

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

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

Third Reading of Bills

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

Senate Bill No. 789

Senate Bill No. 256

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 752, entitled

A bill to amend 1956 PA 5, entitled "Michigan uniform municipal court act," by amending section 23 (MCL 730.523) and by adding section 23a.

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. 67

Yeas—36

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

Nays—0

Excused—1

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 753, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 2 and 3 of chapter X and sections 34, 43, and 44 of chapter XIV (MCL 770.2, 770.3, 774.34, 774.43, and 774.44), section 2 of chapter X as amended by 1981 PA 205, section 3 of chapter X as amended by 1994 PA 374, and sections 34, 43, and 44 of chapter XIV as amended by 1980 PA 506.

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. 68**Yeas—36**

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

Nays—0**Excused—1**

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 880, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 2163 (MCL 600.2163).

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. 69**Yeas—36**

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

Nays—0**Excused—1**

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 881, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2170.

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. 70**Yeas—36**

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

Nays—0**Excused—1**

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator DeGrow moved that Senator Emmons be temporarily excused from the balance of today's session. The motion prevailed.

The following bill was read a third time:

Senate Bill No. 882, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 1989 PA 253.

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. 71

Yeas—35

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

Nays—0

Excused—2

Bullard	Emmons
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Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 883, 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 17 and 17b of chapter XIIA (MCL 712A.17 and 712A.17b), section 17 as amended by 1997 PA 169 and section 17b as amended by 1989 PA 254.

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. 72**Yeas—35**

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

Nays—0**Excused—2**

Bullard	Emmons
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Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Emmons entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 884, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4a (MCL 38.104a), as added by 1987 PA 47.

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. 73**Yeas—36**

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

Nays—0

Excused—1

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 885, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 75a (MCL 24.275a), as added by 1987 PA 46.

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. 74

Yeas—35

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

Nays—0

Excused—1

Bullard

Not Voting—2

Emmons

Stallings

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator DeGrow moved that Senator Emmons be temporarily excused from the balance of today’s session. The motion prevailed.

The following bill was read a third time:

House Bill No. 4783, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 265 (MCL 206.265), as added by 1993 PA 128.

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. 75

Yeas—35

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

Nays—0

Excused—2

Bullard	Emmons
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Not Voting—1

Stallings

In The Chair: Schwarz

Senator O’Brien moved that he be temporarily excused from the balance of today’s session.

The motion prevailed.

He will be meeting with a constituent outside the Senate Chamber.

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

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4841, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending sections 12a and 22 (MCL 207.112a and 207.122), section 22 as amended by 1995 PA 52.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 4, following line 17, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 818 of the 89th Legislature is enacted into law."

Senator Emmons entered the Senate Chamber.

The question being on the adoption of the amendment,

Senator DeGrow moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Gougeon introduced

Senate Bill No. 942, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

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

Senator Stille introduced

Senate Bill No. 943, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

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. 944, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as added by 1995 PA 223.

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

Senator Geake introduced

Senate Bill No. 945, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57j.

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

Senator Steil introduced

Senate Bill No. 946, entitled

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

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

Senator Jaye introduced

Senate Bill No. 947, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 43b. The bill was read a first and second time by title and referred to the Committee on Gaming and Casino Oversight.

Senator Bennett introduced

Senate Bill No. 948, entitled

A bill to amend the Initiated Law of 1996, entitled "Michigan gaming control and revenue act," (MCL 432.201 to 432.226) by adding section 11a.

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

Senator North introduced

Senate Bill No. 949, entitled

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

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

Senator Emmons introduced

Senate Bill No. 950, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

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

Senator Schuette introduced

Senate Bill No. 951, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57k.

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

Senator Gast introduced

Senate Bill No. 952, entitled

A bill to make and supplement appropriations for a capital outlay program for the fiscal year ending September 30, 1998; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to provide for the acquisition of land and buildings; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to prescribe powers and duties of certain state officers and agencies; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

Senator Van Regenmorter introduced

Senate Bill No. 953, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 625a, and 625b (MCL 257.303, 257.625a, and 257.625b), section 303 as amended by 1996 PA 587, section 625a as amended by 1996 PA 491, and section 625b as amended by 1994 PA 450.

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

Senator Van Regenmorter introduced

Senate Bill No. 954, entitled

A bill to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division

of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties," by amending sections 13a and 17c of chapter XIA (MCL 712A.13a and 712A.17c), section 13a as amended by 1997 PA 163 and section 17c as amended by 1997 PA 169, and by adding section 17d to chapter XIA.

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

Senator Van Regenmorter introduced

Senate Bill No. 955, entitled

A bill to amend 1978 PA 642, entitled "Revised probate code," by amending sections 3, 427, and 437 (MCL 700.3, 700.427, and 700.437), section 3 as amended by 1988 PA 222 and sections 427 and 437 as amended by 1990 PA 313, and by adding section 427a.

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

Senator Van Regenmorter introduced

Senate Bill No. 956, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 4 (MCL 722.22 and 722.24), section 2 as amended by 1990 PA 245 and section 4 as amended by 1996 PA 19.

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

By unanimous consent the Senate returned to the order of
Resolutions

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

Senate Resolution No. 71

Senate Concurrent Resolution No. 52

Senate Resolution No. 112

Senate Resolution No. 134

The motion prevailed.

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

Senate Resolution No. 141

The resolution consent calendar was adopted.

Senators Emmons, North, Schuette, Posthumus, Bouchard, Jaye, Bullard, Dunaskiss, Gast, Geake, Bennett, Steil, Cisky, Rogers, Gougeon and McManus offered the following resolution:

Senate Resolution No. 141.

A resolution commemorating March 1998 as Parenting Awareness Month.

Whereas, The children of Michigan are the state's most precious resource, and these young people deserve the support of a society that reinforces healthy living; and

Whereas, The Michigan Senate believes that the education of students is enhanced by the involvement of parents and families in their children's education; and

Whereas, Studies demonstrate that when parents are involved in their children's education, the attitudes, behaviors, and achievement of students are positively enhanced; and

Whereas, The State Board of Education's 1997-98 Action Plan includes a request that every school building and district adopt a family involvement plan as a part of its school improvement plan. The plan should be geared toward building strong connections between the home, school, and community as a means of improving achievement and behavior; and

Whereas, The State Board of Education's Family Involvement Policy adopted in May 1997 states that schools must welcome the public's involvement, recognize and tap the strengths, dynamism, and resources of all those who wish to participate with the schools in practical and tangible ways, and also states that teacher training institutions have a responsibility to provide training in family involvement; and

Whereas, Parents who nurture, love, and appropriately discipline their children can help them become citizens with high self-esteem and who will be healthy, happy, loving, responsible, trustworthy, and protective adults; and

Whereas, Informed parenting can help reduce social problems such as substance abuse, teenage pregnancy, unemployment, poverty, and crime; and

Whereas, Providing parenting knowledge and skills will benefit all the residents of Michigan; now, therefore, be it Resolved by the Senate, That we declare March 1998 as Parenting Awareness Month; and be it further

Resolved, That the Senate encourage the House of Representatives of the state of Michigan to join the Senate and the State Board of Education in designating March 1998 as Parenting Awareness Month and in promoting parenting education throughout Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the State Board of Education, the House of Representatives, the Governor, and the Michigan congressional delegation as evidence of our support.

Senators Berryman, Young, Shugars, Stille and Hoffman were named co-sponsors of the resolution.

Senators North, Koivisto, Stille, Hart, McManus, O'Brien and Jaye offered the following resolution:

Senate Resolution No. 145.

A resolution to support the establishment of a national lighthouse center and museum at Mackinaw City.

Whereas, Tourism is one of the cornerstones of Michigan's economy. Nearly \$9 billion of tourism revenues are generated annually. Much of our state's strength in attracting visitors from the region and elsewhere is based on our natural resources and respect for our history; and

Whereas, There are no more vivid symbols of Michigan's heritage as the Great Lake State than the lighthouses that dot the coastlines along America's inland seas. Michigan has more lighthouses than any other state in the country, and our citizens have enormous respect for the role these beacons have filled in contributing to safe passage on the lakes; and

Whereas, A national search effort is under way to find a location for a national lighthouse center and museum. The selection committee has already narrowed its choices. One of the finalists in the selection process is Mackinaw City, Michigan; and

Whereas, Located along the historic Straits of Mackinac, Mackinaw City is a community uniquely suited to be the home of the national lighthouse center and museum. The city is strongly devoted to historic preservation. Over its history, the Straits area has been illuminated by dozens of lighthouses, and twenty-one still stand within forty miles of the city. This is a well-established tourism center, attracting 1.7 million vacation trips annually. Clearly, Mackinaw City will be an ideal place for the national lighthouse center and museum; now, therefore, be it

Resolved by the Senate, That we support the establishment of a national lighthouse center and museum at Mackinaw City; and be it further

Resolved, That a copy of this resolution be transmitted to the selection committee for the national lighthouse center and museum.

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

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 368, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 49, 145m, 147a, 470, and 502c (MCL 750.49, 750.145m, 750.147a, 750.470, and 750.502c), section 49 as amended by 1995 PA 228, section 145m as added by 1994 PA 149, section 470 as added by 1992 PA 271, and section 502c as amended by 1995 PA 114.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

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

Senate Bill No. 369, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 1987 PA 200.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

The President, Lieutenant Governor Binsfeld, assumed the Chair.

Senate Bill No. 370, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3b of chapter XI and section 19a of chapter XV (MCL 771.3b and 775.19a), section 3b of chapter XI as amended by 1994 PA 426 and section 19a of chapter XV as amended by 1982 PA 203.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 372, entitled

A bill to amend 1969 PA 235, entitled "An act authorizing local units of government to regulate and control traffic in parking areas; and to provide a penalty for a violation of this act," by amending section 2a (MCL 257.942a).

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

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

Senate Bill No. 374, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 102 and 304b (MCL 484.2102 and 484.2304b), section 102 as amended and section 304b as added by 1995 PA 216.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 376, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending section 2 (MCL 125.1502), as amended by 1980 PA 371.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 382, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 1, 22, 32b, 44, and 44d (MCL 125.1401, 125.1422, 125.1432b, 125.1444, and 125.1444d), section 1 as amended by 1984 PA 215, sections 22, 32b, and 44 as amended by 1996 PA 475, and section 44d as added by 1987 PA 86.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 383, entitled

A bill to amend 1964 PA 232, entitled "Rehabilitation act of 1964," by amending section 2 (MCL 395.82).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

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

Senate Bill No. 385, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 504, 514, 605, 701, 1296, 1311, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1756, 1757, and 1761 (MCL 380.4, 380.5, 380.6, 380.504, 380.514, 380.605, 380.701, 380.1296, 380.1311, 380.1321, 380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751, 380.1756, 380.1757, and 380.1761), section 5 as amended by 1995 PA 289, sections 504 and 1701a as amended and section 514 as added by 1994 PA 416, section 605 as amended by 1985 PA 86, section 1311 as amended by 1995 PA 250, section 1321 as amended by 1990 PA 163, and section 1724 as amended by 1994 PA 258.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

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

Senate Bill No. 389, entitled

A bill to amend 1986 PA 54, entitled "Building officials and inspection registration," by amending section 3 (MCL 338.2303).

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

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

Senate Bill No. 390, entitled

A bill to amend 1978 PA 260, entitled "An act to revise and codify the laws relating to blind persons and visually handicapped; to create a commission; to prescribe its powers and duties and those of other state agencies relative to blind persons; to provide services, education, training, and assistance to blind persons; to regulate concessions operated by blind persons; to transfer powers, duties, functions, and appropriations; and to repeal certain acts and parts of acts," by amending the title and sections 4 and 6 (MCL 393.354 and 393.356).

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

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

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

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the Committee on Finance be discharged from further consideration of the following bill:

Senate Bill No. 818, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 2 and 6 (MCL 207.212 and 207.216), as amended by 1996 PA 584.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator DeGrow moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on its immediate passage:

Senate Bill No. 818

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 818, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 2 and 6 (MCL 207.212 and 207.216), as amended by 1996 PA 584.

The question being on the passage of the bill,

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

The motion did not prevail.

Senator A. Smith requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 76

Yeas—8

Conroy
DeBeaussaert

Dingell
Hart

Peters
Smith, A.

Vaughn
Young

Nays—25

Bennett
Berryman
Bouchard
Byrum
Cherry
Cisky
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hoffman

Jaye
McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Smith, V.
Steil
Stille
Van Regenmorter

Excused—2

Bullard

O'Brien

Not Voting—3

Koivisto

Miller

Stallings

In The Chair: President

Protests

Senators DeGrow and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the motion to temporarily postpone consideration of Senate Bill No. 818.

Senator DeGrow's statement is as follows:

I'm just puzzled by the number of members over there who wish to pass it for the day. Some of the ones who voted "yes" a minute ago were willing to tie-bar it to a major piece of legislation, so I just assumed they knew what was in the bill that they wanted to tie-bar it to. Perhaps I should have not made that assumption.

Senator Cherry's statement is as follows:

I voted "no" on that motion and took note of the comments made by the Majority Floor Leader in his "no" vote explanation. Let me simply say that I felt that I had no desire to see the bill postponed because it is, quite frankly, a simple technical bill, and it's not anything much less than that. So I saw no harm in it proceeding.

But more importantly, the second reason for voting "no" was that the bill that is before us, as the previous Senator from the 17th District said, the Governor's budget does, in fact, call for additional revenues. This bill, Senate Bill No. 818, while it is a technical bill, provides an opportunity to provide those additional revenues, so I thought, perhaps, there might be some desire on the other side of the aisle to see those additional revenues provided. If they choose to do so, fine; if not, fine as well. It seems to me that we ought to get that question cleared up right here and now. So, I felt it was appropriate for the bill before us now at this moment.

I voted "no." I'm anxiously waiting now to see if we want to provide the Governor with those revenues or whether we want to pare back the budget. I guess we'll just have to wait and see on the outcome of this vote.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 11:25 a.m.

11:27 a.m.

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

Senator Posthumus offered the following amendment:

1. Amend page 1, line 4, after "of" by striking out "21" and inserting "25".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 77

Yeas—9

Bennett
Berryman
Cherry

Conroy
DeBeaussaert

Miller
Peters

Posthumus
Schwarz

Nays—26

Bouchard
Byrum
Cisky
DeGrow
Dingell
Dunaskiss
Emmons

Gast
Geake
Gougeon
Hart
Hoffman
Jaye
Koivisto

McManus
North
Rogers
Schuette
Shugars
Smith, A.

Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Excused—2

Bullard

O'Brien

Not Voting—1

Stallings

In The Chair: President

Protests

Senators Steil, Hoffman, DeGrow, Emmons, Shugars, Gast, Stille and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Posthumus to Senate Bill No. 818.

Senator Steil's statement is as follows:

I was kind of confused a little bit because it seems to me that about a year and one half ago, about 3:00 a.m., we raised the motor carrier from 9 cents to 21 cents. If we raised them that much—the cars and now, if we pass this other bill, the diesel cars will be paying 19 cents. They are already paying more than cars. Also, last year, we raised fees on truckers 30 percent. How long do we keep punishing the truckers? They're doing a good job now; they're paying their fair share now. That's why I voted "no."

Senators Hoffman, Gast and North moved that the statements they made during the discussion of the amendment be printed as their reasons for voting "no."

The motion prevailed.

Senator Hoffman's statement, in which Senators DeGrow, Emmons and Shugars concurred, is as follows:

I have to stand up here and, unfortunately, oppose our leader's amendment. I don't often oppose my leader's amendments and, incredibly, I'm going to do that here this morning.

I think that what we have here is maybe a different view based on the geographics more than on the philosophical points of view. You know, I have the border counties of Hillsdale and Branch, which border Ohio and Indiana—very unique. I'm the only member in the Senate who has counties that border both Indiana and Ohio, so we can do some comparison shopping before we purchase goods and services, and people in that area generally do. Come on down to Coldwater or Reading on a Saturday afternoon and watch my constituents go south on M-49 or go south on I-69 into Ohio or into Indiana and guess what they do? They go across the border into Fremont—in Fremont, Indiana. Today you take a look at the price of gas in Lansing: it's \$1.03 to \$1.05 a gallon and in Fremont, Indiana, it's 95 cents a gallon. Their gasoline tax isn't any more than ours, but the price of fuel is cheaper. Well, my constituents go down on Saturday afternoon about 4:00. They go and they fill their cars up with cheaper fuel. Well, when they get done, they go inside the gas station, or if they can't get it in the gas station, they'll go down the road and they'll buy a couple cartons of cigarettes. Now, the cigarettes down there are anywhere from two bits to six bits cheaper than they are here in Michigan—per pack. Well, let's see. We just bought gas, now we bought cigarettes. Saturday night I need to get a case of beer. So, they go and buy a case of beer or they buy a bottle of liquor, and the liquor is cheaper down there, too.

What this amendment is proposing to do is to ensure that not only do they drive their automobiles that are gas guzzlers down there, but they'll also drive their diesel vehicles down there now and fill up. The diesel will be cheaper. Also, for those truckers who come in from Chicago or those truckers who come in from Indianapolis or Toledo, what we'll do here is we'll ensure that they won't stop in Michigan and gas up. They will fill up before they come into Michigan and drive through.

Now, you figure, we want to make things equal. We want to take and ask the general motorists to pay more fuel tax, which we did this past July, but we want to bring the truckers up and make them equal to the motorists. Well, I submit to you, ladies and gentlemen on the floor here, we did just that last year. Last December 1996, we increased the diesel fuel tax by 4 cents a gallon at that time in December. Then in July, we increased their registrations on their vehicles by 30 percent. Talk about an issue of fairness, did we do that for the motorists in our state? Did we increase their registration fees by 30 percent? No, we did not.

For those of you who feel that voting for this amendment will create fairness between the truckers and the general motorists out there, I guess it would if you increase the motorists' registrations by 30 percent. But there is not a snowball's chance in you-know-where that we'll do that. We aren't talking about fairness or equity here; we're talking about apples and oranges here.

And don't be misled by the pundits here who say that this is an equity issue or a fairness issue. What this issue is is this will feed bigger government. This will feed more money to the Department of Transportation so that we can hire more state employees. We create more regulations. This is a bigger government. If you want bigger government, vote for higher taxes. If you want less of state government, then don't support this amendment.

Senator Emmons' statement is as follows:

I would like to add a thank you to the body for not hijacking my bill on a tax increase.

Senator Gast's statement, in which Senator Stille concurred, is as follows:

It is with a little bit of mixed emotion that I take the microphone. As much as I would like to support what the Governor is proposing in his budget—and as chairman of the Appropriations Committee—it makes it doubly difficult to support this amendment. On the other hand, there is a situation called survival. When you have three counties stretched across the Indiana line, you don't necessarily cut your head off and then try to run the 100-yard dash. That is about what is being asked here.

I think it should be pointed out that we have raised the tax on trucks, the semis and so on, and it is commensurate with what the general public is paying in the increase in the gas tax. To tax them again, on top of that, is absolutely wrong.

You talk about people, as Senator Hoffman did, going across the Indiana line to get services. I think they may even move across the line. Certainly, the truck stops in Michigan will be put out of business if we get too far out of line. We are already out of line, and this moves us another step further. So, the amendment should be defeated.

Senator North's statement is as follows:

I would agree, too, with the previous speaker as far as geography. I happen to represent an area in the state where there is little or no alternative means of delivering freight—very little rail freight, very little air freight. We are highly dependent on the common carriers of trucks.

Secondly, the truckers in northern Michigan were subjected to a doubling of fees on Mackinac Bridge two years ago. I won't repeat the increase costs that we put on the trucking industry last year as a part of the Build Michigan II program. For those reasons, I intend to vote against the amendment.

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. 78

Yeas—27

Bennett	DeGrow	Koivisto	Smith, A.
Berryman	Dingell	McManus	Smith, V.
Bouchard	Emmons	Miller	Steil
Byrum	Geake	North	Stille
Cherry	Gougeon	Peters	Vaughn
Conroy	Hart	Posthumus	Young
DeBeaussaert	Hoffman	Schwarz	

Nays—8

Cisky	Gast	Rogers	Shugars
Dunaskiss	Jaye	Schuette	Van Regenmorter

Excused—2

Bullard	O'Brien
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Not Voting—1

Stallings

In The Chair: President

The Senate agreed to the title of the bill.

Senator O'Brien entered the Senate Chamber.

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

House Bill No. 4841, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending sections 12a and 22 (MCL 207.112a and 207.122), section 22 as amended by 1995 PA 52.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See p. 253.)

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

Senator Peters withdrew the amendment.

Senator Conroy offered the following amendments:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by striking out all of section 2.

2. Amend page 2, line 7, after "of" by striking out "10" and inserting "6".

3. Amend page 2, line 18, after "department" by striking out "10" and inserting "6".

The question being on the adoption of the amendments,

Senator Conroy 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. 79

Yeas—14

Berryman
Byrum
Cherry
Conroy

DeBeaussaert
Dingell
Hart
Miller

O'Brien
Peters
Smith, A.

Smith, V.
Vaughn
Young

Nays—21

Bennett
Bouchard
Cisky
DeGrow
Dunaskiss
Emmons

Gast
Geake
Gougeon
Hoffman
Koivisto

McManus
North
Posthumus
Rogers
Schuette

Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—1

Bullard

Not Voting—2

Jaye

Stallings

In The Chair: President

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

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 80

Yeas—12

Bennett	Emmons	McManus	Schwarz
Bouchard	Geake	North	Steil
DeGrow	Koivisto	Posthumus	Stille

Nays—24

Berryman	Dingell	Jaye	Shugars
Byrum	Dunaskiss	Miller	Smith, A.
Cherry	Gast	O'Brien	Smith, V.
Cisky	Gougeon	Peters	Van Regenmorter
Conroy	Hart	Rogers	Vaughn
DeBeaussaert	Hoffman	Schuette	Young

Excused—1

Bullard

Not Voting—1

Stallings

In The Chair: Schwarz

Protests

Senators Peters, Berryman and Conroy, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4841.

Senators Peters and Berryman moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Peters’ statement, in which Senator Conroy concurred, is as follows:

This bill is about tax fairness and, unfortunately, it’s going to create a very unfair system. We had an opportunity to have fairness if we had raised the motor carrier fuel tax, but that did not occur. This increase in the diesel tax will only impact small and medium-sized businesses, and I am afraid it’s part of an ongoing pattern that we continually give tax breaks to large entities and raise fees and taxes. I am addressing the bill, Mr. President. I am talking about how this is a pattern of bills and why I cannot support it, because it is consistent with a pattern that I have seen in this chamber of supporting and picking winners and losers. And most individuals of small and medium businesses tend to be the losers. That is what I am trying to explain. As I was saying, this is going to be targeted primarily to the small businesses in the state. One of my colleagues from the 26th District over on the other side of the aisle talked about those small businesses as being the jewels of our state, yet it seems as if they are going to be hit with a tax increase. I would support this bill if it was a comprehensive approach to dealing with taxing trucks similar to how we tax

automobiles in this state. This bill does not do that despite some of the rhetoric. It is picking winners and losers, and the losers are individuals and small businesses in this state.

We had an opportunity to treat everybody equally, and this body turned its back from doing that. We can no longer just protect large special interest in this state. We need to protect individuals. We need to hold the line on fee increases and tax increases against small businesses and individuals, and I would argue very strongly. We need to defeat this bill because it does not deal in a comprehensive fashion with transportation as it should.

Senator Berryman's first statement is as follows:

Well, I rise in opposition of the bill because we are not being consistent and fair in this chamber. If the Posthumus amendment had been adopted in the last bill, then I would say I could be consistent and vote for this also.

This by itself is not going to give our Governor the money that he needs nor the money that he has put in the budget to do the projects that you're all going around the state of Michigan saying, "Look what we're going to do for you this spring and this summer." It's not going to happen. This tax increase, this small tax increase is on a very, very small minority of truck and automobile owners. You're all going to say, "I raised the diesel tax," and think that you can snow the people that you've taken in trucks and everybody else and we haven't. We absolutely have not.

Now, we talk about fairness. The individuals who are going to get this tax increase are the individuals, when we talk about truck registrations, are the ones who got the highest percentage of increase in that registration last year. These small trucks and small business owners had their registration go from a set amount to an ad valorem amount where many of those increases were 150 to 175 percent increase. They saw a huge percentage increase in their registration last year. You put them in a whole different class.

So, I don't know how you can sit there and say, "I'm being consistent," when you're voting for this when you could say no on the last bill, and yet on this one, you can say we want to treat them fairly.

This does and will not do what many people in this chamber are going to go out and press release and say it is going to do. There is no way that the small number of individuals who are going to be affected by this are going to raise the money needed to fix roads. So, I hope when you go out and you do those press hits all over the state and say, "Look at the projects we're going to be doing," I hope you can back it up with a check because right now you've made that checkbook have a deficit, a huge deficit, a deficit that your Governor, our Governor had plugged into the budget and said that's what he needs to provide those programs. You've just short-changed your own Governor.

Senator Berryman's second statement is as follows:

With the defeat of this bill maybe we can come back and construct legislation that will be fair to everyone across the board. I would like to say—and it certainly goes beyond this state legislature—we keep looking to Washington and next tea, iced tea, best tea, all of those. What's very difficult when we go back to our constituents is trying to explain the motor fuel carrier tax, the diesel tax, all the different things. We make it far, far too complicated.

I'm a big believer that there's too much government and too much bureaucracy. I know it would be very difficult to change. But, you know, what we ought to do is just cancel all of those special treatments, all of the paperwork, all of the quarterly reports and just tax the gasoline at the pump and whatever you pay, that's what you pay whether you're a trucker, a diesel driver, or you drive a car or a Jeep. When you drive in, that's what you pay—much, much less complicated and maybe at some day, some point, we might get to that.

Statements

Senators Dingell, Emmons, Posthumus, Miller and Bouchard asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Dingell's statement is as follows:

Last week I introduced Senate Bill No. 889 to protect the Natural Resources Trust Fund. This past December a judge ruled that the attempt by the Governor last year to raid the trust fund to the tune of \$31 million by selling certain oil and gas interests to fund brownfield redevelopment was unconstitutional. My bill would ensure that attempts to raid the trust fund in this fashion never happen again and that money earmarked for expanding recreational opportunities for the citizens of Michigan be spent for that purpose. Unconstitutional and, therefore, ineffective language is still there in the Michigan Compiled Laws that directs that a diversion happen. Senate Bill No. 889 removes that language. I am not opposed to attempts to clean up urban areas, especially the brownfields within them and reuse them, but there are many other funding alternatives available to take care of pollution problems in this state. Raiding the Natural Resources Trust Fund is the wrong way to pay for clean-ups. My bill will protect the integrity of the Natural Resources Trust Fund. The citizens of Michigan have mandated that money from mineral development go into long-term recreational projects. That mandate should be honored. I hope that my bill gets quick consideration in committee and here on the Senate floor.

Senator Emmons' first statement is as follows:

My resolution commemorating March 1998 as Parents Awareness Month has passed this body. I think we ought to hold up parents as the first educator. As the State Board of Education's action plan said, we need to urge all parents to be involved in their children's education. We really do need to nurture, love, and appropriately discipline our children and give them the kind of support that will make them successful. We would hope that we, as an institution of the state of Michigan, will give parents the support they need to be successful. So I am very pleased to have had March 1998 declared as Parents Awareness Month.

Senator Posthumus' statement is as follows:

In 1991 when I first became the Majority Leader, a young woman came to work for me. She was somebody who I had met about three years previous on the campaign trail. Actually, when I met her, she was running a campaign in opposition to the campaign I was involved with. She did such a good job beating the heck out of me, I thought I'd better get her on the right side. Lori Wortz, then Lori Packer at that time, came to work for me as an administrative assistant. Lori, I just want you to step up here for a minute.

She did a lot of hard work. She's been with me since I first became Majority Leader. She did so well as administrative assistant that within a few months she became the Deputy Chief of Staff and within two years became the Chief of Staff for the Senate majority. She, in that role, was the main administrator for the several hundred employees, directly and indirectly whom we're involved with; the several million dollar—I guess we're almost to a \$30 million—budget, making sure that we keep that under control.

For all of you members who kept giving me a rough time when we wouldn't expand this expenditure or that, I was counting on Lori to keep that under control, and that's the reason our Senate budget has been pretty tight. She's done a great job for me. She's done a great job for the Senate. She is, as of tomorrow, leaving the Senate. Since she came here, in addition to her passion for a better country and a passion for a better government, she also gained three additional passions. Their names are Bill Wortz, Gwyneth Mary, her daughter, and Caleb John Harvey, her son. I have to say that I couldn't blame her when she came to me and said, "I need to spend more time with those first three loves of my family, of my life." So, today, we're saying goodbye to Lori. I want you all to know that she has done a great job, and personally, she's been a great professional, but she's been an even closer friend. I am going to miss her very, very much. I just want to give her this tribute and let her know how much I really appreciate everything she did.

Senator Emmons' second statement is as follows:

While it is with a lot of regret that Lori leaves us, because she has been immensely competent, I can't help but say hurrah for her children who are going to have her close, and that is the most important thing in the world.

Senator Miller's statement is as follows:

I wanted to add to the Majority Leader's comments. Even though the young lady worked on the other side of the aisle and sometimes she has been very ferocious, I was talking with our leader, Senator Cherry, saying now we have a chance to win the majority back because Lori is leaving.

I just want to say that in my dealings with her, she has been very fair. The partisan tag is not present when you talk with this young woman. I wanted to say that she has done a great job here. It has been my privilege to have the opportunity to meet her.

So many times here on the floor the public thinks we are the people who run the state, but the truth of the matter is that behind every Senator there is a great staff. Dick Posthumus has been lucky that he has had a great person like her on his staff. I wish her the very best.

Senator Bouchard's statement is as follows:

I would also like to join my colleagues in commenting on the departure of Lori. She has been a friend. As was mentioned, she has been tough when she needs to be tough. She is soft when she needs to be soft. She is a great family person, which she holds most important and most dear. That is clearly the most important thing that any of us can do is hold first and foremost our children—as one of mine is climbing around me right now, actually.

She clearly has her priorities set straight. Just as an aside to my good friend from the 10th District, I don't think you have any chance on getting the majority back. She has a whole family who is very active—and she is now making the next generation to keep you down, too.

It is with great sadness we see her go, with great understanding and appreciation with why she does it, and a fond good wish. Congratulations!

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved to reconsider the vote by which the following bill was defeated:

House Bill No. 4841

The question being the motion to reconsider,

Senator DeGrow moved that further consideration of the bill be postponed for today.

The motion prevailed.

Committee Reports

The Committee on Financial Services reported

House Bill No. 5418, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 8134, 8142, and 8159 (MCL 500.8134, 500.8142, and 500.8159), section 8134 as added by 1989 PA 302 and sections 8142 and 8159 as amended by 1996 PA 429.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard, Berryman and Miller

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, February 25, 1998, at 1:00 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bouchard (C), Bennett, Bullard, Berryman and Miller

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, February 24, 1998, at 3:30 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Bennett (C), Dunaskiss, Gast, Dingell and DeBeaussaert

Scheduled Meetings

Health Policy and Senior Citizens Committee - Tuesday, March 3, at 3:00 p.m., Room 100, Farnum Building (3-0793).

School Aid (K-12) and Department of Education Appropriations Subcommittee - Wednesdays, March 4 and March 11, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7708).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:28 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, March 3, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

