

No. 42
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, May 13, 1998.

10:00 a.m.

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

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

Bennett—present
Berryman—excused
Bouchard—present
Bullard—present
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
Steil—present
Stille—present
Van Regenmorter—excused
Vaughn—present
Young—present

Senator Virgil C. Smith, Jr., of the 2nd District offered the following invocation:

Dear Heavenly Father, although we call upon You by many different names and in many different languages, it is by our faith that we come to know You personally. Help us to take time to listen for and hear Your voice. May we acknowledge You first in all that we do. Help us to remember that many lives are involved with the decisions that we make. I ask that You stretch out Your mighty hands over this Senate session and guide us through these hours. Let us place You in charge. Let our lives be touched, and let us reach within us to find unity through You. We ask that You be with us now and each day hereafter. In Your name we pray. Amen.

Senator Schwarz entered the Senate Chamber.

Motions and Communications

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

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

Senator Emmons entered the Senate Chamber.

Senator V. Smith moved that Senators Miller, Hart and Cherry be temporarily excused from today's session. The motion prevailed.

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

Senator Rogers entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 12:
House Bill Nos. 5665 5666 5667

The Secretary announced the printing and placement in the members' files on Tuesday, May 12 of:

Senate Bill Nos. 1118 1119 1120 1123 1128

House Bill Nos. 5831 5832 5833 5834 5835

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator DeGrow moved that consideration of the following bill and joint resolution be postponed for today:

Senate Bill No. 256

Senate Joint Resolution A

The motion prevailed.

The following bill was read a third time:

House Bill No. 5250, entitled

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

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. 288

Yeas—32

Bennett
Bouchard
Bullard

DeGrow
Dingell
Dunaskiss

Hoffman
Koivisto
McManus

Schwarz
Shugars
Smith, A.

Byrum	Emmons	North	Smith, V.
Cherry	Gast	O'Brien	Steil
Cisky	Geake	Peters	Stille
Conroy	Gougeon	Posthumus	Vaughn
DeBeaussaert	Hart	Rogers	Young

Nays—0

Excused—5

Berryman	Miller	Schuette	Van Regenmorter
Jaye			

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to establish a judges retirement system; to provide for the administration and maintenance of the retirement system; to create a retirement board; to prescribe the powers and duties of the retirement board; to establish certain reserves for the retirement system; to establish certain funds; to prescribe the powers and duties of certain state departments and certain state and local officials and employees; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

Senators Miller and Jaye entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5251, entitled

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

The 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. 289

Yeas—33

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

Nays—1

Jaye

Excused—3

Berryman

Schuette

Van Regenmorter

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

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

The Senate agreed to the full title.

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 Young as Chairperson.

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

Senate Bill No. 485, entitled

A bill to repeal 1953 PA 173, entitled “An act to provide for the regulation of garbage and the feeding of garbage to swine; to provide for the powers and duties of the Michigan department of agriculture with respect thereto; and to prescribe penalties for the violations of the provisions of this act,” (MCL 287.401 to 287.409).

House Bill No. 5002, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing section 43512 (MCL 324.43512).

House Bill No. 4447, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 4 (MCL 42.4), as amended by 1990 PA 12.

House Bill No. 4857, entitled

A bill to authorize the department of state police to convey certain state owned property in Berrien county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue derived from the conveyance.

Senate Bill No. 1086, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding section 204f.

Senate Bill No. 1087, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” (MCL 4.1101 to 4.1901) by adding section 204c.

Senate Bill No. 1088, entitled

A bill to amend 1986 PA 268, entitled "Legislative council act," (MCL 4.1101 to 4.1901) by adding section 204d.

Senate Bill No. 814, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 1997 PA 8.

House Bill No. 4765, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 207a.

Senate Bill No. 726, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 1993 PA 25.

House Bill No. 5282, entitled

A bill to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," (MCL 565.351 to 565.355) by adding sections 6, 7, 8, 9, 10, and 11; and to repeal acts and parts of acts.

House Bill No. 5535, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4038 (MCL 500.4038), as added by 1993 PA 349.

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. 151, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406f.

Substitute (S-1).

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

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

"(3) A DESCRIPTION OF THE COVERAGE PROVIDED BY THIS SECTION SHALL BE INCLUDED BY THE INSURER IN A COMMUNICATION SENT TO THE INSURED OR GROUP PURCHASER OF COVERAGE."

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. 152, 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.

Substitute (S-2).

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

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

"(3) A DESCRIPTION OF THE BENEFIT PROVIDED BY THIS SECTION SHALL BE INCLUDED BY THE HEALTH CARE CORPORATION IN A COMMUNICATION SENT TO THE INDIVIDUAL OR GROUP PURCHASER OF COVERAGE."

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. 153, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053c. Substitute (S-2).

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

1. Amend page 1, following line 11, by inserting:

“(3) A DESCRIPTION OF THE COVERAGE PROVIDED BY THIS SECTION SHALL BE INCLUDED BY THE HEALTH MAINTENANCE ORGANIZATION IN A COMMUNICATION SENT TO THE INDIVIDUAL OR GROUP PURCHASER OF COVERAGE.”.

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 amendments, the following bill:

House Bill No. 5289, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending sections 320 and 703 (MCL 484.1320 and 484.1730), section 320 as added and section 703 as amended by 1994 PA 29.

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

1. Amend page 2, line 15, after “of” by striking out “18” and inserting “20”.

2. Amend page 2, line 19, after “of” by striking out “COMMUNITY health” and inserting “THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES”.

3. Amend page 4, following line 7, by inserting:

“(Q) THE PRESIDENT OF THE MICHIGAN COMMUNICATIONS DIRECTORS ASSOCIATION OR HIS OR HER DESIGNATED REPRESENTATIVE.

(R) ONE REPRESENTATIVE OF COMMERCIAL MOBILE RADIO SERVICE, TO BE APPOINTED BY THE GOVERNOR.”.

4. Amend page 4, line 8, after “members” by inserting “WHO IS NOT A MEMBER OF THE WIRELINE OR COMMERCIAL MOBILE RADIO SERVICE INDUSTRY”.

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

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

Senate Bill No. 1008, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 691.1401), as amended by 1986 PA 175.

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

1. Amend page 2, line 26, after “law.” by striking out the balance of the subdivision and inserting “FOR PURPOSES OF DETERMINING IMMUNITY FROM TORT LIABILITY UNDER SECTION 7, GOVERNMENTAL FUNCTION INCLUDES ANY ACTIVITY PERFORMED ON PUBLIC OR PRIVATE PROPERTY BY AN ON-DUTY POLICE OFFICER FOR THE PURPOSE OF PUBLIC SAFETY, THE EXPENSES FOR WHICH ARE CHARGED TO OR REIMBURSED BY A PRIVATE ENTITY.”.

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

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

Senate Bill No. 1026, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 315, 319, and 323 (MCL 257.315, 257.319, and 257.323), section 319 as amended by 1996 PA 587 and section 323 as amended by 1994 PA 449.

Substitute (S-1).

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

1. Amend page 8, line 22, after “(4)” by inserting “A PERSON SHALL NOT REPORT A CHANGE OF ADDRESS TO THE SECRETARY OF STATE FOR HIMSELF OR HERSELF THAT IS NOT HIS OR HER RESIDENCE ADDRESS.”.

2. Amend page 19, following line 27, by inserting:

“Enacting section 1. This amendatory act takes effect September 1, 1998.”.

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. 663, entitled

A bill to designate a bridge on highway M-120 within the city of North Muskegon as the Bud Jaeger bridge; and to prescribe the duties of the state transportation department.

Substitute (S-1).

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

1. Amend page 1, line 5, by striking out all of section 2.

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:

House Bill No. 5426, entitled

A bill to promote the safe use of personal watercraft on the waters of this state; to provide for rules relative to the operation of personal watercraft; to impose certain safety requirements on operators of personal watercraft; to prescribe the duties and responsibilities of owners, operators, and dealers of personal watercraft; to prescribe the powers and duties of certain state departments; to provide for penalties; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 4, line 23, by striking out all of subparagraph (ii) and inserting:

“(ii) A deputy who is authorized by a sheriff to enforce this act and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this act.”.

2. Amend page 7, line 9, after “unless” by striking out the balance of the subsection and inserting “1 or both of the following circumstances exist:

(a) The personal watercraft is being operated at slow—no wake speed.

(b) The personal watercraft is being docked or launched.”.

3. Amend page 7, line 20, after “(c)” by striking out “Swerving at the last possible moment” and inserting “Waiting until the last possible moment before swerving”.

4. Amend page 8, line 13, after “Sec. 13.” by inserting “(1)”.

5. Amend page 8, line 14, after “area” by striking out the balance of the line through “vegetation” on line 15 and inserting “where aquatic vegetation is rooted, growing, and which extends at least 12 inches above the surface of the water”.

6. Amend page 8, following line 17, by inserting:

“(2) A person who violates subsection (1) is responsible for a state civil infraction punishable by a fine of \$25.00.”.

7. Amend page 11, line 12, after “of” by striking out “16” and inserting “14”.

8. Amend page 11, line 14, after “than” by striking out “16” and inserting “14”.

9. Amend page 13, line 3, by striking out all of enacting section 1 and inserting:

“Enacting section 1. The personal watercraft safety act is repealed effective 5 years after the date of its enactment.”.

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. 1099, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending sections 128, 129, and 131 (MCL 389.128, 389.129, and 389.131), as added by 1998 PA 51.

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:

House Bill No. 4943, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 5 (MCL 38.1305), as amended by 1994 PA 272, and by adding section 43d.

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:

House Bill No. 5608, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 224, 476a, and 5256 (MCL 500.224, 500.476a, and 500.5256), section 224 as amended by 1994 PA 228 and sections 476a and 5256 as amended by 1990 PA 256.

Substitute (S-1).

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

1. Amend page 19, line 24, after "THE" by striking out the balance of the line and inserting "PLAN OF DEMUTUALIZATION APPROVED IN, AND THE DEMUTUALIZATION STATUTE AND REGULATIONS OF,".

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:

House Bill No. 5216, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," by amending section 1 (MCL 445.111), as amended by 1980 PA 108.

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:

House Bill No. 4897, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43c, 85, 104a, and 108 (MCL 38.1343c, 38.1385, 38.1404a, and 38.1408), sections 43c and 104a as amended by 1989 PA 194, section 85 as amended by 1991 PA 47, and section 108 as amended by 1995 PA 177.

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.

During the Committee of the Whole, Senator Schuette entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 71

Senate Resolution No. 178

The motion prevailed.

House Concurrent Resolution No. 96.

A concurrent resolution to memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes.

Whereas, The federal income tax system includes deductions and credits for a wide variety of personal and business expenses. These exceptions from certain calculations of taxation reflect public policy values that elected officials have established over many years; and

Whereas, In determining federal tax liability, most state and local taxes are deductible, including income taxes and property taxes. These policies recognize the value of taxes paid to finance state and local government activities. For many years, state sales taxes were also deductible. Federal tax laws were changed in 1986 to discontinue the deductibility of state sales taxes; and

Whereas, It is inconsistent for the federal government to allow citizens to deduct some taxes paid for state and local government, such as property and income taxes, and not allow deductions for state sales taxes. State sales taxes, in Michigan as elsewhere, finance the same types of public purpose programs financed through other state and local taxes that are fully deductible. The current situation is very inconsistent and frustrating to taxpayers across our state and throughout the country; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes; 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 House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator DeGrow moved that the concurrent resolution be referred to the Committee on Finance.

The motion prevailed.

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

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

The motion prevailed.

Senator Peters' statement is as follows:

I'd just like to make an announcement and have my colleagues join me in saying good-bye to a long and respected member of my staff who is going to be leaving after two and a half years of hard work, and that is Letha Miller who is sitting with me right now on the floor. She came to me as an intern from Michigan State University and rose through the ranks doing all sorts of work in the office and finally doing an outstanding job in casework and dealing with constituents back at the 14th District. She's also distinguished herself at Michigan State University as being president of the college Democrats for the state of Michigan and also had a great opportunity when she introduced President Clinton on his train ride through Michigan. She had the privilege of introducing him to the campus of Michigan State University.

I'd just like my colleagues to wish her well in her future endeavors. I'm sure she is going to do fine and will likely be back here in some capacity in the future.

Senator Bouchard offered the following resolution:

Senate Resolution No. 187.

A resolution to memorialize the Congress of the United States to reform the tax and reporting requirements for people hiring in-home day care help and physical care services.

Whereas, In 1994, following several highly publicized examples of the excessive taxation and reporting requirements for people hiring household workers, federal law was amended to reduce the burdens associated with employing a person for in-home day care and physical care services. The reforms of requirements often referred to as the "Nanny Tax" included changes involving Social Security taxes, withholding of federal income tax, federal unemployment taxes, frequency of reporting and paying estimated taxes, and definitions that exempt students from being considered domestic workers; and

Whereas, While the changes were significant steps toward addressing many of the problems, the Nanny Tax continues to place an added burden on people in need of household help. The requirements are most apparent with regard to in-home day care for children or other family members; and

Whereas, People seeking in-home care do so to provide what they feel to be the best option for their families. The amount of paperwork and the financial costs of complying with federal law are disincentives for many. Ironically, these requirements are most burdensome to the people who want to do the right thing and comply with the law. Until the disincentives are removed, many more people will ignore the provisions or give up on making personal family decisions solely because of what is best for their families; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to reform the tax and reporting requirements for people hiring in-home day care and physical care services; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be referred to the Committee on Families, Mental Health and Human Services.

The motion prevailed.

Senate Concurrent Resolution No. 55.

A concurrent resolution to increase the total project cost of the Kellogg Community College Great Lakes Fire Training Institute project.

(For text of resolution, see Senate Journal No. 90 of 1997, p. 1904.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

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

Senate Bill No. 1129, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111f.

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

House Bill No. 5665, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 110a (MCL 750.110a), as added by 1994 PA 270.

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

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

House Bill No. 5666, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

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

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

House Bill No. 5667, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1994 PA 445.

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

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

Statements

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

The motion prevailed.

Senator V. Smith's statement is as follows:

House Bill No. 4213. This bill provides for a dependent-care tax credit that is based on a federal program of the same name. This tax credit would help families deal with the cost of taking care of children or other family members at home. This bill provides a credit for between 20 and 30 percent of the cost of hiring someone to take care of a child under 13 or other dependents who are disabled. Individuals could claim up to \$4,800 for the care of two or more individuals.

We've heard a lot for the past several days about tax cuts, but while the majority party has continued its trend of supporting tax cuts that primarily help the wealthy, on this side of the aisle, we are more interested in tax relief targeted to the middle class. In today's economy, middle class families are struggling to take care of children or other family members while at the same time trying to hold down a job. This dependent care credit will give families some of the help they need to take care of their loved ones. This tax credit would allow individuals to continue working while they hire someone to help care for a family member in need. The estimated cost of this bill is between \$35 million and \$37.5 million compared to the huge cost of the income tax cuts passed last week. This bill is very affordable. It would help your loved ones who are senior citizens who do not want to be moved to a nursing home to have the type of assistance and help to allow a loved one, a senior, to remain in their home.

House Bill No. 4213, sponsored by Representative Olshove, was passed by the Michigan House on March 20, 1997, with an 84-18 vote. On April 24, 1997, Representative Olshove requested that the chair of the Senate Finance Committee schedule this bill for a hearing. On May 14, 1997, the senior Democrat on the Senate Finance Committee, Senator Peters, also, by letter, requested to the chair of the Senate Finance Committee that this bill be taken up. On May 27, 1997, Senator Emmons responded to Senator Peters, "Your letter will be kept as reference for consideration, and you will be notified." As of today, he has not been notified; therefore, Mr. President, I will move tomorrow, Thursday, to discharge the Senate Finance Committee of House Bill No. 4213.

Committee Reports

The Committee on Finance reported

Senate Resolution No. 171.

A resolution memorializing the Congress of the United States to enact legislation that will sunset the Internal Revenue Code by December 31, 2001, and to develop a replacement tax code.

(For text of resolution, see Senate Journal No. 33, p. 631.)

With the recommendation that the resolution be adopted.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Finance reported

Senate Concurrent Resolution No. 77.

A concurrent resolution memorializing the Congress of the United States to enact legislation that will sunset the Internal Revenue Code by December 31, 2001, and to develop a replacement tax code.

(For text of resolution, see Senate Journal No. 33, p. 631.)

With the recommendation that the concurrent resolution be adopted.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Finance reported

Senate Bill No. 1128, entitled

A bill to amend 1941 PA 250, entitled "Urban redevelopment corporations law," by amending section 12 (MCL 125.912) and by adding sections 12a and 12b.

With the recommendation that the bill pass.

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4163, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4p.

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.

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

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

The Committee on Finance reported

House Bill No. 4743, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4m.

With the recommendation that the bill pass.

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

Joanne Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 606, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 53d.

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 Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

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 Finance submits the following:

Meeting held on Tuesday, May 12, 1998, at 1:10 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard and Shugars

Excused: Senators Peters and V. Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Regulatory submits the following:

Meeting held on Tuesday, May 12, 1998, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Steil (C) and Young

Excused: Senator Geake

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submits the following:

Meeting held on Tuesday, May 12, 1998, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators DeGrow (C), Steil and A. Smith

Scheduled Meetings

Appropriations Committee - Tuesday, May 19, and Wednesday, May 20, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Hunting, Fishing and Forestry Committee - Thursday, May 14, at 2:00 p.m., Room 110, Farnum Building (3-7670).

Judiciary Committee - Tuesday, May 19, at 1:00 p.m. and 3:00 p.m., Rooms 402 and 403, Capitol Building, and Wednesday, May 20, at 3:00 p.m., Room 100, Farnum Building (3-6920).

Michigan Trial Court Assessment Commission - Fridays, June 5 and June 12, at 10:00 a.m., 8th Floor Conference Room, Farnum Building (3-7000).

Senator DeGrow moved that the Senate adjourn.
The motion prevailed, the time being 11:54 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, May 14, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

