

No. 30  
STATE OF MICHIGAN  
**Journal of the Senate**  
89th Legislature  
REGULAR SESSION OF 1998

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Senate Chamber, Lansing, Wednesday, April 15, 1998.

10:00 a.m.

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

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

Bennett—present  
Berryman—present  
Bouchard—present  
Bullard—present  
Byrum—excused  
Cherry—present  
Cisky—excused  
Conroy—excused  
DeBeaussaert—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—excused

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

Senator George Z. Hart of the 6<sup>th</sup> District offered the following invocation:

Our Father, Who art in Heaven, we give You special thanks for giving us this opportunity to come together on this very eventful day here in the Michigan Senate—not because it is tax day all over America, but because April 15 commemorates the birth of one very special person among us, Lieutenant Governor Connie Binsfeld. We ask for Your continued special blessings. In Your name we ask. Amen.

### Motions and Communications

Senator Miller entered the Senate Chamber.

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

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

Senator Berryman moved that Senators V. Smith, Conroy and Byrum be excused from today's session. The motion prevailed.

Senators Bouchard, Hoffman and Jaye entered the Senate Chamber.

The following communication was received:  
Department of Management and Budget

April 7, 1998

Enclosed please find copies of Annual Reports for the Michigan Public School Employees Retirement System, the Michigan State Employees Retirement System, the Michigan State Police Retirement System, and the Michigan Judges Retirement System for the fiscal year ending September 30, 1997.

There are significant changes to the contents of our financial statements this year due to the mandated Governmental Accounting Standards Board (GASB) changes. As a result of the GASB changes the assets are reported at market value, investment income includes unrealized gains and losses and the actuarial present value of pension liabilities is presented in the schedule of funding progress. We have also introduced a "new look" to our cover.

These reports are the primary source of information on the retirement systems administered by the Office of Retirement Services in the Department of Management and Budget. We hope you find them informational.

Sincerely,  
Janet E. Phipps  
Director

The communication was referred to the Secretary for record.

The following communication was received:  
Office of the Auditor General

April 14, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Michigan Higher Education Assistance Authority and the Michigan Higher Education Student Loan Authority, Department of Treasury April 1998.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Wednesday, April 14 of:  
**Senate Bill Nos. 1047 1048**

**Messages from the House**

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

**Senate Bill No. 200**

**Senate Bill No. 97**

**House Bill No. 4289**

**Senate Bill No. 38**

**Senate Bill No. 752**

The motion prevailed.

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

**Senate Bill No. 3, entitled**

The motion prevailed.

**Senate Bill No. 415, entitled**

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

(For text of amendments, see Senate Journal No. 29, p. 536.)

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

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

**Roll Call No. 178****Yeas—31**

|              |          |           |                 |
|--------------|----------|-----------|-----------------|
| Bennett      | Emmons   | McManus   | Shugars         |
| Berryman     | Gast     | Miller    | Smith, A.       |
| Bouchard     | Geake    | North     | Steil           |
| Bullard      | Gougeon  | O'Brien   | Stille          |
| Cherry       | Hart     | Posthumus | Van Regenmorter |
| DeBeaussaert | Hoffman  | Rogers    | Vaughn          |
| DeGrow       | Jaye     | Schuetten | Young           |
| Dingell      | Koivisto | Schwarz   |                 |

**Nays—0****Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—1**

Dunaskiss

In The Chair: President

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

**Senate Bill No. 720, entitled**

A bill to amend 1971 PA 140, entitled "State revenue sharing act of 1971," by amending section 11a (MCL 141.911a), as added by 1996 PA 342.

(For text of amendment, see Senate Journal No. 29, p. 537.)

The question being on concurring in the amendment made to the bill by the House,  
The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 179**

**Yeas—32**

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

**Nays—0**

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 796, entitled**

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

Substitute (H-1)

The question being on concurring in the substitute made to the bill by the House,  
Senator Geake offered the following amendments to the substitute:

1. Amend page 7, following line 12, subsection (9), after the first "WHO" by inserting "DEMONSTRATES THAT HE OR SHE".

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

The amendments to the substitute were adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 180****Yeas—22**

|           |         |           |                 |
|-----------|---------|-----------|-----------------|
| Bennett   | Gast    | Miller    | Schwarz         |
| Bouchard  | Geake   | North     | Shugars         |
| Bullard   | Gougeon | Posthumus | Steil           |
| DeGrow    | Hart    | Rogers    | Stille          |
| Dunaskiss | Hoffman | Schuette  | Van Regenmorter |
| Emmons    | McManus |           |                 |

**Nays—10**

|              |          |           |        |
|--------------|----------|-----------|--------|
| Berryman     | Dingell  | O'Brien   | Vaughn |
| Cherry       | Jaye     | Smith, A. | Young  |
| DeBeaussaert | Koivisto |           |        |

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**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 not concurred in, 2/3 of the members serving not voting therefor.

Senator DeGrow requested the yeas and nays.

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

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 181****Yeas—27**

|              |          |           |                 |
|--------------|----------|-----------|-----------------|
| Bennett      | Emmons   | McManus   | Schwarz         |
| Berryman     | Gast     | Miller    | Shugars         |
| Bouchard     | Geake    | North     | Smith, A.       |
| Bullard      | Gougeon  | O'Brien   | Stille          |
| DeBeaussaert | Hart     | Posthumus | Van Regenmorter |
| DeGrow       | Hoffman  | Rogers    | Young           |
| Dunaskiss    | Koivisto | Schuette  |                 |

**Nays—1**

Dingell

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—4**

Cherry

Jaye

Steil

Vaughn

In The Chair: President

The Senate agreed to the full title.

**Senate Bill No. 797, entitled**

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

Substitute (H-2)

The question being on concurring in the substitute made to the bill by the House, Senator Geake offered the following amendments to the substitute:

1. Amend page 2, following line 4, subsection (3), after the first "WHO" by inserting "DEMONSTRATES THAT HE OR SHE".

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

The question being on the adoption of the amendments to the substitute, Senator Dingell requested the yeas and nays.

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

The amendments were adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 182****Yeas—19**

Bennett

Gast

North

Shugars

Bouchard

Geake

Posthumus

Steil

DeGrow

Gougeon

Rogers

Stille

Dunaskiss

Hoffman

Schuette

Van Regenmorter

Emmons

McManus

Schwarz

**Nays—12**

Berryman

Dingell

Koivisto

Smith, A.

Cherry

Hart

Miller

Vaughn

DeBeaussaert

Jaye

O'Brien

Young

**Excused—5**

Byrum

Conroy

Peters

Smith, V.

Cisky

**Not Voting—1**

Bullard

In The Chair: President

Senator Geake offered the following amendment to the substitute:

1. Amend page 2, following line 4, enacting section 1, after “effect” by striking out “July 1” and inserting “June 30”. The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 183****Yeas—20**

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

**Nays—12**

|              |         |          |           |
|--------------|---------|----------|-----------|
| Berryman     | Dingell | Koivisto | Smith, A. |
| Cherry       | Hart    | Miller   | Vaughn    |
| DeBeaussaert | Jaye    | O'Brien  | Young     |

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

**Senate Bill No. 798, entitled**

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

Substitute (H-2)

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

Senator Geake offered the following amendments to the substitute:

1. Amend page 5, following line 7, subsection (4), after the first “WHO” by inserting “DEMONSTRATES THAT HE OR SHE”.

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

The amendments to the substitute were adopted.

Senator Geake offered the following amendment to the substitute:

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

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 184****Yeas—20**

|           |         |           |                 |
|-----------|---------|-----------|-----------------|
| Bennett   | Emmons  | Jaye      | Schuette        |
| Bouchard  | Gast    | McManus   | Shugars         |
| Bullard   | Geake   | North     | Steil           |
| DeGrow    | Gougeon | Posthumus | Stille          |
| Dunaskiss | Hoffman | Rogers    | Van Regenmorter |

**Nays—11**

|              |          |           |        |
|--------------|----------|-----------|--------|
| Berryman     | Hart     | O'Brien   | Vaughn |
| DeBeaussaert | Koivisto | Schwarz   | Young  |
| Dingell      | Miller   | Smith, A. |        |

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—1**

Cherry

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
 The recommendation was not concurred in, 2/3 of the members serving not voting therefor.  
 Senator DeGrow requested the yeas and nays.  
 The yeas and nays were ordered, 1/5 of the members present voting therefor.  
 The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 185****Yeas—26**

|              |           |           |                 |
|--------------|-----------|-----------|-----------------|
| Bennett      | Dunaskiss | McManus   | Schwarz         |
| Berryman     | Emmons    | Miller    | Shugars         |
| Bouchard     | Gast      | North     | Smith, A.       |
| Bullard      | Geake     | Posthumus | Stille          |
| Cherry       | Gougeon   | Rogers    | Van Regenmorter |
| DeBeaussaert | Hoffman   | Schuette  | Young           |
| DeGrow       | Koivisto  |           |                 |

**Nays—5**

|         |      |         |        |
|---------|------|---------|--------|
| Dingell | Jaye | O'Brien | Vaughn |
| Hart    |      |         |        |



**Excused—5**Byrum  
Cisky

Conroy

Peters

Smith, V.

**Not Voting—1**

Steil

The Senate agreed to the title as amended.

**Senate Bill No. 799, entitled**

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

Substitute (H-2)

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

Senator Geake offered the following amendments to the substitute:

1. Amend page 2, following line 14, subsection (3), after the first “WHO” by inserting “DEMONSTRATES THAT HE OR SHE”.

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

The amendments to the substitute were adopted.

Senator Geake offered the following amendment to the substitute:

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

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 186****Yeas—20**Bennett  
Bouchard  
Bullard  
DeGrow  
DunaskissEmmons  
Gast  
Geake  
Gougeon  
HoffmanMcManus  
North  
Posthumus  
Rogers  
SchuetteSchwarz  
Shugars  
Steil  
Stille  
Van Regenmorter**Nays—12**Berryman  
Cherry  
DeBeaussaertDingell  
Hart  
JayeKoivisto  
Miller  
O’BrienSmith, A.  
Vaughn  
Young**Excused—5**Byrum  
Cisky

Conroy

Peters

Smith, V.

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 800, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43559 (MCL 324.43559), as amended by 1996 PA 585, and by adding section 81116a.

Substitute (H-2)

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. 187**

**Yeas—30**

|              |           |           |                 |
|--------------|-----------|-----------|-----------------|
| Bennett      | Dunaskiss | McManus   | Schwarz         |
| Berryman     | Emmons    | Miller    | Shugars         |
| Bouchard     | Gast      | North     | Smith, A.       |
| Bullard      | Geake     | O'Brien   | Steil           |
| Cherry       | Gougeon   | Posthumus | Stille          |
| DeBeaussaert | Hart      | Rogers    | Van Regenmorter |
| DeGrow       | Hoffman   | Schuette  | Vaughn          |
| Dingell      | Koivisto  |           |                 |

**Nays—1**

Jaye

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—1**

Young

In The Chair: President

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

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

**Senate Bill No. 801, entitled**

A bill to amend 1956 PA 205, entitled "The paternity act," by amending sections 2, 4, 5, 6, and 9 (MCL 722.712, 722.714, 722.715, 722.716, and 722.719), sections 4 and 6 as amended by 1996 PA 308, section 5 as amended by 1989 PA 258, and section 9 as amended by 1996 PA 18.

Substitute (H-1)

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

Senator Geake offered the following amendments to the substitute:

1. Amend page 1, line 7, after “proper.” by inserting “THE COURT SHALL ADMIT IN PROCEEDINGS UNDER THIS ACT A BILL FOR FUNERAL EXPENSES, EXPENSES OF THE MOTHER’S CONFINEMENT, OR EXPENSES IN CONNECTION WITH THE MOTHER’S PREGNANCY, WHICH BILL CONSTITUTES PRIMA FACIE EVIDENCE OF THE AMOUNT OF THOSE EXPENSES, WITHOUT THIRD PARTY FOUNDATION TESTIMONY.”.

2. Amend page 6, line 3, after “cross-examination.” by striking out the balance of the line through “jury.” on line 4. The amendments to the substitute were adopted.

Senator Geake offered the following amendment to the substitute:

1. Amend page 11, following line 7, enacting section 1, after “effect” by striking out “July 1” and inserting “June 30”. The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 188**

**Yeas—32**

|              |           |           |                 |
|--------------|-----------|-----------|-----------------|
| Bennett      | Dunaskiss | Koivisto  | Schwarz         |
| Berryman     | Emmons    | McManus   | Shugars         |
| Bouchard     | Gast      | Miller    | Smith, A.       |
| Bullard      | Geake     | North     | Steil           |
| Cherry       | Gougeon   | O’Brien   | Stille          |
| DeBeaussaert | Hart      | Posthumus | Van Regenmorter |
| DeGrow       | Hoffman   | Rogers    | Vaughn          |
| Dingell      | Jaye      | Schuetze  | Young           |

**Nays—0**

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—0**

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.

**Senate Bill No. 802, entitled**

A bill to amend 1846 RS 84, entitled “Of divorce,” by amending section 27 (MCL 552.27), as amended by 1990 PA 243. 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. 189**

**Yeas—32**

|          |           |          |         |
|----------|-----------|----------|---------|
| Bennett  | Dunaskiss | Koivisto | Schwarz |
| Berryman | Emmons    | McManus  | Shugars |

|              |         |           |                 |
|--------------|---------|-----------|-----------------|
| Bouchard     | Gast    | Miller    | Smith, A.       |
| Bullard      | Geake   | North     | Steil           |
| Cherry       | Gougeon | O'Brien   | Stille          |
| DeBeaussaert | Hart    | Posthumus | Van Regenmorter |
| DeGrow       | Hoffman | Rogers    | Vaughn          |
| Dingell      | Jaye    | Schuetten | Young           |

**Nays—0****Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—0**

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

**Senate Bill No. 803, entitled**

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

**Substitute (H-2)**

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

Senator Geake offered the following amendments to the substitute:

1. Amend page 11, line 9, after the first "WHO" by inserting "DEMONSTRATES THAT HE OR SHE".
2. Amend page 11, following line 9, by striking out all of subsection (7) and renumbering the remaining subsection. The amendments to the substitute were adopted.

Senator Geake offered the following amendment to the substitute:

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

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 190****Yeas—21**

|           |         |           |                 |
|-----------|---------|-----------|-----------------|
| Bennett   | Gast    | McManus   | Schwarz         |
| Bouchard  | Geake   | North     | Shugars         |
| Bullard   | Gougeon | Posthumus | Steil           |
| DeGrow    | Hoffman | Rogers    | Stille          |
| Dunaskiss | Jaye    | Schuetten | Van Regenmorter |
| Emmons    |         |           |                 |

**Nays—11**

|              |          |           |        |
|--------------|----------|-----------|--------|
| Berryman     | Dingell  | Miller    | Vaughn |
| Cherry       | Hart     | O'Brien   | Young  |
| DeBeaussaert | Koivisto | Smith, A. |        |

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—0**

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.

**Protests**

Senators Dingell and Berryman, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitutes to Senate Bill Nos. 796, 797, 798, 799 and 803.

Senator Dingell moved that the statement he made during the discussion of the bills be printed as his reasons for voting "no."

The motion prevailed.

Senator Dingell's first statement, in which Senator Berryman concurred, is as follows:

Nineteen eighty-four might of been a few years in the past, but maybe it's in the impending future also. The recollection I have in the past has always been that conservatives have been leery of forcing people to get social security numbers and forcing people to disclose them as some kind of universal identification number. I'm having to pinch myself repeatedly to believe that the conservative caucus wants to force exactly that kind of use, either in specific cases or in general, here in the Michigan legislature and that's exactly what you are doing here. In addition to forcing that kind of distasteful or Orwellian future upon persons who fear it, you also are perhaps facilitating criminal misuse of those numbers—through forcing people to get them and forcing people to disclose them, who are philosophically opposed to putting themselves in that kind of jeopardy. I find this extraordinarily offensive. Therefore, I cannot support doing this kind of thing; even in pursuit of improving child support collections.

Senator Dingell's second statement, in which Senator Berryman concurred, is as follows:

A little bit of American Government—back in the 1780s, George Washington was very upset with the idea of a unicameral legislature. And what he and other people who were similarly upset about the unicameral Continental Congress and its rationed ill-considered actions did, was put in a second half to the Continental Congress. So you ended up in our current Constitution, with a bicameral legislature for the U.S. government. The reason why is because a little bit more discussion, frequently prevents rationed ill-considered action. The subject of the Orwellian nature of forced acquisition as well as disclosure of social security numbers didn't occur to me. Due to the genius of George Washington, the House did have the opportunity to raise that concern, and I am here to say that the House did good work. George Washington was right. Because of that, I think we ought to go along with what the house did. The house was right and I think we should try to prevent the kind of Orwellian nightmare that so many Americans fear. Americans especially, here on April 15<sup>th</sup>, are expressing concern that the government knows too much about us. And frankly, the Government does a pretty bad job of keeping secrets that it has. So frankly, we're a little worried about giving them more information, and the opportunity of elected bureaucrats to do more things they shouldn't with information they have on us. I think the vote that we are about to make will be very instructive for our constituents.

Senator Dingell's third statement, in which Senator Berryman concurred, is as follows:

I don't like rising a second time to speak on a subject, but I feel I have to here. We are being told we must knuckle under and we must vote for immediate effect, when we don't need to do anything of the sort. Conference committees meet all of the time on legislation to work out differences between the two bodies. In terms of what an immediate effect vote is—an immediate effect vote is a vote to suspend the Constitution. It is clear from the wording of the Constitution and the Constitutional Convention—I'm talking the Michigan Constitution and the convention that produced it, that this is meant to be something that is very unusual and not done all of the time. People are trying to tell you that this is just ordinary and run of the mill, it is not. Conference committees are something that is run of the mill. They frequently do address exactly these kinds of concerns. I feel that these concerns need to be addressed. Senator Geake is in a position to make sure that those kinds of considerations are addressed in a conference committee. Therefore, I think we should vote "no" on this amendment. I think we should act to move the bill on to a conference committee.

**Senate Bill No. 804, entitled**

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 400.231, 400.232, 400.233, 400.234, and 400.235), the title and sections 1, 2, 3, and 5 as amended by 1985 PA 209, and by adding sections 3b, 4a, 4b, and 4c.

(Substitute (H-2) in bill form.)

The question being on concurring in the substitute made to the bill by the House,  
Senator Geake offered the following amendment to the substitute:

1. Amend page 15, following line 19, enacting section 1, after "effect" by striking out "July 1" and inserting "June 30".

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

**Roll Call No. 191**

**Yeas—32**

|             |           |           |                 |
|-------------|-----------|-----------|-----------------|
| Bennett     | Dunaskiss | Koivisto  | Schwarz         |
| Berryman    | Emmons    | McManus   | Shugars         |
| Bouchard    | Gast      | Miller    | Smith, A.       |
| Bullard     | Geake     | North     | Steil           |
| Cherry      | Gougeon   | O'Brien   | Stille          |
| DeBeausaert | Hart      | Posthumus | Van Regenmorter |
| DeGrow      | Hoffman   | Rogers    | Vaughn          |
| Dingell     | Jaye      | Schuetz   | Young           |

**Nays—0**

**Excused—5**

|       |        |        |           |
|-------|--------|--------|-----------|
| Byrum | Conroy | Peters | Smith, V. |
| Cisky |        |        |           |

**Not Voting—0**

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.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

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

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

**House Bill No. 5583, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 20c and 24a (MCL 259.20c and 259.24a), as added by 1996 PA 370, and by adding chapter IA and section 20d.

The bill 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. 904, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 196.

Substitute (S-3).

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

1. Amend page 1, following line 8, by inserting:

"(D) "FACILITY" MEANS THAT TERM AS IT IS DEFINED IN PART 201." and relettering the remaining subdivisions.

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

"(E) "GAMING FACILITY" MEANS A GAMING FACILITY REGULATED UNDER THE MICHIGAN GAMING CONTROL AND REVENUE ACT, THE INITIATED LAW OF 1996, MCL 432.201 TO 432.226." and relettering the remaining subdivisions.

3. Amend page 5, line 21, after "FOR" by striking out the balance of the subdivision and inserting "RESPONSE ACTIVITIES AT FACILITIES."

4. Amend page 7, line 13, by striking out "SITES OF ENVIRONMENTAL CONTAMINATION" and inserting "FACILITIES".

5. Amend page 7, line 16, after "(iii)" by striking out "SITE".

6. Amend page 7, line 17, after the second "A" by striking out the balance of the subparagraph and inserting "FACILITY."

7. Amend page 7, line 23, after "SUSPECTED" by striking out the balance of the line and inserting "FACILITIES".

8. Amend page 8, line 15, after "(2)" by striking out the balance of the line through "FIRST" on line 16 and inserting "OF THE MONEY ALLOCATED UNDER SECTION 19607(1)(A), UP TO \$60,000,000.00 SHALL BE USED".

9. Amend page 8, line 16, after "FOR" by striking out the balance of the subsection and inserting "FACILITIES THAT POSE AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR TO THE ENVIRONMENT."

10. Amend page 9, line 6, by striking out all of subsection (4) and inserting:

"(4) A GRANT SHALL NOT BE PROVIDED UNDER THIS PART FOR A PROJECT THAT IS LOCATED AT ANY OF THE FOLLOWING:

(A) LAND SITED FOR USE AS A GAMING FACILITY OR AS A STADIUM OR ARENA FOR USE BY A PROFESSIONAL SPORTS TEAM.

(B) LAND OR OTHER FACILITIES OWNED OR OPERATED BY A GAMING FACILITY OR BY A STADIUM OR ARENA FOR USE BY A PROFESSIONAL SPORTS TEAM.

(C) LAND WITHIN A PROJECT AREA DESCRIBED IN A PROJECT PLAN PURSUANT TO THE ECONOMIC DEVELOPMENT CORPORATIONS ACT, 1974 PA 338, MCL 125.1601 TO 125.1636, FOR A GAMING FACILITY."

11. Amend page 16, line 3, by striking out all of enacting section 3 and inserting:

"Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 902.

(b) House Bill No. 5620.

(c) House Bill No. 5622.

(d) House Bill No. 5719."

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. 902, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 88.

Substitute (S-3).

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

1. Amend page 2, line 14, after "OR" by striking out "TAX-EXEMPT CORPORATIONS" and inserting "ENTITIES THAT ARE EXEMPT FROM TAXATION UNDER SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE".

2. Amend page 5, line 4, by striking out all of enacting section 3 and inserting:

"Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

(a) Senate Bill No. 904.

(b) House Bill No. 5620.

(c) House Bill No. 5622.

(d) House Bill No. 5719."

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. 5584, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 86a and 89 (MCL 259.86a and 259.89), section 86a as added and section 89 as amended by 1996 PA 370.

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

1. Amend page 9, line 3, after "HAS" by striking out "AN AIRPORT MANAGER" and inserting "A RESPONSIBLE PERSON".

2. Amend page 9, line 4, after "HELISTOP" by striking out the balance of the subparagraph and inserting a period.

3. Amend page 9, line 18, after the second "OR" by striking out the balance of the subsection and inserting "A RESPONSIBLE PERSON."

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.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Geake, Jaye, Rogers, Dunaskiss, Bouchard, Schwarz, Gougeon, Dingell, Emmons, Schuette, Bennett, Shugars, Bullard, Stille and Steil introduced

**Senate Bill No. 1049, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding subpart VI to part 487.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senators Geake, Bouchard, Gast, Schwarz, Hoffman, Dunaskiss, Schuette, North, Emmons, McManus, Rogers, Shugars, Bennett, Stille and Jaye introduced

**Senate Bill No. 1050, entitled**

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending section 4 (MCL 691.1504), as added by 1986 PA 21.

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

Senators Shugars, Geake, Bouchard, Gast, Schwarz, Hoffman, Dunaskiss, North, Emmons, McManus, Rogers, Gougeon, Steil, Bennett, Stille and Jaye introduced

**Senate Bill No. 1051, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20965 (MCL 333.20965), as amended by 1997 PA 78.

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



Senator Jaye introduced

**Senate Bill No. 1052, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 15.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

**Senate Bill No. 1053, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1602 (MCL 324.1602), as added by 1995 PA 60.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senators Bullard and Emmons introduced

**Senate Bill No. 1054, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8a and 13 (MCL 211.8a and 211.13), section 8a as added by 1994 PA 96.

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

### Statements

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

The motion prevailed.

Senator Emmons' statement is as follows:

This is April 15, if you haven't filed your taxes, you have until midnight. I think I turned in an important resolution today. We just finished a press conference with the NFIB, who is collecting one million signatures to take to Washington from Michigan people, that will urge Congress to abolish the internal revenue code by December 31, 2001. We, in this body, have had some experience with getting rid of something that was odious and changing it by something that was better. My brother this past weekend, related a story with the IRS that is indicative with what is going on with that agency right now. A small asparagus farm in partnership with my nephew--had trouble with the IRS when they started 10 years ago. So they went to Grand Rapids and said, "Okay, how do we do this and how do we stay out of trouble?" They told them exactly. For the past five years it has worked. This year they sent my nephews return back and said it is not right. Obviously, some new eyes looked at it, decided it was wrong. That is not an isolated incident and I am very proud to be the sponsor of this resolution and thank all the members of the body who signed on and will support this, so that we have a strong voice going to Washington to tell them they have a problem and we want it fixed. For after all, it is our money not theirs.

Senator Hart's statement is as follows:

Tomorrow will be a very special day for the people in the state of Michigan, as well as the 6<sup>th</sup> Senatorial District that I represent and to me personally. Vice President Al Gore will be coming to Dearborn together with the Secretary of Education, Richard Riley, for the purpose of discussion in a interactive teleconference concerning before and after school programs. This relates directly to my Senate Bill No. 282, that relates to safe havens. We are delighted that this will be at the Dearborn Public Schools Administrative Service Center, it will be from 3:30 to 4:30 and will be on C-SPAN. So if you will, please watch it.

Senator Shugars' statement is as follows:

I was not going to make a statement today. I was going to mourn today, April 15, tax-due day. As a certified public accountant, I spent most of my professional life doing taxes, compliance and tax planning. This is a very busy day for many of my colleagues in the accounting world, but with the previous speaker starting to make a very partisan statement, I thought I should get up and make a few comments about facts.

I've only been here a little over seven years and we've come up with over \$8 billion of tax cuts to the citizens of the state of Michigan and that includes everybody. It also obviously proved that it has helped our economy because we find that every time we cut a tax, the government generates more revenue because the economic benefits and growth continues to grow. It's not just for the whole country, but the state of Michigan is leading the country in growth in the personal income. We notice that our unemployment is at an all-time low continuously, again. And so the tax policies that the Governor and the majority party have done over the last seven years have obviously worked.

In the light of a term limitation situation where people will serve in the House of Representatives for six years and people will serve in the Senate for eight years, I think it is very important, very important that the people back home know that a super majority is the only way that a tax increase could occur and it should be all taxes and all new taxes so that there couldn't be a future Legislature and a Governor who promote a new tax that we are not aware of at this time. I think it's very important with the term limitation environment that a super majority passes and I applaud the fact that my colleague from the other side is going to be supportive of a super majority as it comes through the Senate.

I also applaud the broad-based cuts that we will be pushing through in the next few weeks—I'm glad my colleague from the other side of the aisle is willing to support it. But also, I want to put a reminder—this legislator is willing to cut the budget, willing to limit spending, willing to downsize state government so that there are more tax cuts for the families because I believe that education, health care, things of that sort are done best at home with the families and the parents taking the responsibility and the accountability of our children. The more tax cuts we give, the better off our families will be.

As far as the businesses that receive tax cuts also with the Single Business Tax cuts and some of the other cuts they have received, obviously the employers are the ones who hire the people who live in Michigan. It's very important as a Senator from Kalamazoo, Michigan, who has a problem with the pharmacy Upjohn leaving some of their marketing jobs and going to another state and the First of America recently merging with another bank in another state and soon the General Motors plant in Comstock, I think it's very important that we do whatever we can to promote economic growth with our employers. So I will be very supportive of helping out our employers in the state of Michigan because I think it is better to have employment and high-pay employment of those three organizations in Michigan rather than other states.

So, I applaud the Legislature and what they've done in the \$8 billion tax cuts the last seven years and I applaud the Governor for his leadership and boldness for trying to limit the spending in government.

### **Scheduled Meetings**

Natural Resources and Environmental Affairs Committee - Wednesday, April 22, at 3:30 p.m., Room 100, Farnum Building (3-7350).

Regulatory Appropriations Subcommittee - Wednesdays, April 29 and May 6, at 1:00 p.m. and May 13, at 3:00 p.m., Senate Appropriations Room, 3<sup>rd</sup> Floor, Capitol Building (3-1801).

Senator DeGrow moved that the Senate adjourn.  
The motion prevailed, the time being 1:44 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, April 16, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.