

No. 43
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, May 10, 2000.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

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

Senator Mike Rogers of the 26th District offered the following invocation:

Dear Lord, we know that brevity is the source of all advancement. Bless us all each and every one. May we have a gracious day. In Your name. Amen.

Senators Emmons, Gougeon and Byrum entered the Senate Chamber.

Motions and Communications

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

Senator Rogers moved that Senators Dunaskiss and Bullard be temporarily excused from today's session. The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 9:
House Bill Nos. 5520 5521 5595 5596 5597 5602 5603 5604 5620 5638

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, May 9, for his approval the following bills:

Enrolled Senate Bill No. 392 at 1:26 p.m.
Enrolled Senate Bill No. 956 at 1:28 p.m.
Enrolled Senate Bill No. 1058 at 1:30 p.m.
Enrolled Senate Bill No. 1059 at 1:32 p.m.
Enrolled Senate Bill No. 1060 at 1:34 p.m.
Enrolled Senate Bill No. 1063 at 1:36 p.m.
Enrolled Senate Bill No. 1068 at 1:38 p.m.
Enrolled Senate Bill No. 1088 at 1:40 p.m.
Enrolled Senate Bill No. 1089 at 1:42 p.m.

Messages from the Governor

The following message from the Governor was received and read:

May 9, 2000

Please be advised of the following correction. The letter dated April 26, 2000 read as follows:

Controlled Substances Advisory Commission

Dr. Martin J. Tuck, 361 Southlawn, East Lansing, Michigan 48823, county of Ingham, as a member representing the Board of Dentistry, succeeding Dr. Joseph B. Harris of Detroit, whose term has expired, for a term expiring on August 30.

This letter should have read:

Controlled Substances Advisory Commission

Dr. Martin J. Tuck, 361 Southlawn, East Lansing, Michigan 48823, county of Ingham, as a member representing the Board of Dentistry, succeeding Dr. Joseph B. Harris of Detroit, whose term has expired, for a term expiring on August 30, 2001.

Sincerely,
John Engler
Governor

The message was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

May 9, 2000

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Employment Relations Commission

Mr. C. Barry Ott, 1924 Newton Avenue, SE, Grand Rapids, Michigan 49506, county of Kent, as a member representing Republicans, succeeding himself, for a term expiring on June 30, 2003.

May 9, 2000

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

Michigan Travel Commission

Mr. Daniel J. Trotochaud, 439 Lakewood Lane, Marquette, Michigan 49855, county of Marquette, as a member representing tourism and small business in the private sector, succeeding himself, for a term expiring on August 20, 2003.

Ms. Annette Marie Rummel, 519 S. Main Street, Frankenmuth, Michigan 48734, county of Saginaw, as a member representing tourism, succeeding herself, for a term expiring on August 20, 2002.

Mr. Jon R. Nunn, 143 Lafayette, NE, Grand Rapids, Michigan 49503, county of Kent, as a member representing tourism and the convention industry, succeeding Mr. William Shepler of Good Hart, whose term has expired, for a term expiring on August 20, 2002.

Mr. Todd V. Callewaert, P.O. Box 1262, Mackinac Island, Michigan 49757, county of Mackinac, as a member representing tourism in the private sector, succeeding Mr. Thomas J. Condon of Toivola, whose term has expired, for a term expiring on August 20, 2003.

Mr. Donald A. Coleman, 5000 Town Center #2401, Southfield, Michigan 48075, county of Oakland, as a member representing the private sector, succeeding Mr. Steven M. Wilson of Kentwood, whose term has expired, for a term expiring on August 20, 2003.

Ms. Jill P. Hazel, 222 E. 20th Avenue, Sault Ste. Marie, Michigan 49783, county of Chippewa, as a member representing small business and tourism in the private sector, succeeding Mr. William E. Best of Portsmouth, who has resigned, for a term expiring on August 20, 2000.

Mr. Paul Ungrodt, Jr., 2015 Washtenaw Avenue, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing the private sector, succeeding Mr. Larry D. Alexander of Troy, who has resigned, for a term expiring on August 20, 2002.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Senators Bullard, Young, McManus, Schuette and Murphy entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 308, entitled

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

The above bill was read a third time.

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. 260

Yeas—36

Bennett	Gast	Leland	Shugars
Bullard	Goschka	McCotter	Sikkema
Byrum	Gougeon	McManus	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Emerson	Johnson	Schuette	Vaughn
Emmons	Koivisto	Schwarz	Young

Nays—0

Excused—2

Dunaskiss

Miller

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Dunaskiss and Miller entered the Senate Chamber.

Senators McCotter, Johnson, Shugars, Dunaskiss, Bennett, Emmons, McManus, Koivisto, Peters, North, Gougeon, Van Regenmorter, Schuette, DeBeaussaert, A. Smith, Rogers, Stille and Miller moved that they be named co-sponsors of the following bill:

Senate Bill No. 308

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1061, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 8d.

The question being on the passage of the bill,

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

Roll Call No. 261**Yeas—38**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Miller stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

Senate Bill No. 308

The following bill was read a third time:

Senate Bill No. 1201, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3112a (MCL 324.3112a), as amended by 1998 PA 3.

The question being on the passage of the bill,

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

Roll Call No. 262

Yeas—38

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators DeBeaussaert, Young, North, Miller and Peters moved that they be named co-sponsors of the following bill:

Senate Bill No. 1201

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1216, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 3112c.

The question being on the passage of the bill,

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

Roll Call No. 263

Yeas—38

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.

DeBeaussiaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hart
Hoffman
Jaye
Johnson
Koivisto
Leland

North
Peters
Rogers
Schuette
Schwarz

Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator North moved that he be named co-sponsor of the following bill:

Senate Bill No. 1216

The motion prevailed.

The following bill was read a third time:

House Bill No. 4458, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 803q.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 2, line 3, after the second "THE" by striking out "CONSUL" and inserting "CONSULATE".

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

The question being on the passage of the bill,

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

Roll Call No. 264

Yeas—32

Bullard
Byrum
Cherry
DeBeaussiaert
Dingell
Dunaskiss
Emerson
Emmons

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Rogers

Schwarz
Sikkema
Smith, A.
Smith, V.
Steil
Van Regenmorter
Vaughn
Young

Nays—6

Bennett
DeGrow

Gast
Schuette

Shugars

Stille

Excused—0

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

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1173, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 230 (MCL 418.230), as amended by 1994 PA 271.

The question being on the passage of the bill,

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

Roll Call No. 265

Yeas—38

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1219, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1101, 1103, 1105, 1125, and 8132 (MCL 500.1101, 500.1103, 500.1105, 500.1125, and 500.8132), sections 1101, 1105, and 1125 as added by 1994 PA 226, section 1103 as amended by 1994 PA 443, and section 8132 as added by 1989 PA 302.

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. 266

Yeas—38

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Rogers 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 Posthumus, 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 bill:

Senate Bill No. 1181, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 222a. 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:

House Bill No. 5227, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 232 (MCL 257.232), as amended by 1997 PA 101.

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. 5230, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations," by amending section 10 (MCL 28.300), as added by 1997 PA 99.

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. 5270, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130c, 80315c, 81114c, and 82156c (MCL 324.80130c, 324.80315c, 324.81114c, and 324.82156c), as added by 1997 PA 102.

Substitute (S-1).

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

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

~~"Sec. 80130a. (1) The examination, inspection, or sale of personal information by the secretary of state or any officer, employee, agent, or contractor of the secretary of state maintained under this part shall be limited as provided in this section.~~ EXCEPT AS PROVIDED IN THIS SECTION AND SECTION 80130C, PERSONAL INFORMATION IN A RECORD MAINTAINED UNDER THIS PART SHALL NOT BE DISCLOSED, UNLESS THE PERSON REQUESTING THE INFORMATION FURNISHES PROOF OF IDENTITY CONSIDERED SATISFACTORY TO THE SECRETARY OF STATE AND CERTIFIES THAT THE PERSONAL INFORMATION REQUESTED WILL BE USED FOR A PERMISSIBLE PURPOSE IDENTIFIED IN THIS SECTION OR IN SECTION 80130C. NOTWITHSTANDING THIS SECTION, HIGHLY RESTRICTED PERSONAL INFORMATION SHALL BE USED AND DISCLOSED ONLY AS EXPRESSLY PERMITTED BY LAW.

(2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of a specified federal law. As used in this section, "specified federal law" means the automobile information disclosure act, Public Law 85-506, 15 U.S.C. 1231 to 1232 and 1233, the former motor vehicle information and cost savings act, Public Law 92-513, the former national traffic and motor vehicle safety act of 1966, Public Law 89-563, the anti-car theft act of 1992, Public Law 102-519, 106 Stat. 3384, the clean air act, chapter 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q, and all federal regulations promulgated to implement these federal laws.

(3) Personal information in a record maintained under this act may be disclosed to any person by the secretary of state as follows:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of watercraft and operator safety or watercraft theft; watercraft emissions; watercraft product alterations, recalls, or advisories; performance monitoring of watercraft; watercraft research activities including survey research; and the removal of nonowner records from the original records of watercraft manufacturers.

(c) For use in the normal course of business by a business or its agents, employees, or contractors to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud, by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court, administrative agency, or self-regulatory body.

(e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer, self-insurer, or insurance support organization, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(g) For use in providing notice to the owner of an abandoned, towed, or impounded watercraft.

(h) For use by any licensed private security guard agency or alarm system contractor licensed under the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, or a private detective or private investigator licensed under the private detective license act of 1965, 1965 PA 285, MCL 338.821 to 338.851, for any purpose permitted under this section.

(i) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

(j) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual."

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. 627, entitled

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

Substitute (S-5).

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

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

Senate Bill No. 630, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4 and 4k (MCL 205.94 and 205.94k), section 4 as amended by 1998 PA 491 and section 4k as amended by 1996 PA 477.

Substitute (S-5).

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

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 3a. The use or consumption of the following services is taxed under this act in the same manner as tangible personal property is taxed under this act:

(a) Intrastate telephone, telegraph, leased wire, and other similar communications, including local telephone exchange and long distance telephone service that both originates and terminates in Michigan, and telegraph, private line, and teletypewriter service between places in Michigan, but excluding telephone service by coin-operated installations, switchboards, concentrator-identifiers, interoffice circuitry and their accessories for telephone answering service, and directory advertising proceeds.

(b) Rooms or lodging furnished by hotelkeepers, motel operators, and other persons furnishing accommodations that are available to the public on the basis of a commercial and business enterprise, irrespective of whether or not membership is required for use of the accommodations, except rooms and lodging rented for a continuous period of more than 1 month. As used in this act, "hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, nudist camps, apartment hotels, resort lodges and cabins, camps operated by other than nonprofit organizations but not including those licensed under 1973 PA 116, MCL 722.111 to 722.128, and any other building or group of buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than 1 month and accommodations furnished by hospitals or nursing homes.

(c) Interstate telephone communications that either originate or terminate in this state and for which the charge for the service is billed to a Michigan service address or phone number by the provider either within or outside this state including calls between this state and any place within or without the United States of America outside of this state. However, if the tax under this act is levied at a rate of 6%, this subdivision does not apply to a wide area telecommunication service or a similar type service, an 800 prefix service or similar type service, an interstate private network and related usage charges, or an international call either inbound or outbound.

(d) After December 31, 1998, the laundering or cleaning of textiles under a sale, rental, or service agreement with a term of at least 5 days. This subdivision does not apply to the laundering or cleaning of textiles used by a restaurant, ~~or~~ A retail sales business, OR A PERSON IN THE BUSINESS OF PROVIDING DENTAL SERVICES. As used in this subdivision, "restaurant" means a food service establishment defined and licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211."

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. 4809, entitled

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 107 (MCL 55.107), as amended by 1997 PA 60.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 738, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 3e.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 1222, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter IV (MCL 764.15), as amended by 1999 PA 269.

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.

A moment of silence was observed in memory of Officer Rick Lee Johnson.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Jaye's statement is as follows:

Military families are burdened with the extra fear, cost, constant travel, and family sacrifice involved with being part of the U.S. armed services. Legislation that the Senate passed today, Senate Bill No. 308, is a modest way for the community to say thank you to surviving military family members who are currently burdened with paying a death tax, a sales tax on caskets, tombstones, and other burial items. Ending the death tax on veterans would save the average military family approximately \$720.00. The Michigan Funeral Home Directors Association estimates that in 1999 the average cost of a funeral was \$12,000.00 times the 6 percent sales tax. This is a substantial tax relief for honorably discharged veterans' families.

The veterans and their families are very grateful that Senator Joanne Emmons, chair of the Senate Finance Committee, gave priority to this important legislation and rapidly passed and eliminated the death tax on veterans benefits. I hope the House will act on this legislation quickly.

For the record, my father is a Marine, David N. Jaye, and my uncles, soldier Jerry Jodloski and sailor Tony Narkun, and many other veterans have risked their lives and limbs to protect and preserve America and to allow us to enjoy the fruits of a booming free-market economy. My cousin, Richard Shebib, is currently flying F-16s as part of the 31st U.S. Air Force Fighter Wing based in Aviano, Italy. Richard Shebib's family and other Michigan servicemen and women are enduring sacrifices to keep the peace in the former Yugoslavia and protect interests worldwide. I hope we, as leaders of state government, won't forget the famous poem by Lieutenant Colonel John McCrae, "In Flanders Field." Here's how that goes:

"IN FLANDERS FIELDS the poppies blow
 Between the crosses, row on row,
 That mark our place, and in the sky
 The larks, still bravely singing, fly
 Scarce heard amid the guns below.

We are the Dead. Short days ago
 We lived, felt dawn, saw sunset glow,
 Loved and were loved, and now we lie
 In Flanders fields.

Take up our quarrel with the foe:
 To you from failing hands we throw
 The torch; be yours to hold it high.
 If ye break faith with us who die
 We shall not sleep, though poppies grow
 In Flanders fields.”
 I want to thank my colleagues for supporting this important piece of legislation.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Steil, McManus, Gougeon, Bullard, Stille, Sikkema, Bennett, Hammerstrom, Shugars, North, Koivisto, McCotter, Rogers, Peters, Hart, A. Smith, Young, Byrum, Murphy, Cherry, V. Smith and Vaughn introduced

Senate Bill No. 1254, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 1999 PA 140.

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

Senators McCotter, Steil, Johnson, Hammerstrom, Shugars, Bennett, Stille, Gougeon, Goschka, Schwarz, Sikkema, Bullard, Peters, North, McManus, Koivisto, Byrum, Cherry, V. Smith, Leland, Schuette, Murphy and Dingell introduced

Senate Bill No. 1255, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending sections 2, 4, 10, and 12 (MCL 125.2152, 125.2154, 125.2160, and 125.2162), section 2 as amended by 1998 PA 92 and sections 4, 10, and 12 as amended by 1993 PA 333, and by adding section 12a.

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

House Bill No. 5520, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80113 (MCL 324.80113), as added by 1995 PA 58.

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 Natural Resources and Environmental Affairs.

House Bill No. 5521, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 7 (MCL 24.207), as amended by 1999 PA 262.

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 Natural Resources and Environmental Affairs.

House Bill No. 5595, entitled

A bill to repeal 1921 PA 350, entitled “An act to authorize and direct the state highway commissioner to lay out and establish a trunk line highway from a point on the boundary line between the states of Michigan and Indiana southwest to Mottville on the Elkhart road to Port Sanilac in Sanilac county, and from New Buffalo in Berrien county, through

Buchanan, Niles, Cassopolis, Vandalia, Fabius, Three Rivers, Fishers' Lake, Mendon, Leonidas, Union City, Burlington, Tekonsha, Homer, Concord, Spring Arbor, to Jackson in Jackson county, passing through certain intermediate towns, villages and cities, to be known and designated as the Colgrove highway," (MCL 250.171).

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 Government Operations.

House Bill No. 5596, entitled

A bill to repeal 1919 PA 36, entitled "An act to regulate the planting of ornamental, nut bearing or other food producing trees along the highways of the state of Michigan, or in public places, and for the maintenance, protection and care of such trees and to provide a penalty for injury thereof, or for stealing the products thereof," (MCL 247.231 to 247.235).

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 Government Operations.

House Bill No. 5597, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by repealing sections 663, 664, 665, and 666 (MCL 257.663, 257.664, 257.665, and 257.666).

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 Government Operations.

House Bill No. 5602, entitled

A bill to repeal 1921 PA 324, entitled "An act to authorize and direct the state highway commissioner to lay out and establish a trunk line highway commencing at the section corner common to sections 15, 16, 21 and 22, town 14 north, range 7 west, Wheatland township, Mecosta county, thence running due north through the village of Barryton, Mecosta county, and the village of Marion, Osceola county, to the city of McBain in Missaukee county, thence due north on the township line between town 21 north, range 7 west, and 21 north, range 8 west, to the southwest corner to section 25, town 22 north, range 8 west," (MCL 250.151).

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 Government Operations.

House Bill No. 5603, entitled

A bill to repeal 1935 PA 147, entitled "An act authorizing the acquisition, improvement, construction, operation and maintenance of certain public works by the state; providing for the creation of the state bridge commission; authorizing the issuance of revenue bonds of the state payable solely from earnings to pay the cost of such works; making such bonds exempt from taxation and making them eligible for certain investments; providing for the collection of fees, rents, tolls and other charges for the payment of such bonds and for the cost of maintenance, operation and repair of the works; declaring that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; and providing for condemnation," (MCL 254.151 to 254.167) and to repeal parts of acts.

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 Government Operations.

House Bill No. 5604, entitled

A bill to repeal 1947 PA 294, entitled "An act to enable the state bridge commission to sell certain real estate subject to certain limitations and to direct the disposition of the proceeds of said sale," (MCL 254.181).

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 Government Operations.

House Bill No. 5620, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 662 (MCL 257.662).

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 Government Operations.

House Bill No. 5638, entitled

A bill to designate December 7 of each year as Pearl Harbor day in the state of Michigan.

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 Human Resources, Labor, Senior Citizens and Veterans Affairs.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 11:05 a.m.

11:12 a.m.

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

Senators Rogers and Dunaskiss introduced

Senate Bill No. 1256, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding sections 10t and 10u.

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

Scheduled Meetings

Appropriations - Tuesday, May 16, and Wednesday, May 17, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Capital Outlay - Thursdays, May 11 and May 25, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Consumer and Industry Services - Thursday, May 11, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Higher Education - Thursday, May 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Transportation - Thursday, May 11, 8:30 a.m., and Tuesday, May 16, 11:30 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

Families, Mental Health and Human Services - Fridays, May 12, 9:00 a.m., Fetzer Center, Western Michigan University, Kalamazoo and 1:30 p.m., Eberhard Center, Grand Valley State University, Grand Rapids; May 19, 9:00 a.m., Morris Lawrence Building Auditorium, Washtenaw Community College, Ann Arbor; and Wednesday, May 24, 2:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-3543)

Farming, Agribusiness and Food Systems - Recessed until Thursday, May 11, immediately following session, Elijah Myers Room, 2nd Floor, Capitol Building (373-1725)

Government Operations - Thursday, May 11, 1:00 p.m., Room 100, Farnum Building (373-1707)

Health Policy - Tuesday, May 16, 3:00 p.m., Room 100, Farnum Building (373-0793)

Technology and Energy - Thursday, May 11, 11:00 a.m. or later immediately following session, Rooms 402 and 403, Capitol Building (373-2417)

Senator Goschka moved that the Senate adjourn.
The motion prevailed, the time being 11:15 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, May 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

