

No. 42
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 15, 1997.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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

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

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

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

Senator Leon Stille of the 32nd District offered the following invocation:

Our good and gracious Father, who art in heaven, hallowed be Thy name, Your kingdom come, Your will be done; Your grace follows all around us.

We ask Your special blessing on those men and women who serve as safety officers throughout our state and a comfort to those families who have lost a member while providing that service. May they know of our respect, our appreciation and our gratitude. Now, as we proceed with the deliberation of state business this day, grant us the wisdom, the conscience, the sympathy and the courage to do what is right for our state and its people. All in Your name. Amen.

Motions and Communications

Senator Conroy entered the Senate Chamber.

Senator DeGrow moved that Senators Carl, Posthumus, Schuette and Van Regenmorter be temporarily excused from today's session.

The motion prevailed.

Senator DeGrow moved that Senator Bouchard be excused from today's session.

The motion prevailed.

Senator DeGrow moved that rule 3.902 be suspended to allow the guests of Senator Hoffman admittance to the Senate floor, including the center aisle.

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

Senator DeGrow moved that rule 3.901 be suspended to allow photographers to film on the Senate floor, including the center aisle, and the Gallery.

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

Senator V. Smith moved that Senator Stallings be temporarily excused from today's session.

The motion prevailed.

Senator V. Smith moved that Senator O'Brien be excused from today's session.

The motion prevailed.

Senators Young, Posthumus, Van Regenmorter, Carl and Schuette entered the Senate Chamber.

Senators Dunaskiss, Rogers and V. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Dunaskiss' statement is as follows:

Today, with sadness, one of our finest employees will be leaving our service. He's a very talented writer and his dedicated service is going to be missed by many and especially on this side of the aisle—and he is Ted Montgomery.

He is going to go find his fame and fortune at Oakland University as Director of the Media Relations. I'm very fortunate because that is in my district and I'll still be able to bore Ted with my hunting stories. But I do appreciate all of the work he has done for our caucus. He's been a good friend to many and he will be missed.

Senator Rogers' statement is as follows:

I, too, rise to wish some good comments for Ted Montgomery who is leaving. He was a writer for us and worked with our communications staff to make sure that we actually sound a lot better than we are. He has done a tremendous amount of work to make that happen. He leaves a legislature that he loves which is only surpassed by the hockey game that he loves just a little bit more. I guess he's moving there to get a little closer to the Wings as he takes his job at Oakland University.

We will certainly miss him, I know I will personally miss him for his good sense of humor, his hard work, his integrity and certainly his love and passion for doing the right thing and again, making what is a rambling mess of my message into a concise meaningful message. I wish Ted well as he moves on to Oakland University and look forward to working with him in the future.

Senator V. Smith's statement is as follows:

I also have the distinct pleasure of informing my colleagues about a young man who has worked for me for four years. He has been my legislative assistant, handled all of my duties regarding the committees I serve on and the issues that I prepare and fight for on this floor.

I'm proud to announce that he's moving along, as I encourage most of the people that work for me. The type of employees we have, and the type of salaries that we offer, once we train them, then there's always somebody who's ready to bring them into their employ. That's because we do such a good job training the people who work for us.

I just wanted to congratulate Tyrone Sanders. Tyrone is going to be the lobbyist for Ameritech and I believe he will start Monday. He will leave my service today.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:11 a.m.

10:26 a.m.

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

During the recess, Senator Hoffman introduced to the Senate the Jackson High School Black History Touring Group, under the direction of Mrs. Shirley Pitts, who rendered musical selections.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 14:
House Bill Nos. 4295 4305 4444 4445 4446 4454 4509 4646

The Secretary announced the printing and placement in the members' files on Wednesday, May 14 of:

Senate Bill Nos. 495 496 497 498 499

House Bill Nos. 4763 4764 4765 4766 4767 4768 4769 4770 4771 4773 4774

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 413

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 388, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund,

comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal certain acts and parts of acts," by amending section 10e (MCL 247.660e), as amended by 1990 PA 73.

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. 213

Yeas—33

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

Nays—0

Excused—4

Bouchard	Dingell	O'Brien	Stallings
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Not Voting—1

Hoffman

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senator Stallings entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 389, entitled

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

The 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. 214**Yeas—34**

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

Nays—0**Excused—4**

Bouchard	Dingell	Hoffman	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 390, entitled

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

The 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. 215**Yeas—34**

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

Nays—0

Excused—4

Bouchard

Dingell

Hoffman

O'Brien

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Hoffman entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 391, entitled

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending section 6 (MCL 409.306), as amended by 1985 PA 30.

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. 216**Yeas—35**

Bennett
Berryman
Bullard
Byrum
Carl
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
Peters
Posthumus
Rogers
Schuette
Schwarz
Shugars

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

Nays—0**Excused—3**

Bouchard

Dingell

O'Brien

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 392, entitled

A bill to amend 1978 PA 454, entitled "Truth in renting act," by amending section 3 (MCL 554.633), as amended by 1991 PA 131.

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. 217**Yeas—35**

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

Nays—0**Excused—3**

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 393, entitled

A bill to amend 1988 PA 112, entitled "The handicapper business opportunity act," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 450.791, 450.792, 450.793, 450.794, and 450.795).

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. 218**Yeas—35**

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

Nays—0**Excused—3**

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 394, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 700a, 701a, 901, 905, 911, 915, 921, and 925 (MCL 418.700a, 418.701a, 418.901, 418.905, 418.911, 418.915, 418.921, and 418.925), sections 700a and 701a as added by 1993 PA 198 and sections 921 and 925 as amended by 1985 PA 103.

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. 219**Yeas—35**

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

Nays—0**Excused—3**

Bouchard	Dingell	O’Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 395, entitled

A bill to amend 1967 PA 204, entitled “Metropolitan transportation authorities act of 1967,” by amending section 4a (MCL 124.404a), as added by 1988 PA 481.

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. 220**Yeas—35**

Bennett	DeGrow	McManus	Smith, A.
Berryman	Dunaskiss	Miller	Smith, V.

Bullard	Emmons	North	Stallings
Byrum	Gast	Peters	Steil
Carl	Geake	Posthumus	Stille
Cherry	Gougeon	Rogers	Van Regenmorter
Cisky	Hart	Schuette	Vaughn
Conroy	Hoffman	Schwarz	Young
DeBeaussaert	Koivisto	Shugars	

Nays—0

Excused—3

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 396, entitled

A bill to amend 1981 PA 230, entitled "Michigan economic and social opportunity act of 1981," by amending section 11 (MCL 400.1111).

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. 221

Yeas—35

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

Nays—0

Excused—3

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 397, entitled

A bill to amend 1983 PA 173, entitled "An act to promote the delivery of services by community-based organizations pursuant to the job training partnership act; and to provide for criteria for the selection of service providers," by amending section 1 (MCL 421.151), as amended by 1990 PA 146.

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. 222

Yeas—35

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

Nays—0

Excused—3

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 398, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5431, 5817, 9315, 20201, 21034, and 21761 (MCL 333.5431, 333.5817, 333.9315, 333.20201, 333.21034, and 333.21761), section 5431 as amended by 1992 PA 81 and sections 20201 and 21034 as amended by 1982 PA 354.

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. 223

Yeas—35

Bennett	DeGrow	McManus	Smith, A.
Berryman	Dunaskiss	Miller	Smith, V.
Bullard	Emmons	North	Stallings
Byrum	Gast	Peters	Steil
Carl	Geake	Posthumus	Stille
Cherry	Gougeon	Rogers	Van Regenmorter

Cisky
Conroy
DeBeaussaert

Hart
Hoffman
Koivisto

Schuette
Schwarz
Shugars

Vaughn
Young

Nays—0

Excused—3

Bouchard

Dingell

O'Brien

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 399, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 13a (MCL 38.1013a), as amended by 1981 PA 123.

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. 224

Yeas—35

Bennett
Berryman
Bullard
Byrum
Carl
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
Peters
Posthumus
Rogers
Schuette
Schwarz
Shugars

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

Nays—0

Excused—3

Bouchard

Dingell

O'Brien

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 400, entitled

A bill to amend 1984 PA 387, entitled "State food stamp distribution act," by amending sections 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, and 20 (MCL 400.753, 400.754, 400.755, 400.757, 400.758, 400.759, 400.760, 400.761, 400.762, 400.763, 400.765, 400.766, 400.768, 400.769, and 400.770).

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. 225

Yeas—35

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

Nays—0

Excused—3

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

Senate Bill No. 388

Senate Bill No. 389

Senate Bill No. 390

Senate Bill No. 391

Senate Bill No. 392

Senate Bill No. 393

Senate Bill No. 394

Senate Bill No. 395

Senate Bill No. 396

Senate Bill No. 397

Senate Bill No. 398

Senate Bill No. 399

Senate Bill No. 400

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 401, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending sections 40 and 44 (MCL 550.940 and 550.944).

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. 226**Yeas—35**

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

Nays—0**Excused—3**

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 402, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 316, 2005, 2515, and 2518 (MCL 339.316, 339.2005, 339.2515, and 339.2518), section 2005 as amended by 1992 PA 103 and section 2515 as amended and section 1518 as added by 1993 PA 93.

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. 227**Yeas—35**

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

Nays—0**Excused—3**

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4352, entitled

A bill to authorize the state administrative board to convey certain state owned property in Genesee county; to prescribe conditions for the conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

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. 228**Yeas—35**

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

Nays—0**Excused—3**

Bouchard	Dingell	O'Brien
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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 of the bill.

The following bill was read a third time:

Senate Bill No. 480, entitled

A bill to amend 1929 PA 9, entitled "An act to regulate corporations, associations or persons engaged in the business of carrying and transporting natural gas through pipe lines and to regulate the production, purchase and sale of natural gas; to provide for the control and regulation of such corporations, associations and persons by the Michigan public utilities commission; to define the powers and duties of the commission relative thereto; to prescribe penalties for the violations of the provisions hereof; and to repeal Act No. 29 of the Public Acts of 1889," (MCL 483.101 to 483.120) by adding sections 1a and 1b.

The question being on the passage of the bill,

Senator Stallings offered the following amendment:

1. Amend page 3, line 1, after "MADE" by inserting "WITHIN 24 MONTHS".

The question being on the adoption of the amendment,

Senator V. Smith requested the yeas and nays.

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

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

Roll Call No. 229**Yeas—11**

Conroy
DeBeaussaert
Hart

Koivisto
Miller
Peters

Smith, A.
Smith, V.
Stallings

Vaughn
Young

Nays—24

Bennett
Berryman
Bullard
Byrum
Carl
Cherry

Cisky
DeGrow
Dunaskiss
Emmons
Gast
Geake

Gougeon
Hoffman
McManus
North
Posthumus
Rogers

Schuetze
Schwarz
Shugars
Steil
Stille
Van Regenmorter

Excused—3

Bouchard

Dingell

O'Brien

Not Voting—0

In The Chair: Schwarz

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. 230**Yeas—34**

Bennett
Berryman
Bullard
Byrum
Carl
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Koivisto

McManus
Miller
North
Peters
Posthumus
Rogers
Schuetze
Schwarz

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

Nays—1

Stallings

Excused—3

Bouchard

Dingell

O'Brien

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Stallings, under his constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 480 and moved that the statements he made during the discussion of the amendment he offered be printed as his reasons for voting "no."

The motion prevailed.

Senator Stallings' first statement is as follows:

I rise to seek my colleagues' support on this amendment. All this amendment does is create a fairness situation for those farmers in Michigan who are not astute enough or have lawyers on staff at their farms to negotiate these various pipeline agreements that result in pipeline companies laying pipe through their property. All this agreement does is compels the pipeline company to compensate the farmer within a 24-month period. The industry standard for those farmers who are astute enough to negotiate in their contract with the pipeline company are prepayment agreements. I had thought in terms of introducing an amendment that would compel the pipeline company to prepay for those damages caused as a result of laying the pipe throughout their area or even a year. I thought that two years would be a reasonable period of time. There are some arguments that have been raised that the 24-month period would automatically become the minimum period of time. I would have to take exception with that, given the fact that anytime a pipe is laid across one's property, it is customary that an agreement is established and in that agreement itself, both terms and conditions are laid out.

My only reason for offering this amendment is to protect those farmers who are not astute enough to negotiate a prepayment agreement or did not have the appropriate counsel to insure them of the other elements of contractual relationships and are relying on an agreement or a boilerplate agreement that the pipeline company may put up as agreement for laying this pipeline. I think that a reasonable period of time of 24 months allows us to be responsible legislators from the standpoint of making sure that if a farmer and a pipeline contractor enter into agreement to have pipe laid to their property and there's damage caused, which is a reasonable expectation, that this matter in terms of being compensated for any losses of their crops or damage to their property will end within a 24-month period so that those farmers are not left holding the bag. I urge my colleagues to support this very friendly amendment.

Senator Stallings' second statement is as follows:

I rise to offer the following comments with respect to those remarks made by the distinguished member of this body from the 34th District.

I'm only seeking to make this legislation consistent with the Uniform Commercial Code, because in the event that there is a cause of action brought by the farmers, it would result in a bench trial and in the code itself it specifies a period of time with which these matters should have some closure. That closure is within a 24-month period of time, so this legislation should be consistent with the Uniform Commercial Code. More importantly, I've had an opportunity to talk with the pipeline company. They have no objection to language that brings closure to when they should satisfy damage claims on behalf of the farmer and with respect to the Farm Bureau, I'm not talking about farmers that even have preview or nexus to the Farm Bureau. These are small farmers who because of the size of the farm don't have counsel on their staff. They're not the big mega-farms like our distinguished colleagues from the 36th District and perhaps even from the 31st District, where they have these big mammoth farms with computerized tractors and have a whole staff of people to perform various functions. We're talking about small businesses that are operating as farmers who are relying on boilerplate contracts from the pipeline company. I believe that as responsible legislators we should have some language in this bill that brings some closure to this agreement so that we're not putting farmers out of business.

Senators Shugars, Steil, North, McManus and Schuette moved that they be named co-sponsors of the following bill:
Senate Bill No. 480
 The motion prevailed.

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

The motion prevailed.

Senator Hart's statement is as follows:

This morning I am here before you—it's sort of a sad departure, but I'm also glad for my very worthy constituent relations director, Jennifer Joseph, who is moving on to bigger and better things. She's moving on to United Technology in Connecticut. She begins tomorrow morning. She's got to leave tonight to get there to her job tomorrow morning. We certainly wish her the best.

The following bill was read a third time:

Senate Bill No. 437, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 796a (MCL 168.796a), as amended by 1996 PA 583.

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. 231

Yeas—35

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

Nays—0

Excused—3

Bouchard	Dingell	O'Brien
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senators Shugars, Bennett, Dunaskiss, Steil and Gougeon moved that they be named co-sponsors of the following bill:

Senate Bill No. 437

The motion prevailed.

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 Berryman 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 bills:

House Bill No. 4436, entitled

A bill to co-designate a part of Michigan state highway M-85 as Matt McNeely boulevard; and to prescribe the duties of the state transportation department.

House Bill No. 4093, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 65a (MCL 791.265a), as amended by 1994 PA 217.

The bills were placed on the order of Third Reading of Bills.

Introduction and Referral of Bills

Senator Dingell introduced

Senate Bill No. 505, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 4 (MCL 436.4).

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 McManus, Emmons, Koivisto and Vaughn introduced

Senate Bill No. 506, entitled

A bill to designate an official waltz of this state.

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

House Bill No. 4295, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3113 (MCL 324.3113).

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. 4305, entitled

A bill to make appropriations for community colleges for the fiscal year ending September 30, 1998; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, officers, and employees.

The House of Representatives has passed the bill.

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

House Bill No. 4444, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 356, 356a, 356c, 356d, 362a, 377a, 380, 387, and 535 (MCL 750.356, 750.356a, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.387, and 750.535), sections 356c and 356d as added by 1988 PA 20.

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. 4445, entitled

A bill to amend 1931 PA 328, entitled "Michigan penal code," by amending sections 131, 157s, 157w, 174, 177, 178, 181, and 218 (MCL 750.131, 750.157s, 750.157w, 750.174, 750.177, 750.178, 750.181, and 750.218), section 131 as amended by 1984 PA 277 and section 157s as amended and section 157w as added by 1987 PA 276.

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. 4446, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2952 and 2953 (MCL 600.2952 and 600.2953), section 2952 as added by 1984 PA 276 and section 2953 as added by 1988 PA 50.

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. 4454, entitled

A bill to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and 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 Economic Development, International Trade and Regulatory Affairs.

House Bill No. 4509, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 8.

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 Finance.

House Bill No. 4646, entitled

A bill to amend 1965 PA 190, entitled "An act to provide for a system of uniformity of service for veterans," by amending section 1 (MCL 35.61).

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 and Veterans Affairs.

Committee Reports

The Committee on Health Policy and Senior Citizens reported

Senate Bill No. 297, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20919, 20920, and 20921 (MCL 333.20919, 333.20920, and 333.20921), section 20919 as amended by 1996 PA 192 and sections 20920 and 20921 as added by 1990 PA 179.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Bullard and Byrum

Nays: None

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

The Committee on Health Policy and Senior Citizens reported

Senate Bill No. 501, entitled

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

With the recommendation that the bill pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Bullard and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Senior Citizens reported

House Bill No. 4392, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21052a.

With the recommendation that the bill pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Bullard and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy and Senior Citizens reported

House Bill No. 4394, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407a.

With the recommendation that the bill pass.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Schwarz, Bullard and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy and Senior Citizens submits the following:
Meeting held on Tuesday, May 13, 1997, at 3:00 pm, Room 100, Farnum Building
Present: Senators Shugars (C), Schwarz, Bullard and Byrum
Excused: Senator O'Brien

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:
Meeting held on Tuesday, May 13, 1997, at 3:30 p.m., Rooms 425 and 427, Capitol Building
Present: Senators Dunaskiss (C) and Berryman
Excused: Senators Schuette, Rogers and Byrum

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submits the following:

Hearing held on Wednesday, May 14, 1997, at 9:30 a.m., Senate Appropriations Room, Capitol Building

Present: Senators Hoffman (C), DeGrow and O'Brien

Scheduled Meetings

Gaming and Casino Oversight Committee - Wednesday, May 21, at 2:00 p.m., 8th Floor Conference Room, Farnum Building (3-2523).

Natural Resources and Environmental Affairs Committee - Wednesday, May 21, at 8:45 a.m., 8th Floor Conference Room, Farnum Building (3-7350).

Technology and Energy and House Public Utilities Committees - Tuesday, May 20, at 3:30 p.m., Rooms 425 and 427, Capitol Building (3-2417).

Trial Court Assessment Commission - Fridays, June 6 and 13, 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 11:21 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

