

No. 49
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, May 28, 1998.

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

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

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

Senator Christopher D. Dingell of the 7th District offered the following invocation:

Our Father, Who art in Heaven, hallowed be Thy name. Thy kingdom come; Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and we forgive those who trespass against us as they forgive us. Amen.

Motions and Communications

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

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

Senators A. Smith and Koivisto entered the Senate Chamber.

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

The following communication was received and read:

Office of the Senate Majority Leader

May 27, 1998

Pursuant to Senate Rule 1.105, I hereby appoint the members below to the following Conference Committee:

HB 5857 Senator Glenn Steil
 Senator William Van Regenmorter
 Senator Joe Conroy

Please make this communication part of the official Senate record.

Sincerely,
 Dick Posthumus
 Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 27:
House Bill Nos. 4176 4495 4524 4940 5382 5417 5739

The Secretary announced the printing and placement in the members' files on Wednesday, May 27 of:
Senate Bill No. 1143

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
Senate Bill No. 386
Senate Bill No. 313
Senate Bill No. 866
Senate Bill No. 874
House Bill No. 4259
House Bill No. 5261
House Bill No. 5317
Senate Bill No. 553
Senate Bill No. 434
Senate Bill No. 484
 The motion prevailed.

House Bill No. 5857, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 110a, 401a, 504, 508, 701, 702, 705, 706, and 711 (MCL 38.2104, 38.2110a, 38.2401a, 38.2504, 38.2508, 38.2651, 38.2652, 38.2655, 38.2656, and 38.2661), section 104 as amended by 1995 PA 193, sections 110a, 401a, 705, 706, and 711 as added by 1996 PA 523, and sections 701 and 702 as amended by 1998 PA 66, and by adding sections 512, 701a, 707a, and 718a.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Ciaramitaro, DeHart and Rhead as conferees.

The message was referred to the Secretary for record.

Senate Bill No. 895, entitled

A bill to amend 1988 PA 440, entitled "Asbestos workers accreditation act," by amending sections 2, 11, 13, and 14 (MCL 338.3402, 338.3411, 338.3413, and 338.3414), as amended by 1995 PA 127.

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

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

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

The Senate agreed to the full title.

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

Senator Jaye entered the Senate Chamber.

Senate Bill No. 896, entitled

A bill to amend 1995 PA 127, entitled "An act to amend the title and sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, and 15 of Act No. 440 of the Public Acts of 1988, entitled "An act to provide for the accreditation of persons who perform asbestos-related work in schools and school buildings; to prescribe the powers and duties of certain state agencies and officers; to prescribe remedies and penalties; and to assess certain fees," being sections 338.3402, 338.3403, 338.3404, 338.3405, 338.3406, 338.3407, 338.3409, 338.3410, 338.3411, 338.3412, 338.3413, 338.3414, and 338.3415 of the Michigan Compiled Laws; to add section 15a; and to repeal acts and parts of acts," by amending enacting section 2.

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

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

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

The Senate agreed to the title as amended.

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

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:

Today is a special day for all of us who have known a very good Page, who has worked here for some time. Today is his last day; Ruben Ramon, and we thank you.

Senate Bill No. 21, entitled

A bill to define certain crimes against pregnant women; to define and allow certain practices; and to prescribe certain penalties.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding sections 90a, 90b, 90c, 90d, 90e, and 90f.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 554, entitled

A bill to regulate the transportation of certain hazardous materials; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The House of Representatives has amended the bill as follows:

1. Amend page 13, line 19, after "effect" by striking out "July" and inserting "September".

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 729, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11104, 11126, 11130, 11133, 11138, 11144, 11146, 11147, and 11148 (MCL 324.11104, 324.11126, 324.11130, 324.11133, 324.11138, 324.11144, 324.11146, 324.11147, and 324.11148) and by adding section 11132a; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 4, following line 24, by inserting:

"SEC. 11126A. BY SEPTEMBER 1, 1998, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE THAT RECOMMENDS A FEE SCHEDULE TO IMPLEMENT THIS PART."

2. Amend page 6, line 13, after "DO" by inserting "ALL OF".

3. Amend page 6, line 20, after "POLICE," by striking out the balance of the line through "HEALTH," on line 22.

4. Amend page 7, line 10, after "POLICE," by striking out the balance of the line through "HEALTH," on line 12.

5. Amend page 8, line 21, after "do" by inserting "ALL OF".

6. Amend page 9, line 15, after "POLICE," by striking out the balance of the line through "health," on line 17.

7. Amend page 14, following line 23, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act takes effect September 1, 1998."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 11104, 11126, 11130, 11133, 11138, 11144, 11146, 11147, and 11148 (MCL 324.11104, 324.11126, 324.11130, 324.11133, 324.11138, 324.11144, 324.11146, 324.11147, and 324.11148) and by adding sections 11126a and 11132a; and to repeal acts and parts of acts.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 730, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 12101, 12102, 12103, 12105, 12106, 12107, 12109, 12114, and 12116 (MCL 324.12101, 324.12102, 324.12103, 324.12105, 324.12106, 324.12107, 324.12109, 324.12114, and 324.12116), sections 12101 and 12102 as amended by 1995 PA 61; and to repeal acts and parts of acts.

The House of Representatives has amended the bill as follows:

1. Amend page 16, line 26, after "TO" by striking out the balance of the subsection and inserting "SEIZURE AND FORFEITURE AS PROVIDED IN CHAPTER 47 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO 600.4709."

2. Amend page 18, following line 16, by striking out all of enacting section 2 and inserting:

"Enacting section 2. This amendatory act takes effect September 1, 1998."

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 731, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 4701 (MCL 600.4701), as amended by 1997 PA 156.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 789, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 7, after "EMPLOYED" by striking out "12" and inserting "24".

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 894, entitled

A bill to amend 1986 PA 135, entitled "Asbestos abatement contractors licensing act," by amending the title and sections 103, 207, 211, 217, 220, and 221 (MCL 338.3103, 338.3207, 338.3211, 338.3217, 338.3220, and 338.3221), the title as amended by 1990 PA 2 and sections 103, 207, and 220 as amended and section 221 as added by 1993 PA 55.

The House of Representatives has amended the bill as follows:

1. Amend page 10, line 4, after "C.F.R." by striking out "1926.58(e)(6)" and inserting "1926.1101(g)(5)(i)".

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

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

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

Senate Bill No. 256

Senate Joint Resolution A

Senate Bill No. 479

House Bill No. 4875

House Bill No. 4884

House Bill No. 4886

House Bill No. 5006

The motion prevailed.

The following bill was read a third time:

House Bill No. 5304, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending section 4 (MCL 408.684).

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. 371

Yeas—31

Bennett
Bouchard

Dunaskiss
Emmons

Koivisto
McManus

Shugars
Smith, A.

Byrum
Cisky
Conroy
DeBeaussaert
DeGrow
Dingell

Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Miller
North
O'Brien
Peters
Posthumus
Rogers

Smith, V.
Steil
Van Regenmorter
Vaughn
Young

Nays—0

Excused—6

Berryman
Bullard

Cherry
Schuette

Schwarz

Stille

Not Voting—0

In The Chair: Hoffman

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 regulate the manufacturing and assembling of public playground equipment; and to provide penalties.”
The Senate agreed to the full title.

Senator Bullard entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 809, entitled

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending section 16b (MCL 46.16b), as added by 1988 PA 37.

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. 372

Yeas—29

Bennett
Bouchard
Bullard
Byrum
Cisky
Conroy
DeGrow
Dingell

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus

Rogers
Shugars
Smith, V.
Steil
Van Regenmorter
Vaughn
Young

Nays—3

DeBeaussaert

Jaye

Smith, A.

Excused—5Berryman
Cherry

Schuette

Schwarz

Stille

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Messages from the House

Senator Shugars moved that consideration of the following bill be postponed temporarily.

Senate Bill No. 74

The motion prevailed.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 603, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2 and 8 (MCL 722.622 and 722.628), section 2 as amended by 1996 PA 581 and section 8 as amended by 1997 PA 166, and 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. 373**Yeas—32**Bennett
Bouchard
Bullard
Byrum
Cisky
Conroy
DeBeaussaert
DeGrowDingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
HoffmanJaye
Koivisto
McManus
Miller
North
O'Brien
Peters
PosthumusRogers
Shugars
Smith, A.
Smith, V.
Steil
Van Regenmorter
Vaughn
Young**Nays—0****Excused—5**Berryman
Cherry

Schuette

Schwarz

Stille

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 236, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 1996 PA 476.

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. 374**Yeas—32**

| | | | |
|--------------|-----------|-----------|-----------------|
| Bennett | Dingell | Jaye | Rogers |
| Bouchar | Dunaskiss | Koivisto | Shugars |
| Bullard | Emmons | McManus | Smith, A. |
| Byrum | Gast | Miller | Smith, V. |
| Cisky | Geake | North | Steil |
| Conroy | Gougeon | O'Brien | Van Regenmorter |
| DeBeaussaert | Hart | Peters | Vaughn |
| DeGrow | Hoffman | Posthumus | Young |

Nays—0**Excused—5**

| | | | |
|----------|----------|---------|--------|
| Berryman | Schuette | Schwarz | Stille |
| Cherry | | | |

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1093, entitled

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry composting; to prescribe the powers and duties of certain state departments; to impose fees; to prescribe penalties; and to repeal certain acts and parts of acts," by amending the title and sections 3, 15, 19, 21, 23, and 29 (MCL 287.653, 287.665, 287.669, 287.671, 287.673, and 287.679), the title and sections 3, 15, 19, 23, and 29 as amended by 1993 PA 228 and section 21 as amended by 1996 PA 65, and by adding section 28.

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. 375**Yeas—32**

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

Nays—0**Excused—5**

| | | | |
|----------|----------|---------|--------|
| Berryman | Schuette | Schwarz | Stille |
| Cherry | | | |

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Senator Stille entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5071, entitled

A bill to amend 1968 PA 39, entitled "Michigan food law of 1968," by amending sections 7 and 10 (MCL 289.707 and 289.710), as amended by 1982 PA 43.

The question being on the passage of the bill,

Senator McManus offered the following amendments:

1. Amend page 2, line 10, after "(g)" by striking out "The giving of a" and inserting "GIVE A FALSE".
2. Amend page 2, line 10, after "undertaking," by striking out the balance of the line through "false," on line 11.

The amendments were 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. 376**Yeas—33**

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

Nays—0

Excused—4

Berryman

Cherry

Schuette

Schwarz

Not Voting—0

In The Chair: Hoffman

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 regulate the manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to prescribe the powers and duties of certain state departments and persons; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1025, entitled

A bill to define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

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. 377

Yeas—33

Bennett
Bouchar
Bullard
Byrum
Cisky
Conroy
DeBeaussaert
DeGrow
Dingell

Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Rogers

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

Nays—0

Excused—4

Berryman

Cherry

Schuette

Schwarz

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 988, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; to provide for the legal defense of public officers and employees; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal certain acts and parts of acts,” (MCL 691.1401 to 691.1415) by adding section 7a.

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. 378

Yeas—33

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

Nays—0

Excused—4

| | | | |
|----------|--------|----------|---------|
| Berryman | Cherry | Schuette | Schwarz |
|----------|--------|----------|---------|

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5343, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43513 (MCL 324.43513), as amended by 1996 PA 585.

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. 379

Yeas—33

| | | | |
|----------|-----------|----------|-----------|
| Bennett | Dunaskiss | Koivisto | Shugars |
| Bouchard | Emmons | McManus | Smith, A. |

Bullard
Byrum
Cisky
Conroy
DeBeaussaert
DeGrow
Dingell

Gast
Geake
Gougeon
Hart
Hoffman
Jaye

Miller
North
O'Brien
Peters
Posthumus
Rogers

Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—4

Berryman

Cherry

Schuette

Schwarz

Not Voting—0

In The Chair: Hoffman

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 877, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1237.

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. 380

Yeas—20

Bennett
Bouchard
Bullard
Cisky
DeGrow

Dunaskiss
Emmons
Gast
Geake
Gougeon

Hoffman
Jaye
McManus
North
Posthumus

Rogers
Shugars
Steil
Stille
Van Regenmorter

Nays—13

Byrum
Conroy
DeBeaussaert
Dingell

Hart
Koivisto
Miller

O'Brien
Peters
Smith, A.

Smith, V.
Vaughn
Young

Excused—4

Berryman

Cherry

Schuette

Schwarz

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protests

Senators DeBeaussaert and A. Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 877.

Senator DeBeaussaert's statement, in which Senator A. Smith concurred, is as follows:

I voted "no" on Senate Bill No. 877 because I think it lowers standards for speech pathologists and audiologists well below what is recommended by the American Speech Language Hearing Association. While I recognize and share the sponsor's concern about the lack of qualified personnel today who service our schools under the current system, Michigan school children need individuals providing that service to have adequate standards. Michigan is one of only three states that does not currently license speech pathologists. The bill before us would require only that a person have a masters degree in speech and language pathology to provide the speech and language services to Michigan school children.

In addition, it should be pointed out that the bill before us did not require that a person even have a certificate of clinical competence, even though the individuals who testified in support of changes in the system talked about the importance of that CCC process because it didn't provide the basics recommended by the national organization responsible for certification. I hope the House will be able to work with the sponsor to provide sufficient safeguards and adequate standards to provide services to the young people of this state. But I don't think that the bill before us goes far enough in protecting the standards. It goes too far in lowering those standards, and that is why I voted "no."

Senator Stille stated that had he been present when the votes were taken on the passage of the following bills, he would have voted "yea":

House Bill No. 5304

Senate Bill No. 809

Senate Bill No. 603

Senate Bill No. 236

Senate Bill No. 1093

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 71

Senate Resolution No. 178

The motion prevailed.

Senator Schwarz entered the Senate Chamber.

Senate Concurrent Resolution No. 59.

A concurrent resolution to call for increased support for training county veterans counselors.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senate Resolution No. 184.

A resolution to urge all public schools to encourage full participation in parent-teacher conferences by holding evening conferences and by providing for alternate arrangements.

(For text of substitute, see Senate Journal No. 47, p. 988.)

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The resolution, as substituted, was adopted.

By unanimous consent the Senate returned to the order of
Messages from the House

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

Senate Bill No. 74, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2246.

(For text of amendments, see Senate Journal No. 48, p. 998.)

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. 381

Yeas—34

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

Nays—0

Excused—3

| | | |
|----------|--------|----------|
| Berryman | Cherry | Schuette |
|----------|--------|----------|

Not Voting—0

In The Chair: Hoffman

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.

Senators Koivisto, Emmons, Hoffman, Dunaskiss, Jaye, Van Regenmorter and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 74

The motion prevailed.

Senate Bill No. 75, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21072.

(For text of amendments, see Senate Journal No. 48, p. 998.)

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. 382**Yeas—34**

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

Nays—0**Excused—3**

| | | |
|----------|--------|----------|
| Berryman | Cherry | Schuette |
|----------|--------|----------|

Not Voting—0

In The Chair: Hoffman

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.

Senators North, McManus, Koivisto, Emmons, Hoffman, Steil, Jaye, Van Regenmorter and Schwarz, moved that they be named co-sponsors of the following bill:

Senate Bill No. 75

The motion prevailed.

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

Senate Bill No. 76, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 401 (MCL 550.1401), as amended by 1984 PA 66.

(For text of amendments, see Senate Journal No. 48, p. 999.)

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. 383**Yeas—32**

| | | | |
|----------|-----------|----------|-----------|
| Bennett | Dingell | Koivisto | Schwarz |
| Bouchard | Dunaskiss | McManus | Shugars |
| Bullard | Emmons | Miller | Smith, A. |

Byrum
Cisky
Conroy
DeBeaussaert
DeGrow

Gast
Gougeon
Hart
Hoffman
Jaye

North
O'Brien
Peters
Posthumus
Rogers

Smith, V.
Steil
Stille
Van Regenmorter
Vaughn

Nays—0

Excused—4

Berryman

Cherry

Geake

Schuette

Not Voting—1

Young

In The Chair: Hoffman

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.

Senators North, Koivisto, Emmons, Hoffman, Steil, Jaye, Van Regenmorter and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 76

The motion prevailed.

Senator DeGrow moved to reconsider the vote by which consideration of the following bill was postponed for today:

Senate Bill No. 434

The motion prevailed.

The question being on the motion that further consideration of the bill be postponed for today,
Senator DeGrow withdrew the motion.

Senate Bill No. 434, entitled

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

(For text of amendments, see Senate Journal No. 48, p. 999.)

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. 384

Yeas—33

Bennett
Bouchard
Bullard
Byrum

Dunaskiss
Emmons
Gast
Gougeon

McManus
Miller
North
O'Brien

Shugars
Smith, A.
Smith, V.
Steil

Cisky
Conroy
DeBeausaert
DeGrow
Dingell

Hart
Hoffman
Jaye
Koivisto

Peters
Posthumus
Rogers
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—0

Excused—4

Berryman

Cherry

Geake

Schuette

Not Voting—0

In The Chair: Hoffman

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.

Senators Gougeon, Koivisto, Emmons, Hoffman, Jaye, Van Regenmorter and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 434

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Bennett introduced

Senate Bill No. 1171, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 301 (MCL 324.301).

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. 4524, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2922a.

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

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

Statements

Senators Young and Bouchard asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

It should not be of any surprise that veterans looking for jobs will have a more difficult time because of the Engler Administration. The Michigan Jobs Commission and the new unemployment agency have eliminated effective employment services for veterans. The Governor has returned to the federal government hundreds of thousands of dollars because of his refusal to hire employees to staff the Disabled Veterans' Outreach Program and Local Veterans' Employment Representatives. That's \$883,000 that the federal government pays for those employees.

It is time for the Engler Administration to stop ignoring veterans. It is time for this administration to make veterans a priority in this state. I am calling on this administration to improve its services to veterans. It is outrageous to think that money that was available to Michigan was lost. Yesterday, we tried to amend the Jobs Commission budget to fill all veterans' assistance positions. The amendment was rejected by the majority party.

Last week, we heard about the administration's battle with the federal government concerning the Michigan Employment Security Agency. This administration's reorganization of the Michigan Employment Security Agency has hurt veterans. The loss of money also hurts veterans. If this administration is going to focus on the worker and what they need, as they have stated, then it makes sense to use the funds that are offered to this state to help veterans.

Senator Bouchard's statement is as follows:

I rise to also join the good Senator from the 12th District on his comments in recognition of Ruben and his activities in the Senate. I have also had the good fortune to have had Ruben as an intern in our office. His work has been exemplary. His work ethic is great, and he is as dedicated and hardworking as anyone would wish. I am sure he will succeed in whatever lies ahead in his future, and I wish him all the best; and I wanted to express my appreciation for his work not only as a Page, but in a variety of other roles around the Senate.

Committee Reports

The Committee on Finance reported

Senate Bill No. 1163, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 84.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: Senators Peters and V. Smith

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1164, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 3b.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: Senators Peters and V. Smith

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1165, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 403.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: Senators Peters and V. Smith

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1166, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 2b.

With the recommendation that the bill pass.

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

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard and Shugars

Nays: Senators Peters and V. Smith

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1054, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 13 (MCL 211.13), and by adding section 8c.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1158, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4 and 6 (MCL 205.54 and 205.56), as amended by 1993 PA 325.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

The Committee on Finance reported

House Bill No. 4910, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 52 (MCL 208.52).

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Joanne G. Emmons

Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars and Peters

Nays: Senator V. Smith

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

The Committee on Finance reported

House Bill No. 4942, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6, (MCL 205.56), as amended by 1993 PA 325.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

The Committee on Finance reported

House Bill No. 5313, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4f and 6 (MCL 205.94f and 205.96), as amended by 1993 PA 326.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

The Committee on Finance reported

House Bill No. 5315, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; and to declare the effect of this act," by amending section 18 (MCL 205.18), as added by 1980 PA 162.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars, Peters and V. Smith

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held, Tuesday, May 26, 1998, 5:20 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard, Shugars, Peters and V. Smith

The Committee on Financial Services reported

House Bill No. 5642, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2210 (MCL 500.2210), as amended by 1994 PA 227.

With the recommendation that the bill pass.

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5344, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2227.

With the recommendation that the bill pass.

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5224, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2845 (MCL 500.2845), as amended by 1990 PA 305.

With the recommendation that the bill pass.

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

Michael J. Bouchard
Chairperson

To Report Out:

Yeas: Senators Bouchard, Bennett, Bullard and Miller

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submits the following:

Meeting held on Wednesday, May 27, 1998, at 1:00 p.m., 8th Floor Conference Room, Farnum Building

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

Excused: Senator Berryman

The Committee on Finance reported

House Bill No. 5212, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 4a, and 9 (MCL 205.51, 205.54a, and 205.59), section 1 as amended by 1997 PA 193, section 4a as amended by 1996 PA 435, and section 9 as amended by 1991 PA 87.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars and V. Smith

Nays: None

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

The Committee on Finance reported

House Bill No. 5213, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 4, and 10 (MCL 205.92, 205.94, and 205.100), section 2 as amended by 1995 PA 208, section 4 as amended by 1997 PA 194, and section 10 as amended by 1993 PA 263.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Shugars and V. Smith

Nays: None

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

Scheduled Meeting

Capital Outlay Joint Subcommittee - Thursday, June 4, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:07 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, June 2, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.