

No. 6
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, February 5, 1997.

10:00 a.m.

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

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

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

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

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

Pastor Charles Bicy of the New Jerusalem Church of Christ Church in Lansing offered the following invocation:

"I exhort therefore, that supplications, prayers, intercessions, and giving of thanks, be made for all men, for kings, and for all that are in authority that we may lead a quiet and peaceable life in all godliness and honesty." (1 Timothy 2: 1, 2)

Father, we thank You for our Governor and our leaders of this nation and state. I pray for all those in authority: those legislatures, in the school system, in the legal system, in church, in the media, and all other positions of influence that Your people may live quiet and peaceable lives in all godliness and honesty. For this is good and acceptable in Your sight.

You have said that when the righteous are in authority, the people rejoice: but when the wicked rule, people mourn. Establish Your justice and make the wrong things right in our nation and state among our leadership.

Lord, give the righteous leadership. Open a door of the gospel to all leaders who are not saved and born again. Let Your Word come to them and pierce their hearts. Let it be like fire and like a hammer that breaks the rock into pieces. Let them joyfully receive Jesus as Lord and become children of God.

Father, the king's heart and the heart of every leader is in Your hand. You turn them wherever You will. Turn all of our leaders' hearts in the way of wisdom. Let their actions and words be in agreement with Your plans and purposes.

Lord, I pray that Your people, throughout this whole nation and state, who are called by Your name, will humble themselves and pray, and seek Your face, and turn from their wicked ways. Then You will hear from heaven and will forgive their sin, and heal their land. Do it, Lord. Heal our land. Pour Your mercy and grace upon us. Let Your kingdom come and Your will be done in this nation, and in all the earth, as it is in heaven. Amen.

Motions and Communications

Senator Stallings entered the Senate Chamber.

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

The Secretary announced the printing and placement in the members' files on Tuesday, February 4 of:

Senate Bill Nos.	34	38	52	53	54	55	56	57	58	59	60	61	62	63
	64	65	66	67	68	69	70	71	72	73	74	75	76	77
	78	79	80	81	82	83	84	85	86	87	88	89	90	91
	92	94	95	96	97	98								
House Bill Nos.	4101	4142	4143	4144	4145	4146	4147	4148						

Messages from the Governor

The following messages from the Governor were received and read:

February 4, 1997

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

Central Michigan University Board of Trustees

Mr. David A. Brandon, 12028 Hunters Creek Drive, Plymouth, Michigan 48170, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on December 31, 2004.

February 4, 1997

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

Eastern Michigan University Board of Regents

Mr. Michael G. Morris, 996 Elmsmere, Northville, Michigan 48167, county of Wayne, as a member representing the general public, succeeding Mr. James Clifton of Ypsilanti, whose term has expired, for a term expiring on December 31, 2004.

February 4, 1997

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

Michigan Technological University Board of Control

Mr. Robert M. Thompson, 1325 Elm Street, Plymouth, Michigan 48170, county of Wayne, as a member representing the general public, succeeding Dr. Denice M. Logan of Grand Rapids, whose term has expired, for a term expiring on December 31, 2004.

February 4, 1997

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

Western Michigan University Board of Trustees

Ms. Birgit Klohs, 6400 Woodbrook Drive, SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing the general public, succeeding Dr. Alfred L. Edwards of Ann Arbor, whose term has expired, for a term expiring on December 31, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 93, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 102 (MCL 560.102), as amended by 1996 PA 591.

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. 2**Yeas—35**

Bennett
Berryman
Bouchard
Byrum
Carl
Cherry
Cisky
Conroy
DeBeaussaert

DeGrow
Dingell
Dunaskiss
Emmons
Gast
Geake
Gougeon
Hart
Hoffman

Koivisto
McManus
Miller
North
O'Brien
Peters
Posthumus
Schwarz
Shugars

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

Nays—0**Excused—3**

Bullard

Rogers

Schuetten

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 6.

A concurrent resolution prescribing the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That the following be and are hereby adopted as the Joint Rules of the Senate and House of Representatives:

**JOINT RULES OF THE
SENATE AND HOUSE OF REPRESENTATIVES**

Transmission of Papers.

Rule 1. All messages necessary for conducting legislative business between the two Houses shall be communicated by the Secretary of the Senate and the Clerk of the House of Representatives.

Amendments.

Rule 2. It shall be in the power of either House to amend an amendment made by the other to any bill or resolution.

Conferences.

Rule 3. (a) The House not concurring in the amendments of the other House shall appoint conferees and notify the amending House of its action. The amending House shall request return of the bill or appoint conferees. Upon appointment of conferees by both Houses, the bill shall be referred to the conference committee. The conference committee shall consist of three members from each House, to be appointed as each House may determine. The first named member of the House in which the bill originated shall be chairperson of the conference committee.

(b) The conference committees of the two Houses shall vote separately while in conference, the majority of each committee to determine the attitude to be taken toward the propositions of the conference committee. If the conferees agree, they shall make a report which shall be signed by at least a majority of the conferees of each House. The official bill, including the original signed conference report, and three copies of the report shall be filed in the House of origin where the question shall be on the adoption of the conference report. If the conference report is adopted, the official bill, including the original signed conference report, and two copies of the conference report shall be transmitted to the other House where the question shall be on the adoption of the conference report. If the conference report is adopted in the other House, the bill and the original signed copy of the conference report shall be returned to the House of origin and referred for enrollment printing and presentation to the Governor.

Clerk of Conference.

Rule 4. The conference clerk shall be the committee clerk from the House of origin, who shall immediately inform the Secretary of the Senate and the Clerk of the House of all scheduled meetings for public posting. Conference committees on appropriation bills may use fiscal agency personnel for clerks.

Conference Report: Rejection.

Rule 5. If the conference report is rejected by the House of origin, it shall appoint conferees and notify the other House of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other House, it shall appoint conferees, notify the House of origin of its action and transmit the official bill to the House of origin. Upon receipt of the bill, the House of origin shall appoint conferees and refer the bill to the second conference committee. The procedure shall then be the same as for an original conference.

Disagreement of Conferees.

Rule 6. If the conferees are unable to agree, they shall report that fact to both Houses and the bill shall accompany the report to the House of origin. Both Houses shall appoint conferees and the House of origin shall refer the bill to the second conference committee. The procedure shall then be the same as for an original conference.

Second Conference: Failure.

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either House, no further conference is in order.

Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two Houses. FOR ALL BILLS MAKING APPROPRIATIONS, ~~Adoption~~ ADOPTION of a substitute by either House shall not open identical provisions contained in the other House passed version of the bill as a matter of difference - ~~Nor~~ ; NOR shall the adoption of a substitute by either House open provisions not contained in either House version of the bill as a matter of difference. When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill, the conferees may recommend amendments to conform with the agreement. The conferees may also recommend amendments to the other parts of the bill which will be limited to necessary date revisions, adjusting totals, cross references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or the title.

Adoption of Conference Report.

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by "yeas" and "nays" and shall require the same number of votes constitutionally required for passage of the bill. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a majority vote in either House, provided that a printed copy of the conference report has been placed on each member's desk.

Points of Order.

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. The ruling out of a conference report is a rejection of the report. Either House may refer the conference report back to the conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

Either House May Recede.

Rule 11. At any time while in possession of the bill, either House may recede from its position in whole or in part and the bill may be returned to the other House for that purpose; and if this further action is agreed to by both Houses, the bill shall be referred for enrollment printing and presentation to the Governor.

Correction of Errors.

Rule 12. If errors are found in a bill which has been passed by both Houses, the House in which the bill originated may make amendments to correct the errors and shall notify the other House of its action. If the corrective amendments are agreed to by the other House, the corrected bill shall be referred for enrollment printing and presentation to the Governor.

Bills and Joint Resolutions.

Rule 13. The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter, but more than one section of the Constitution may be included in the same joint resolution, if the subject matter of each section is germane to the proposed amendment. No bill shall include upon introduction, catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause, and the Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

Yeas and Nays.

Rule 14. The yeas and nays shall be taken and entered upon the Journal of the House taking action upon the passage of any bill, joint resolution, conference report and amendments made by the other House to a bill or joint resolution.

No Members Present.

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, then the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that House to order at the designated time, announce the absence of a quorum and declare that House adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both Houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may by a unanimous vote of that committee convene either or both Houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. No other action shall be taken by the Senate during session convened under this provision. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

Passage and Enrollment Printing of Bills.

Rule 16. Every bill which has passed both Houses and returned to the House of origin shall forthwith be enrolled and presented to the Governor unless the House having last passed the bill requests its return and such request be granted, or unless a motion is made in the House of origin to amend errors in the bill or to give the bill immediate effect.

Every bill, joint resolution and concurrent resolution which is passed by either House shall forthwith be transmitted to the other House unless notice is given from the floor or written notice is filed with the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, that a motion to reconsider will be made on the next succeeding legislative day, in which case the bill, joint resolution and concurrent resolution shall remain in that House until after adjournment the next succeeding legislative day, when, if no motion is made in accordance with such notice, the bill, joint resolution and concurrent resolution shall immediately be transmitted. The notice of intention to move a reconsideration shall be printed on the daily calendar.

Immediate Effect.

Rule 17. Whenever both Houses, by the constitutional vote, direct that any bill shall take effect immediately, a statement shall be added thereto at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

Joint Resolutions.

Rule 18. Joint resolutions shall be used for the following purposes:

1. Amendments to the Constitution of Michigan.
2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members serving in each House for adoption; other joint resolutions may be adopted by a majority of the members serving in each House. All joint resolutions shall require a record roll call vote.

Enrollment of Bill Passed Over Veto.

Rule 19. Whenever a bill has passed both Houses of the Legislature, notwithstanding the objections of the Governor, or not filed by the Governor within the constitutional time limit, or whenever a joint resolution proposing an amendment to the Constitution shall have been passed by both Houses in the manner prescribed by the Constitution, such bill or joint resolution shall be signed by the Secretary of the Senate and the Clerk of the House of Representatives who shall each attach a certificate to such enrolled copy, to the effect that the bill or joint resolution has been passed by the Senate and House, respectively, in accordance with the provisions of the Constitution, and shall forthwith file the bill or joint resolution in the office of the Secretary of State.

Section Numbers of Compiled Laws - Amendments.

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed, and if passed at an extra session of the Legislature, shall designate what extra session.

Such title shall contain the last title of the act it is proposed to amend, except in all cases where by legislative enactment an act has been given a short title (e.g., This act shall be known and may be cited as "The judicature act of 1915,") the short title shall be used. It shall also contain the chapter and part numbers and the compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title in the House other than the House of origin, the title shall there be amended by striking out the short title and inserting in lieu thereof the last full title of the act it is proposed to amend or repeal, together with such other corrective amendments to the title as may be necessary, which amended title shall thereafter be agreed to by the House in which the bill originated.

When a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in upper case (capital) type; the words to be omitted shall be printed in stricken-through type.

All bills introduced, substitute bills and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

Tie-bars AND BLANK SPACES.

Rule 21. A bill that is tie-barred to a request number will not be considered for passage unless that tie-barred request item has been introduced. NO BILL SHALL BE PASSED BY EITHER HOUSE WHICH HAS A BLANK SPACE WHICH HAS NOT BEEN FILLED IN.

Elections in Joint Convention.

Rule 22. Whenever there shall be an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives; shall be announced by the presiding officers to their respective Houses; shall be entered on the Journal of each; and shall be communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

Legislative Handbook.

Rule 23. As soon as possible after the announcement of initial appointment of the standing committee members of the two Houses is printed in their respective Journals, the Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing such information as the Secretary of the Senate and Clerk of the House of Representatives deem advisable.

Mileage and Compensation.

Rule 24. Warrants for members, officers and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives who shall transmit same to the payees named therein.

If for any reason the office of a member of the Legislature becomes vacant, and a successor to such member shall be elected and shall qualify for the office, the compensation of such successor in office shall be paid to him or her from the date of his or her qualification.

Committee Expenses.

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$1,000.00 unless authorized in the resolution creating such committee.

Final Adjournment of Regular Sessions.

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

~~By January 31 of each year, the Majority Floor Leader of the Senate and the Majority Floor Leader of the House shall distribute to the members of their respective bodies a tentative session schedule for the entire calendar year.~~

Daily Adjournment.

Rule 27. Neither House shall remain in session on any legislative day beyond the hour of 12:00 midnight. It shall be the duty of the presiding officer of either body, if either House be in session at the hour of 12:00 midnight, to declare that House adjourned until the fixed hour for meeting on the next legislative day, whereupon said House shall stand adjourned.

Pending Business.

Rule 28. Any business, bill or joint resolution which has not been defeated by either the Senate or House of Representatives shall be deemed pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either House, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution or veto override was defeated in a previous year.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Steil, Rogers, Geake, Shugars and Bullard introduced

Senate Bill No. 131, entitled

A bill to repeal 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," (MCL 408.551 to 408.558).

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senators North, Koivisto, Carl and Bennett introduced

Senate Bill No. 132, entitled

A bill to designate the use of certain gaming revenues.

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

Senator Cisky introduced

Senate Bill No. 133, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 40 (MCL 436.40), as amended by 1994 PA 421.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Pursuant to rule 3.203, the Majority Leader made the following committee reassignments:

Senate Bill No. 118**Senate Bill No. 119****Senate Bill No. 120**

The bills were referred to the Committee on Human Resources, Labor and Veterans Affairs.

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 10:13 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, February 6, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

