

No. 78
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, October 22, 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—excused
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
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 George Z. Hart of the 6th District offered the following invocation:
 “Amazing Grace, how sweet the sound that saved a wretch like me.
 I once was lost but now am found; was blind but now I see.
 Twas grace that taught my heart to fear and grace my fears relieved.
 How precious did that grace appear, the hour I first believed.”

Motions and Communications

Senator V. Smith moved that Senators Cherry and O’Brien be excused from today’s session.
 The motion prevailed.

Senator Van Regenmorter moved that Senators DeGrow and Posthumus be temporarily excused from today’s session.
 The motion prevailed.

Senator Van Regenmorter moved that Senator Bouchard be excused from today’s session.
 The motion prevailed.

Senators Geake and Dunaskiss entered the Senate Chamber.

Senator Van Regenmorter moved that rule 3.902 be suspended to allow the guest of Senators McManus and Gougeon admittance to the Senate floor.
 The motion prevailed, a majority of the members serving voting therefor.

Senator Van Regenmorter moved that rule 3.901 be suspended to allow staff to film on the Senate floor, including the center aisle, and from the Gallery.
 The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Van Regenmorter moved that the Senate recess subject to the call of the President.
 The motion prevailed, the time being 10:05 a.m.

10:14 a.m.

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

During the recess, Senators Rogers and Gougeon presented a special tribute to David Duyck, the 1997 Conservationist of the Year.
 Mr. Duyck responded briefly.

During the recess, Senator DeGrow entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 21:
House Bill Nos. 5092 5093 5246

The Secretary announced the printing and placement in the members’ files on Tuesday, October 21 of:
Senate Bill Nos. 757 758 759 760 761

Messages from the House

Senator DeGrow moved that consideration of the following bills be postponed for today:
Senate Bill No. 178
House Bill No. 4642
House Bill No. 4643
 The motion prevailed.

Senate Bill No. 706, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 14801, 14802, 14804, 14805, and 14808 (MCL 324.14801, 324.14802, 324.14804, 324.14805, and 324.14808), as added by 1996 PA 132.

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 of the bill.

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 of the bill.

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

Third Reading of Bills

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

House Bill No. 4509

Senate Bill No. 613

The motion prevailed.

Senator Posthumus entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 720, entitled

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

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. 525

Yeas—34

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

Nays—0

Excused—3

Bouchard	Cherry	O’Brien
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 741, entitled

A bill to amend 1993 PA 316, entitled "An act to provide for the collection of certain past due monetary amounts owed to courts of this state; and to prescribe the powers and duties of certain state and local officers and agencies," by repealing section 10 (MCL 12.140).

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. 526

Yeas—34

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

Nays—0

Excused—3

Bouchard	Cherry	O'Brien
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 600, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 1996 PA 473.

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. 527

Yeas—34

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

Nays—0

Excused—3

Bouchard

Cherry

O'Brien

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

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 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. 528

Yeas—33

Bennett

Dunaskiss

McManus

Smith, A.

Berryman

Emmons

North

Smith, V.

Bullard

Gast

Peters

Stallings

Byrum

Geake

Posthumus

Steil

Cisky

Gougeon

Rogers

Stille

Conroy

Hart

Schuette

Van Regenmorter

DeBeaussaert

Hoffman

Schwarz

Vaughn

DeGrow

Koivisto

Shugars

Young

Dingell

Nays—0

Excused—3

Bouchard

Cherry

O'Brien

Not Voting—1

Miller

In The Chair: President

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

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

The Senate agreed to the title of the bill.

Senator V. Smith moved that Senator Miller be temporarily excused from the balance of today's session. The motion prevailed.

Senator Miller entered the Senate Chamber.

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

House Bill No. 4646

The following bill was read a third time:

Senate Bill No. 313, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1311a.

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. 529

Yeas—32

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

Nays—2

Smith, A.	Vaughn
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Excused—3

Bouchard	Cherry	O'Brien
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator A. Smith, under her constitutional right of protest (Art. IV, Sec. 18), protested against the passage of Senate Bill No. 313.

Senator A. Smith's statement is as follows:

I voted "no" on Senate Bill No. 313 with great difficulty. I support the safety of teachers and volunteers in the schools and I was supportive of Senator Cisky's bill as it passed this Chamber. But we have no guarantee that it will pass the House. We have no guarantee that it will be signed by the Governor, although should it pass the House, I'm fairly confident he would sign it.

We have a number of students in the state who have been expelled by their school districts and have later been found to be not guilty of the charge by the courts, and the school districts do not take them back. So they remain ineligible for alternative placement under the Cisky bill.

We also have no provision here that requires school districts to find alternative education for those students who are expelled. The Family Independence Agency has indicated that they are confident that we have serious under-reporting of the number of students who are expelled under the weapons provision of the school code. If we can't get good record-keeping on expulsions that are already in place, I'm not quite sure what makes us confident that we will get good record-keeping in order to track these students who are expelled under this provision.

Schools boards have been dealing with violence against teachers and volunteers in the school for years. They have done it well and they have done it satisfactorily to the teachers in the district. I don't think that we need to impose a "one size fits all" solution as we did with weapons. I think this is a misguided step and I voted "no."

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

The motion prevailed.

Senator Miller's statement is as follows:

I have a group of leaders from the great country of the Ukraine seated in the gallery here. I would just like to say that they are also guests of mine and Senator Peters.

I have the privilege of representing the largest group of citizens of the Ukraine living in Michigan in my Senatorial District. In the city of Warren we are very proud to have churches and community activity centers and they have been such a great, great group of citizens for not only this country, but for the state.

Today we have a group of six future leaders of the country of the Ukraine who are visiting with us today. They have been here for the last week visiting not only this great state capital, but they've been in Washington talking with some of the leaders from Washington—in speaking with Senator Peters, learning the grass roots of forming a democracy. We know for centuries, for decades, they've been a very oppressed group of people who have had to overcome many, many hardships, and now have the right to have a democracy.

They're here in Michigan. They're leaving Michigan—they're going to visit Detroit and hopefully visit their ancestry and heritage at the Ukrainian Cultural Center in Warren. I'd like my colleagues to give this future group of leaders a warm Senate welcome on behalf of myself and Senator Peters. They're seated in the gallery. We'd like to have them rise today.

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

Senate Bill No. 313

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 755, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 15 to chapter IX.

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. 530

Yeas—30

Bennett	Dingell	Koivisto	Schuette
Berryman	Dunaskiss	McManus	Schwarz
Bullard	Emmons	Miller	Shugars
Byrum	Gast	North	Steil
Cisky	Geake	Peters	Stille
Conroy	Gougeon	Posthumus	Van Regenmorter
DeBeaussaert	Hart	Rogers	Young
DeGrow	Hoffman		

Nays—4

Smith, A.	Smith, V.	Stallings	Vaughn
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Excused—3

Bouchard

Cherry

O'Brien

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 727, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 831.

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. 531**Yeas—34**

Bennett

Berryman

Bullard

Byrum

Cisky

Conroy

DeBeaussaert

DeGrow

Dingell

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

Cherry

O'Brien

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hoffman's statement is as follows:

This important package of bills is ready for final passage. I want to thank the members of the Natural Resources and Environmental Affairs Committee, under the leadership of Senator Bennett, for their help in getting this package of bills to the Senate floor ready for final passage this morning.

This is something we've worked on a long time. You may recall, in this chamber two years ago, we passed this similar package, only to have it go to the House of Representatives and fail to get the votes necessary to get passed. I am pleased, however, that Representative Tom Alley, the Chairman of the Natural Resources Conservation Committee over in the House of Representatives, has worked with me on this and I think we have it in a position now where we can get it over to the House and hopefully get it passed. I'd like to see it pass before Christmas this year. It would be a great Christmas present to the citizens of our state to have a Forest Recreation Program ready in order for them to enjoy Michigan's great natural resources. How appropriate to have it hopefully pass on a day that is recognized in Michigan as Conservation Day here in the state of Michigan.

This bill would require the department to develop, operate, maintain and promote an integrated forest recreation system to provide further opportunities for our citizens who may want to go canoeing, hiking, hunting or camping in our state's forests. We take a look at our vast system of state parks and our state forests are 15 times larger than all of our state parks put together. For every acre of state forest we have, we get \$1; for every acre of state park we get \$100. Disproportionately larger amounts of money are being spent on our state parks and we're going to bring a little more in the way of visibility to our state forests. They are an under-utilized resource by our citizens.

I think, frankly, one of the things we'll be judged upon as a society is how we manage our natural resources. We don't own the natural resources, whether it's myself, individually, or we as a state, but really they're something for the generations and they are passed on from one generation to the next. I think we'll be judged on how we manage our natural resources. I think this is one of the more responsible ways I've seen of coming up and promoting a good system by which we have good stewardship and I wish our citizens can enjoy it. I'd ask the membership today for their support of Senate Bill No. 727.

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

Senate Bill No. 727

Senate Bill No. 728

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 728, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503 and 509 (MCL 324.503 and 324.509), section 503 as amended by 1996 PA 133.

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. 532

Yeas—34

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

Nays—0

Excused—3

Bouchard	Cherry	O'Brien
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 226, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8401 (MCL 600.8401), as amended by 1991 PA 192.

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. 533

Yeas—33

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

Nays—1

Stallings

Excused—3

Bouchard	Cherry	O'Brien
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 596, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 25 (MCL 432.25), as amended by 1996 PA 167.

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. 534

Yeas—34

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

Nays—0

Excused—3

Bouchard

Cherry

O'Brien

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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, Lieutenant Governor Binsfeld, designated Senator McManus as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4221, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 558, 799a, and 803 (MCL 168.558, 168.799a, and 168.803), section 558 as amended by 1996 PA 583, section 799a as amended by 1992 PA 8, and section 803 as amended by 1985 PA 160.

Substitute (S-2).

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

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

Senate Bill No. 554, entitled

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

Substitute (S-1).

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

1. Amend page 9, line 3, after "police," by inserting "a local law enforcement agency,".
2. Amend page 12, line 19, after "administered" by striking out "or enforced".

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

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

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 following is the amendment recommended by the Committee of the Whole:

1. Amend page 14, following line 23, by inserting:

"Enacting section 2. This amendatory act takes effect July 1, 1998." and renumbering the remaining enacting section.

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

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

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

1. Amend page 11, line 1, by striking out all of subdivision (A) and inserting:

"(A) THE WASTE IS ACCOMPANIED BY A RECORD SHOWING THE SOURCE AND QUANTITY OF THE WASTE AND THE DESIGNATED FACILITY WHERE THE WASTE IS BEING TRANSPORTED."

2. Amend page 14, line 21, after "PART" by striking out "VIII" and inserting "111".

3. Amend page 16, line 18, after "part" by striking out "OR A RULE PROMULGATED UNDER THIS PART".

4. Amend page 16, line 24, after "part" by striking out "OR A RULE REFERENCED BY THIS PART".

5. Amend page 16, line 25, after "PART" by striking out "OR A RULE PROMULGATED UNDER THIS PART".

6. Amend page 18, following line 16, by inserting:

"Enacting section 2. This amendatory act takes effect July 1, 1998." and renumbering the remaining enacting section.

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

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

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 following is the amendment recommended by the Committee of the Whole:

1. Amend page 4, following line 15, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 1998." and renumbering the remaining enacting section.

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

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

House Bill No. 4815, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 3 (MCL 409.103), as amended by 1987 PA 71.

Substitute (S-1).

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

1. Amend page 1, line 7, after "EXCEPTIONS" by striking out the balance of the page and inserting "AND LIMITATIONS:

(A) A MINOR AT LEAST 11 YEARS OF AGE AND LESS THAN 14 YEARS OF AGE MAY BE EMPLOYED AS A YOUTH ATHLETIC PROGRAM REFEREE OR UMPIRE IF AN ADULT REPRESENTING THE ATHLETIC PROGRAM IS ON THE PREMISES AT WHICH THE ATHLETIC PROGRAM EVENT IS OCCURRING."

2. Amend page 2, following line 4, by inserting:

"(D) A MINOR 11 YEARS OF AGE OR OLDER MAY BE EMPLOYED AS A BRIDGE CADDY AT ANY EVENT SANCTIONED BY THE AMERICAN CONTRACT BRIDGE LEAGUE OR OTHER NATIONAL BRIDGE LEAGUE ASSOCIATION.

(E) A MINOR 13 YEARS OF AGE OR OLDER MAY BE EMPLOYED TO PERFORM SERVICES WHICH ENTAIL SETTING TRAPS FOR FORMAL OR INFORMAL TRAP, SKEET AND SPORTING CLAYS SHOOTING EVENTS."

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Dunaskiss, Bennett, Geake, Stille, McManus, North, Bullard, Hoffman, Koivisto, Byrum, DeBeaussaert, Hart and Dingell introduced

Senate Bill No. 767, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 73101, 73102, 73109, and 73110 (MCL 324.73101, 324.73102, 324.73109, and 324.73110), as added by 1995 PA 58.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Bennett, Dunaskiss, Geake, McManus, North, Bullard, Hoffman, Koivisto, Byrum, DeBeaussaert, Hart and Dingell introduced

Senate Bill No. 768, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4701, 8401a, and 8424 (MCL 600.4701, 600.8401a, and 600.8424), section 4701 as amended by 1996 PA 327, section 8401a as added by 1984 PA 278, and section 8424 as amended by 1991 PA 192.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators McManus and Gast introduced

Senate Bill No. 769, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 47315, 47330, 47331, and 47362 (MCL 324.47315, 324.47330, 324.47331, and 324.47362), as added by 1995 PA 57, and by adding section 47330a; and to repeal acts and parts of acts.

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

Senators Steil and Schwarz introduced

Senate Bill No. 770, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1279g; and to repeal acts and parts of acts.

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

Senators Schuette, North and Bullard introduced

Senate Bill No. 771, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 362.

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

House Bill No. 5092, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14801, 14802, 14804, 14805, and 14808 (MCL 324.14801, 324.14802, 324.14804, 324.14805, and 324.14808), as added by 1996 PA 132.

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. 5093, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 14809 (MCL 324.14809), as added by 1996 PA 132.

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. 5246, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63101 (MCL 324.63101), as added by 1995 PA 57, and by adding sections 63103a, 63103b, 63103c, and 63103d.

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 Agriculture and Forestry.

Statements

Senators V. Smith, McManus, A. Smith, Bennett, Schuette and Stille asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator V. Smith's statement is as follows:

I would like to commend the Senate for passage of Senator DeBeaussaert's bill that improves environmental enforcement in Michigan. Last year, the legislature enacted laws that encouraged companies to monitor their own

environmental compliance. These environmental audit bills provided too much protection to polluters. There is no question that the environmental audit laws, as originally passed, were entirely too broad and gave violators too many loopholes to avoid prosecution. The passage of Senator DeBeaussaert's bill will limit the protection that companies with environmental violations can receive.

Under Senate Bill No. 706, companies will have to give the Department of Environmental Quality advance notice when they plan to do these audits. The bill requires disclosure of basic information necessary to determine compliance. It will prohibit companies from gaining an unfair advantage through violating environmental laws. In short, Senator DeBeaussaert's legislation provides a reasonable balance between cooperation with industry and environmental enforcement. I commend him for sponsoring the bill, the chamber for passing it and sending it to the Governor to be signed into law. I hope the Governor does sign the package.

Senator McManus' statement is as follows:

I rise to speak this morning on the subject of conservation. I'm particularly pleased that we were able, this morning, to award Mr. Duyck, a potato farmer from up at Munger, with the Conservation Award, showing that even though we are a nation of private landowners as farmers here in the United States—we have a deed to the property and an abstract with a chain of title going back to the beginning of the country, we pay the taxes on it—and yet one farmer produces enough food to feed 99 other people out of the 100, or 1 percent of the population is producing the food, plus all that we export.

So indeed, we have been a bountiful land. How do we conserve and wisely manage our natural resources for the future—land, water and air? I found out a long time ago the best way to work with farmers is to provide them with the correct information on how we do that, based on research and teaching. So, in this Legislature at the time when the present Senator Schuette was the Director of Agriculture, and Fred Post was the Dean of Agriculture at Michigan State, many of us sat down together and came up with the Groundwater and Freshwater Protection Act back in 1993, which I sponsored. It collects some money from fertilizers and pesticides and then distributes that money through the Cooperative Extension Service and the Soil Conservation Districts, in cooperation with the Department of Agriculture and others, to manage and wisely use our natural resources.

We don't have time this morning to go into a detailed report of the accomplishments of that particular program, but they are tremendous. I would hold up for you some of the publications that are available to landowners throughout this state which have to do with Clean Sweep, Container Recycling, Abandoned Well Closure, Groundwater Stewardship Teams, the Home Assist, the Field Assist, the Farm Assist—all part of the Stewardship Program designed and developed as a result of this legislation.

Just a few quick numbers—in terms of abandoned wells, you know the well that goes from the surface down to the water table, 2,644 have been closed. In terms of Clean Sweep, where we go out and collect unused pesticides that are down in the basement or out in the barn or in the granary or some that were left from years before, some 262,800 lbs. collected.

Over 376,000 projects throughout the state of Michigan that are being conducted for the wise use of our natural resources on this Conservation Day. I think we can take great pride in this state in the fact that we have worked with our landowners. This particular program, using information and education rather than playing the "gotcha" game, is a big move to not only cleaning up some of the things that need cleaning up, but in the case of groundwater, preventing the pollution in the first place.

My hat's off to Mr. Duyck and all of the other landowners throughout the state of Michigan who have cooperated with this particular program. It'll be, indeed, a great legacy to leave to our children and our grandchildren.

Senator A. Smith's statement is as follows:

I know that this is Conservation Day and a number of issues have been taken up in this chamber that deal with conservation. I know that my colleagues on the other side of the aisle will point to the changes in the forestry recreation requirements and I think those are good. But, there's more to conservation than protecting our green spaces and opening them up to access. We also have to be concerned with what we allow to happen in the environment in terms of hazardous waste. I have some real concerns with the package of bills that we had on General Orders today—Senate Bill Nos. 544, 729, 730 and 731.

There are some serious unanswered questions with the bill. You know, there was a commercial a while ago about "We shall sell no wine before its time." I think it's time for us to look at some of the legislation that we introduce and say that we shall pass no bill before its time.

When really serious questions cannot be answered, it may be that we are trying to move legislation too quickly because of a news peg of "Conservation Day." I'm concerned that we have fewer inspections or we're passing a package of bills that because of the shortfall in funding of perhaps \$2.5 to \$4 million, we run the risk of creating a real shortfall in the Department of Environmental Quality's ability to do inspections. We are currently doing one of five transportation vehicles and as I look down the package I think it's possible that the reason we're not too concerned about the number of inspections is that we removed the requirement for mandatory inspections, leaving it kind of open as to whether the department inspects or not. I think that's a serious concern.

We're also removing waste oil haulers from inspections. Right now they aren't currently covered under any other environmental statute that I know of. That doesn't mean that they aren't; it just means that it's an obscure one. It concerns me that we rush to judgment on bills where we are unprepared with answers to very, very serious questions, and they aren't technical. They aren't fine reading of the bills. They are the heart of the issues before this body. I would

hope that if we don't have answers to the questions from the Department of Environmental Quality tomorrow, we would not take this package of legislation up on Third Reading. It would be a serious indictment of this body that we are doing environmental regulation without serious concern for the consequences or the impact.

Senator Bennett's statement is as follows:

There seems to be some concern on the package of bills that I have on the floor both today and, I assume, tomorrow. On the hazardous waste transport, my motivation on those bills is because we need a safer environment. We need a better way of protecting the environment in the state of Michigan. That is what I intend to accomplish. Others may have other motivations.

I am perplexed as to why they cannot keep up with what's in these bills. Senate Bill No. 554, which people have referred to as coming before its time, was introduced on June 4, 1997. It was in front of the committee on October 7, 1997. In the sense of bipartisanship, I invited the members of the opposition party and their policy advisors into my office for a meeting on Wednesday, October 15, for complete discussion as to just what was in these bills, and asked if there was any concern whatsoever, because I attempt on these bills to rise above the partisan bickering. At that point, there was no indication that there was any trouble whatsoever with the bills. They could not come up with any objection and then on the floor today, I was asked to explain a particular provision of the bill, a provision of the bill exempting generators that also transport. That is currently in the law. That is not being changed. That is status quo; that is, something that is not being changed. If the opposition party feels that that is such a terrible piece of legislation, I suspect they should then bring forth legislation to change that. The department chooses—wishes—to have the law remain status quo because it is working.

Senator Schuette's statement is as follows:

On this Conservation Day, I rise to give a few remarks of the importance of a number of Senators, certainly Senator Bennett with his environmental packages which are so important in terms of preserving our environment in making sure that in urban areas we have an opportunity to build and create new jobs and abandon areas where once there was no economic growth, and certainly that's vital for our states economic future. Years ago, as he mentioned a few moments ago, Senator McManus was the author of the Michigan Ground Water and Fresh Water Protection Act. That was a partnership that has been unique here in the state of Michigan and what it did is bring farmers, academics and environmental groups together and some business groups, in an effort to make sure that we preserve and protect Michigan's rivers, streams and lakes. The Michigan Ground Water and Fresh Water Protection Act made sure we had farm practices so that farmers, who are the first stewards of the soil, would put into effect certain practices—buffer zones and buffer strips—so that the ground waters, rivers, lakes and streams and those chemicals and elements that would go into the surface water and the ground would be in a clean way, and therefore, protecting the aquifers both below the ground and the rivers and lakes above the ground. Senator McManus was a key writer and instrumental in making sure that our rivers, lakes and streams, Michigan's legacy and the majesty of our state are clean in the future. So it is important that we continue to utilize the initiatives of Senator McManus on the Groundwater and Freshwater Protection Act and during this conservation week, hail the farmers, our friends from Michigan State University and environmental groups who joined together in that first initiative, and also encourage them to do more in the future.

Senator Stille's statement is as follows:

I would just like to acknowledge the comments of my predecessor and his recognition of the conservation efforts here in Michigan and second those comments. At the same time, acknowledge that he will support many of us in the effort to also conserve the scenic beauty of the state as we proceed with the evaluation of outdoor pollution and outdoor advertising. I know he will be there shoulder-to-shoulder with me in that effort, in recognizing another conservation of our great state, and that's its scenic beauty. But the real purpose of my comments this morning is to acknowledge what we did here today in terms of protecting the environment for teachers. It strikes me that many times we go through legislation, monumental legislation, and what we consider minute legislation, that is passed rather quickly and without a great deal of fanfare. This was a relatively small bill and yet, I think has enormous impact on our educational environment. I am extremely pleased with the Legislature and the Senate's action on protecting the teachers safety and acknowledging that youngsters and students who are involved in assault really should pay the penalty like we've adopted for other actions in our education process. So, I commend the Legislature for taking this opportunity and this responsibility in taking a step forward and stepping up to students who perform assault on the teaching profession.

Committee Reports

The Committee on Education reported

Senate Bill No. 300, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284b. 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, DeGrow and Schuette

Nays: Senators DeBeaussaert and Peters

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

The Committee on Education reported

House Bill No. 4654, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 103, 111, 121, and 124 (MCL 389.103, 389.111, 389.121, and 389.124).

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, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 4939, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 21 (MCL 389.21).

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, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Tuesday, October 21, 1997, at 1:05 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), DeGrow, Schuette, DeBeaussaert and Peters

Scheduled Meetings

Corrections Appropriations Subcommittee - Wednesday, October 29, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1760).

Health Policy and Senior Citizens Committee - Tuesday, October 28, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:57 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, October 23, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.