

E-M:/ Senate Vote on SB 205

- **Subject: E-M:/ Senate Vote on SB 205**
- **From: anne.woiwode@sfsierra.sierraclub.org**
- Date: Wed, 29 Dec 99 12:19:38 -0800
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Enviro-Mich message from anne.woiwode@sfsierra.sierraclub.org

Enviro-Michers:

Continued interest has been expressed in SB 205, with a specific request for in having the Senate vote on the bill listed. Below is the section of the Senate Journal for December 9 in which the House passed version was considered and voted upon (Senate Journal 86, pages 2020 & 2021).

Of note is that an amendment was offered by Senator David Jaye (R-Washington Twp.) to allow local government control over agricultural activities for farm or farm operations with 1000 animal units or more, and in fact including the federal code citation as to what constitutes an animal unit. It should be noted that if this had passed, the bill would have had to go back to a conference committee between the two houses. The vote is most interesting:

- * All but two Democrats (Chris Dingell and Don Koivisto) voted yes
- * Republican Senators David Jaye and Ken Sikkema voted yes as well

Phil Hoffman was excused from voting, but all the rest of the Senators voted no.

The amendment failed 15 yeas to 22 nays.

Then the vote is on passage of the House adopted version, asking concurrence on the House passed version of the bill. The split is bigger as more Democrats and all Republicans vote for passage (see list below).

SB 205 is currently sitting on the Governor's desk, having been officially transmitted December 20. He has 14 days from the 20th (Jan 3) to sign or veto the bill, or, if not signed, it goes into effect after 14 days.

Anne Woiwode

SENATE JOURNAL # 86, 12/9/99, Pages 2020 & 2021

Senate Bill No.205, entitled

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by

amending section 4 (MCL 286.474), as amended by 1995 PA 94.

The House of Representatives has substituted (H-7) the bill.

The House of Representatives has passed the bill as substituted (H-7) and amended the title to read as follows:

A bill to amend 1981 PA 93, entitled "An act to define certain farm uses, operations, practices, and products; to provide certain disclosures; to provide for circumstances under which a farm shall not be found 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," by amending section 4 (MCL 286.474), as amended by 1995 PA 94; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Rogers moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

Senator Jaye offered the following amendments to the substitute:

1. Amend page 4, line 8, after "(5)" by striking out "EXCEPT AS PROVIDED IN SUBSECTION (6), THIS" and inserting "This".

2. Amend page 5, following line 2, by inserting:

"(7) SUBSECTION (6) DOES NOT APPLY TO A LOCAL ORDINANCE, REGULATION, OR RESOLUTION THAT REGULATES OR PROHIBITS A FARM OR FARM OPERATION WITH 1,000 OR MORE ANIMAL UNITS, AS DEFINED IN APPENDIX B TO PART 122 OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS." and renumbering the remaining subsections.

The question being on the adoption of the amendments,

Senator Jaye requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

Senator V. Smith requested the yeas and nays.

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

The amendments were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No.696 Yeas--15

Byrum Hart Murphy Smith, V.

Cherry Jaye Peters Vaughn

DeBeaussaert Leland Sikkema Young

Emerson Miller Smith, A.

Nays--22

Bennett Gast McCotter Schwarz

Bullard Goschka McManus Shugars

DeGrow Gougeon North Steil

Dingell Hammerstrom Rogers Stille

Dunaskiss Johnson Schuette VanRegenmorter

Emmons Koivisto

Excused--1

Hoffman

Not Voting--0

In The Chair: Schwarz

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No.697 Yeas--27

Bennett Gast McCotter Shugars

Bullard Goschka McManus Sikkema

DeGrow Gougeon Miller Steil

Dingell Hammerstrom North Stille

Dunaskiss Jaye Rogers VanRegenmorter

Emerson Johnson Schuette Young

Emmons Koivisto Schwarz

Nays--10

Byrum Hart Peters Smith, V.

Cherry Leland Smith, A. Vaughn

DeBeaussaert Murphy

Excused--1

Hoffman

Not Voting--0

In The Chair: Schwarz

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

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

The Senate agreed to the title as amended.

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

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majordomo@great-lakes.net with a one-line message body of "info enviro-mich"
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