

No. 66

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, October 7, 1999.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—excused
Gast—present
Goschka—present
Gougeon—present

Hammerstrom—present
Hart—present
Hoffman—present
Jaye—present
Johnson—present
Koivisto—excused
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—present

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

Pastor Steve Johnson of Hillside Wesleyan Church of North Street offered the following invocation:

Our dear Heavenly Father, we thank You for this day in which we can honor and glorify You. We thank You that You are not a respecter of persons. We thank You for these men and women, who are both our representatives and Yours. We ask today that You would give them wisdom as they lead us in the paths which would keep us free. Help them to discuss and enact those statutes and laws which would promote righteousness, protect our citizenry from both internal and external enemies, and in other discussions talk about the penalties for those who undermine the ultimate good of our great state. Help those discussions to be balanced with justice and compassion. Thank you for these whom Paul calls, "servants of God for good." Bless them with guidance from the Holy Spirit this day as they promote decency and order in our great state of Michigan. For we ask it in Jesus' name. Amen.

Motions and Communications

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

The motion prevailed.

Senator Schwarz's statement is as follows:

Today is the day that has been designated as Lee National Denim Day, and the proceeds from money raised go to the Susan G. Komen Breast Cancer Foundation. The Senate has at least 130 people participating. There's wide participation on the part of the Governor's staff with at least 30 people participating from that office. And over 300 are participating from the Michigan House of Representatives and their various appurtenances.

We have raised, thus far, somewhere in the neighborhood of \$2,000.00. Forty-three thousand women die every year of breast cancer and 400 men. Suzann Ruch from my office, who recently lost a sister-in-law to breast cancer, has really been the one who spearheaded this drive. I would like to thank Suzann very much and ask my colleagues to recognize her efforts in this respect—Suzann is standing in the back of the chamber.

I apologize to Senators McManus and North because they said had they known this was going to be Lee National Denim Day, they would have worn their bib overalls. Senator McManus indicated that he's wanted to do that for ten years now. He's missed his opportunity because today he could have done it, and no one would have blinked an eye.

I thank all of you for the Susan G. Komen Foundation, for the Kellogg Company, which is very, very active in breast cancer fund-raising and awareness, and parenthetically tell you that Tony the Tiger will be here today. So be prepared to get excited, members, Tony's going to be here. Thank all of you for participating.

Recess

Senator Rogers moved that the Senate recess until 10:20 a.m.

The motion prevailed, the time being 10:07 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

During the recess, Senators Van Regenmorter, Miller and Young entered the Senate Chamber.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:20 a.m.

10:46 a.m.

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

During the recess, Senators Cherry and DeGrow entered the Senate Chamber.

The following communication was received:
Office of the Auditor General

October 5, 1999

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Michigan Career and Technical Institute, Michigan Department of Career Development,
October 1999.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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,
October 6:

House Bill Nos. 4597 4751 4764 4796

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

Senator Rogers moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 205

Senate Bill No. 539

Senate Bill No. 703

Senate Bill No. 704

House Bill No. 4244

House Bill No. 4609

House Bill No. 4696

Senate Bill No. 718

Senate Bill No. 719

The motion prevailed.

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

The motion prevailed.

Senator Rogers moved that Senator Emmons be excused from today's session.

The motion prevailed.

The following bill was read a third time:

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 question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"Sec. 2. As used in this act:

(a) "Farm" means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

(b) "Farm operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

(i) Marketing produce at roadside stands or farm markets.

(ii) The generation of noise, odors, dust, fumes, and other associated conditions.

(iii) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws 1949 PA 300, MCL 257.1 TO 257.923.

- (iv) Field preparation and ground and aerial seeding and spraying.
- (v) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- (vi) Use of alternative pest management techniques.
- (vii) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
- (viii) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- (ix) The conversion from a farm operation activity to other farm operation activities.
- (x) The employment and use of labor.

(c) "Farm product" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

(d) "Generally accepted agricultural and management practices" means those practices as defined by the Michigan commission of agriculture AS OF THE EFFECTIVE DATE OF THE 1999 AMENDATORY ACT THAT AMENDED THIS SECTION. The commission shall give due consideration to available Michigan department of agriculture information and written recommendations from the Michigan state university college of agriculture and natural resources extension and the agricultural experiment station in cooperation with the United States department of agriculture natural resources conservation service and the consolidated farm service agency, the Michigan department of natural resources, and other professional and industry organizations.

(e) "Person" means an individual, corporation, partnership, association, or other legal entity."

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Byrum offered the following amendments:

1. Amend page 2, line 2, after "~~Laws.~~" by inserting "SUBJECT TO SUBSECTION (3),".

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

"(3) SUBSECTION (2) 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 subsection.

The question being on the adoption of the amendments,

Senator Byrum 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 serving not voting therefor, as follows:

Roll Call No. 446

Yeas—15

Byrum	Emerson	Miller	Smith, V.
Cherry	Hart	Murphy	Vaughn
DeBeaussaert	Jaye	Peters	Young
Dingell	Leland	Smith, A.	

Nays—21

Bennett	Gougeon	McManus	Shugars
Bullard	Hammerstrom	North	Sikkema
DeGrow	Hoffman	Rogers	Steil
Dunaskiss	Johnson	Schuette	Stille
Gast	McCotter	Schwarz	Van Regenmorter
Goschka			

Excused—2

Emmons

Koivisto

Not Voting—0

In The Chair: Schwarz

Senator Gougeon offered the following amendment:

1. Amend page 1, line 1, after “Sec. 4.” by striking out the balance of the bill and inserting:

“(1) EXCEPT AS PROVIDED IN SUBSECTION (2), THIS act does not affect the application of state statutes and federal statutes.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IT IS THE EXPRESS LEGISLATIVE INTENT THAT THIS ACT PREEMPT ANY LOCAL ORDINANCE, REGULATION, OR RESOLUTION THAT PURPORTS TO DUPLICATE, EXTEND OR REVISE IN ANY MANNER THE PROVISIONS OF THIS ACT OR GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES (GAAMPS) DEVELOPED UNDER THIS ACT. EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SECTION, A LOCAL UNIT OF GOVERNMENT SHALL NOT ENACT, MAINTAIN, OR ENFORCE AN ORDINANCE, REGULATION, OR RESOLUTION THAT CONTRADICTS OR CONFLICTS IN ANY MANNER WITH THIS ACT OR GAAMPS DEVELOPED UNDER THIS ACT.

(3) A LOCAL UNIT OF GOVERNMENT MAY ENACT AN ORDINANCE PRESCRIBING STANDARDS DIFFERENT FROM THOSE CONTAINED IN THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES IF UNREASONABLE ADVERSE EFFECTS ON PUBLIC HEALTH WILL EXIST WITHIN THE LOCAL UNIT OF GOVERNMENT. THE DETERMINATION THAT UNREASONABLE ADVERSE EFFECTS ON PUBLIC HEALTH WILL EXIST SHALL TAKE INTO CONSIDERATION SPECIFIC POPULATIONS WHOSE HEALTH MAY BE ADVERSELY AFFECTED WITHIN THAT LOCAL UNIT OF GOVERNMENT.

(4) AN ORDINANCE ENACTED PURSUANT TO SUBSECTION (3) SHALL NOT CONFLICT WITH EXISTING STATE LAWS OR FEDERAL LAWS. AN ORDINANCE ENACTED PURSUANT TO SUBSECTION (3) SHALL NOT BE ENFORCED BY A LOCAL UNIT OF GOVERNMENT UNTIL APPROVED BY THE COMMISSION OF AGRICULTURE. IF THE COMMISSION OF AGRICULTURE DENIES AN ORDINANCE ENACTED PURSUANT TO SUBSECTION (3), THE COMMISSION OF AGRICULTURE SHALL PROVIDE A DETAILED EXPLANATION OF THE BASIS OF THE DENIAL WITHIN 60 DAYS.

(5) UPON IDENTIFICATION OF UNREASONABLE ADVERSE EFFECTS ON PUBLIC HEALTH BY A LOCAL UNIT OF GOVERNMENT AS EVIDENCED BY A RESOLUTION SUBMITTED TO THE DEPARTMENT, THE DEPARTMENT SHALL HOLD A LOCAL PUBLIC MEETING WITHIN 60 DAYS AFTER THE SUBMISSION OF THE RESOLUTION TO DETERMINE THE NATURE AND EXTENT OF UNREASONABLE ADVERSE EFFECTS ON PUBLIC HEALTH. WITHIN 30 DAYS AFTER THE LOCAL PUBLIC MEETING, THE DEPARTMENT SHALL ISSUE A DETAILED OPINION REGARDING THE EXISTENCE OF UNREASONABLE ADVERSE EFFECTS ON PUBLIC HEALTH AS IDENTIFIED BY THE RESOLUTION OF THE LOCAL UNIT OF GOVERNMENT.

(6) APPEALS TO ORDINANCES ENACTED PURSUANT TO SUBSECTION (3) SHALL BE MADE TO THE COMMISSION OF AGRICULTURE IN WRITING. THE COMMISSION SHALL RENDER A DECISION WITHIN 60 DAYS.

(7) FOR PURPOSES OF THIS SECTION UNREASONABLE ADVERSE EFFECTS ON PUBLIC HEALTH MEANS ANY UNREASONABLE RISK TO HUMAN BEINGS TAKING INTO ACCOUNT THE ECONOMIC, SOCIAL AND ENVIRONMENTAL COSTS AND BENEFITS.”.

The question being on the adoption of the amendment,

Senator Goschka requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 447

Yeas—23

Bennett
Bullard

Gougeon
Hammerstrom

McCotter
McManus

Shugars
Sikkema

DeGrow	Hoffman	North	Steil
Dunaskiss	Jaye	Rogers	Stille
Gast	Johnson	Schuette	Van Regenmorter
Goschka	Leland	Schwarz	

Nays—13

Byrum	Emerson	Murphy	Smith, V.
Cherry	Hart	Peters	Vaughn
DeBeaussaert	Miller	Smith, A.	Young
Dingell			

Excused—2

Emmons	Koivisto
--------	----------

Not Voting—0

In The Chair: Schwarz

The question being on the passage of the bill,
 Senator V. Smith moved that further consideration of the bill be postponed for today.
 On which motion Senator V. Smith requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 448**Yeas—14**

Byrum	Emerson	Murphy	Smith, V.
Cherry	Hart	Peters	Vaughn
DeBeaussaert	Leland	Smith, A.	Young
Dingell	Miller		

Nays—22

Bennett	Gougeon	McManus	Shugars
Bullard	Hammerstrom	North	Sikkema
DeGrow	Hoffman	Rogers	Steil
Dunaskiss	Jaye	Schuette	Stille
Gast	Johnson	Schwarz	Van Regenmorter
Goschka	McCotter		

Excused—2

Emmons	Koivisto
--------	----------

Not Voting—0

In The Chair: Schwarz

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 449**Yeas—23**

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dingell	Hoffman	Rogers	Stille
Dunaskiss	Jaye	Schuette	Van Regenmorter
Gast	Johnson	Schwarz	

Nays—13

Byrum	Hart	Murphy	Smith, V.
Cherry	Leland	Peters	Vaughn
DeBeaussaert	Miller	Smith, A.	Young
Emerson			

Excused—2

Emmons	Koivisto
--------	----------

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Cherry and Byrum, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 205 and moved that the statements they made during the discussion of the amendments and the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Cherry’s statement is as follows:

I rise in opposition of Senate Bill No. 205 with some reluctance because I do believe as the previous speaker has said that the family farm is in crisis and does need some concerted action on the part of the state to help ease the plight of the family farmer. But it strikes me that what Senate Bill No. 205 does, under the guise of protecting the family farmer, ultimately takes the rights away from a community on behalf of allowing big corporate factory farms to flourish in this state. I don’t personally believe that’s what our purpose is here today to do, but I think that’s the ultimate effect of Senate Bill No. 205. And on that basis, I intend to vote “no.”

I do so because ultimately the ability of a local community to express its concern, its desires and to plan for its future by the zoning process is an important aspect of representative democracy. What you have is elected officials voted in and elected by local citizens developing a zoning process which expresses the concerns of those citizens.

This bill will take away from those popularly elected representatives the ability to put in place certain zoning regulations and invest that responsibility in an appointed state commission. It will attempt to do that ultimately by utilizing a system that's complaint-based. State oversight applies only after the operation has disrupted a community, after it has ultimately destroyed home values or, in certain instances, put home businesses out of business. That's the result of a complaint-based system. The value of local zoning is that it prevents the offensive operation in the first place.

Now, generally a family farm does not present that kind of public threat or hazard. But, believe you me, the size of some of these corporate operations we refer to as factory farms are of such a degree that it can disrupt a community. It can make life unbearable for citizens in that community. Today, with this bill, we're saying that those citizens should not have a voice in this process and that we are going to take away their majority rights and invest them in an appointed state commission which will regulate these concerns after the fact. I think that's unsatisfactory. I think we will regret the day that we adopt Senate Bill No. 205. As one speaker has said, the complaints will start rolling in because quite literally these operations will disrupt lives. They will destroy home values, and they will make life unbearable through noxious odors. They will put other businesses out of place. In fact, by allowing these big corporate farms to invade these communities without local community check, we will drive many family farms out of business. That will be the impact of Senate Bill No. 205.

I think the obligation of this body is to stand up for that local public right to protect its public health, to protect its community welfare, and to protect its future through maintaining zoning on these major operations. I think it is appropriate to target in and give some leeway and protection to the family farm. But to simply abandon the scene wholesale, as Senate Bill No. 205 would do, I think is dangerous, inappropriate, and an action that we will regret in the long run. On that basis, Mr. President, I intend to vote "no."

Senator Byrum's first statement is as follows:

I very much want to support this legislation. In fact, I have worked diligently both in terms of this task force on agriculture as well as my committee work. I have felt right from the beginning that we were moving way too fast on this legislation and that we ought to take a deep breath and continue working on it. I think that has been evident by the number of subs and amendments that have both been floating around on this legislation for the last couple of days.

With that aside, what I am trying to do here is narrow the scope of this legislation because I think all of us can agree that we want to protect family farms and family farming operations, but we walk a very fine line in our townships that are continuing to be more suburbanized when we give absolute protection and take away from local control the ability to regulate these intensive animal operations—I'm talking about these factory farms. If we do not alter Senate Bill No. 205 with amendments such as what I present to you now, we will be establishing Michigan as a haven for factory farms with very little ability, really no ability, for the locals to regulate them. We will be giving that authority to the Ag Commission, who will apply a set of best practices, a guideline, a guidebook and not promulgated rules. Now these "generally accepted agriculture management practices," GAAMPS, is a guidebook. It is not rules that have been promulgated through the administrative rules process. It's a moving target.

So what I'm doing here is I'm defining family farm as 1,000 animal units or less. Now this is a federal definition that will fold right into what's going on the federal level as they look at regulating these intensive factory farm operations. So it is a nationally recognized definition that makes sense. A thousand animal units would mean 1,000 head of dairy or beef cattle, but it would mean a couple thousand heads of hogs and several thousand chickens. It is a scale. It's a benchmark that means something nationally and something that the Department of Agriculture can very easily define and implement. It is a nationally recognized standard. And from checking with the Department of Agriculture, we're talking about an approximate 100 farms in Michigan that would be over this 1,000 animal or livestock units.

So we're clearly addressing the family farms, but we need to narrow this definition because I do not believe any of us want to remove local control when it comes to siting and regulating factory farms. If any of you want to live next door to 10,000 head of hogs, I would submit to you that you are going to be the first person in line, pounding on the table and wanting to know why your local unit of government can have no input on what's going on here. This is a very important amendment. It needs to be adopted. It's the right thing to do, and it will move this legislation forward and most likely allow it to get if not unanimous, clearly strong bi-partisan support. So in that spirit, I offer this amendment.

Senator Byrum's second statement is as follows:

Just a couple of points to clarify exactly what I'm trying to do here.

There was a mention as to the EPA guidelines and that we're going to wait as a state for the federal government to come down from high and dictate to us as to exactly what we're going to do as to how it relates to the confined feeding operations. First of all, there are already EPA guidelines in place. Michigan has been very hesitant and dragging our

feet, and we have not implemented those guidelines that we know are in existence right now. If we are going to wait until either we are fined by the federal government or there is some reason or push behind the state Department of Ag to implement these guidelines, I really don't know why we would put the townships at risk until that point in time might occur.

If we basically remove all local regulations for the siting and the operation of these large livestock feeding operations, then we are going to be creating a haven in Michigan for their placement. It is counter to what is going on nationally in some very large agriculture states. Because if you create a haven for these large feeding operations, you put at risk the family farm.

Now what I'm attempting to do here is to carve out the family farm operations using the federal EPA definition of what an intensive feeding operation is, so it matches what is going to be those national guidelines. I think this is necessary.

I also tried to make the argument in committee and with my colleagues that, if we're going to do this, and I can go along with the principal of what we're doing, then we might better do this in the context of ag security zones, the Schuette legislation, that I think moves us significantly in the right direction and tie this to the Schuette legislation so it makes sense in an overall land-use pattern.

And also remember GAAMPS are not promulgated rules. We are now linking enforcement and zoning to best practice guidelines that are a free-flowing document and are not rules.

I think we are gone afield, amuck, and afar. This legislation needs more thoughtful debate and work before we're on a rush to pass it. This amendment takes us a long ways in the right direction. I think it's the best thing to do. Remember there's a hundred farms out there right now that you would call intensive agriculture operations that would come under these EPA guidelines anyway. Let's exempt them out and let the townships handle them because nobody else seems to be interested in doing that right now. It's to protect the residents.

I urge the adoption of my amendment.

Senator Byrum's third statement is as follows:

I want to follow-up on my amendment to Senate Bill No. 205 and just a couple of comments that were made.

First of all, I think we need to recognize that there is a difference in the intensity of the agriculture between a factory farm with over a thousand animal units and those under and the dramatic impacts and effects it has on the community and the environment. We are kidding ourselves if we have blinders on to that impact.

We talked a lot about GAAMPS. Well, GAAMPS does not have a different tier or a different set of guidelines for intensive animal operations. You need to be very cognizant of that. Plus GAAMPS are not promulgated rules. They are a moving target. Now are we going to put local townships and their ability to impact and regulate what goes on in their townships against a moving target in an area that is very sensitive to people we represent? I think you have to have a broader vision of who those residents and people are and the frustration level we're all going to experience as well as those township officials when somebody wants to site one of these intensive animal operations, and the township board says, "You go call your Senator, and you find out how they voted to pull away our ability to have any local voice or enforcement on that." It's going to happen. Michigan will be a haven for these kinds of operations if we wholesale strip that power away from local governments.

Now there's a balance here that needs to occur. This amendment strikes that balance. It's sensitive to family farms, which I want to be, and I fully support. But it recognizes the difference.

Also, you have to realize that when you say we want to get the bad actors out, well, the Department of Agriculture commission has no enforcement power for those bad actors. So they say, "Well, you're not in compliance." Now we're going to go into another department for an investigation, most likely DEQ, and we're going to continue this whole game plan down the road.

What we're doing here is not addressing the full issue. Since we're not going to be allowing the committee to do its work or give more time on the floor, this is my best approach, and I think it moves us significantly forward to address some of the issues that are pending on this legislation. I urge your adoption. You need to adopt this amendment for your own townships' and residents' sakes.

Senator Byrum's fourth statement is as follows:

As someone who has a degree in agriculture, who lives on a family farm, and spent an awful lot of time working as the vice chair on the Senate agriculture task force—outside of the good chair, Senator McManus, and his personal staff—I probably put more hours than anyone else did on that task force and that report. So I come to this issue with a deep understanding of agriculture, as well as a real commitment and desire to see a strong agricultural economy.

I really don't believe this chamber differs in our desire to have a strong vibrant agricultural economy. I have worked to try to improve this legislation, to narrow the scope of application to protect family farms, and use that definition of 1,000 livestock units. However, I believe what we are doing is reaching too far. We are setting up a situation where we are creating Michigan as a safe haven for large corporate factory farms. We are relying on GAAMPS, which are not promulgated rules but the best practice guidelines that are a free-flowing document. This is coupled with the fact that

Michigan may be the last state in the nation that is refusing to recognize the EPA guidelines on large, intensive livestock operations and the threat to the environment to the public health, safety, and welfare that they may pose if they are not properly run.

Also, as a member of that committee, we are going to go through the resolution process because the good Senator Gougeon understands that the apple concentrate coming from China and the strawberries coming from Mexico are federal issues that need to be dealt with on a federal level. The only ability we have as a state is through resolution and communicating to our members of Congress. Do not get sidetracked in thinking that this single piece of legislation is going to address that whole array of issues which that report indicates. What we are doing is stripping local control. We are taking local zoning decisions away from townships, cities, villages, counties, and the citizens—putting them in an appointed Department of Agriculture to use some loose guidelines that are voluntary and have a complaint-driven enforcement mechanism that is only going to compound and exacerbate the situation.

We had an opportunity to come together and pass legislation that had strong bipartisan support. Regretfully, we chose not to follow a path that could bring us together, and we ended up with Senate Bill No. 205 in its amended version that is going to fall largely on a partisan vote. That's unfortunate because the future of Michigan agriculture is not a partisan question. It is a question we need to come together and address. It is my hope that as we continue down the road on the recommendations of this task force, we are able to use common sense and find some common ground for the benefit of all residents of Michigan. So having said that, I will be voting "no" on the bill.

Senators Schuette, Goschka, McManus, Cherry, Gougeon and Jaye asked and were granted unanimous consent to make statements and moved that the statements they made during the discussion of the amendments and passage of Senate Bill No. 205 be printed in the Journal.

The motion prevailed.

Senator Schuette's statement is as follows:

I rise in opposition to the Byrum amendment and support the efforts of Senator McManus and Senator Gougeon on this right-to-farm legislation. I think the perspective that's important here is that agriculture is a business, whether it's a family business, a small operation or a big operation. It's the conduct, it's the behavior, it's the responsibility of the family business whether they are incorporated for tax reasons, whether they are a partnership, whether they choose to or not. It is their conduct and behavior in the operation of their farm that are the issues.

If there is a bad actor, if there's someone who is not behaving and operating in consistent manners in terms of Department of Environmental Quality, in terms of water, effluent and run off, whether it's erosion or emissions in the air, it's a big livestock operation. Whether you are big or small, you have to abide by the very stringent rules, conditions of generally accepted agriculture management practices.

So what will happen in Michigan today under this legislation is, whether you are a big operator or a small, if you violate these rules and guidelines and practices, you'll be shut down! And we shouldn't differentiate in terms of strictness and concern for the environment, land or water or air as to whether you have a 1,000 hogs or 500 because the result is the same. If we're not taking care of the water correctly, if a stream is being polluted, it doesn't matter whether there's a 100 head of hog or 2,000 head of hog. The point is right now there are in place the Agriculture Commission and the strong leadership of Dan Wyant at the Michigan Department of Agriculture under our Governor. If you are a bad actor, there's no shield; there's no protection. You will be shut out of business. And farmers across the state support that because the stewardship of their land, their water, our air, everyone's land, water, and air impacts their families and how they pay their bills but most of all, being stewards of the land and our natural resources. So right now we have in place stringent operations and practices that are in place no matter whether you are big or small. That should be our focus. That's why I rise in opposition to the Byrum amendment and support the bill of Senator Gougeon and Senator McManus.

Senator Goschka's statement is as follows:

I rise to support this amendment, and I very much appreciate the work that Senator Gougeon has put into it. I have some issues in my own local district where a number of local residents have lost their water presumably because of how much water is being used by a local farmer. If this amendment does not go through, they have no recourse at all to appeal, to have some type of situation where they can indeed have some form of resolve for regulation to get their water back. If we don't support this amendment, your residents, your constituents and mine will have no recourse whatsoever to appeal. We have to fight for our constituents. This is a great amendment, and I'm in support of it.

Senator McManus' first statement is as follows:

I rise to oppose the Byrum amendment. I want to say that the Senator has been very active in working with us on the task force and is interested, definitely, in protecting agriculture in this state. I have no doubt about that.

First, let me talk about the size of the units. When we talk about 1,000 units, under federal definition that is 1,000 beef steers. It is 700 dairy cows, 2,500 feeder pigs, 55 pounders, 500 horses, or 100,000 chickens. That gives you some of the range of what that number means. It is a federal number.

The second thing we ought to make clear is that there is no absolute protection for farmers under the right-to-farm guidelines. The difference between our right-to-farm guidelines in Michigan, for instance, and the state of Iowa is the state of Iowa tried to give farmers absolute protection. Michigan, wisely, did not do that. Iowa has had a problem with their regulation in court. We have not. So there is no absolute protection. There is a defense for farmers under the right-to-farm guidelines when you go to court—if you get hauled in—as to whether or not you followed them or not.

Third, in terms of the term “factory farm,” I am not exactly sure what that is. I went on a dairy tour in Clinton County, a family farm operation, a week ago. Two thousand cows. That’s family. Not this magic number that the Senator talks about, 750. We are already at 2,000 cows in family operations. The thing we have to realize is that agriculture changes as we go down through history, and in order to have an efficient dairy operation today, we have to have the numbers to put it together. So 750 is an extremely low number in terms of where we are at already on some of our farms in Michigan.

The next thing you need to know is that the EPA is going to come up with a set of rules, nationally, for 50 states, on 1,000 animal units or larger. So there is going to be a set of rules under the EPA federally. When that happens, and it is not too far down the pike, Michigan will adopt a set of rules to fit the EPA that will be statewide.

What the Senator is proposing is that for 1,000 animal units and above, any township could develop their own set of guidelines for those units. That means we will have 1,400 different possibilities in the state of Michigan for 1,000 units and over. I am saying that we should not vote for this amendment. We should not support this amendment. We will be developing, when the EPA comes with this rule, a separate set of GAAMPS for 1,000 and over. We do not want to put it in Senate Bill No. 205. So, respectfully, I would ask that we turn the amendment down.

Senator McManus’ second statement is as follows:

I rise to support the Gougeon amendment. As has been mentioned, this pairs pretty much the wording in the pesticide preemption act and has been agreed to by various organizations in the state and local governmental units before. So this should satisfy that.

In terms of timing, I would just say that I think you realize, if you have been reading the papers and listening to the conversations, that agriculture is in a crisis in this state and in a crisis nationally. We had a task force appointed by our leader last February. We held eight hearings around the state. We listened to 265 people testify about this situation, and now that the report is published, you have all had a chance to read it. There are several pieces of legislation that we need to get passed. So I would urge that we continue to move forward and support the Gougeon amendment.

Senator McManus’ third statement is as follows:

I rise in support of the passage of this bill. This is a very important issue to Michigan agriculture at this particular time. As I indicated before, agriculture is in a crisis. We’ve gone out and studied the problem with hearings throughout the state of Michigan and come up with several recommendations which we wish to get turned into law. This is the first one that we’re working on in the total package.

Many of the reasons for the bill have been mentioned this morning, and I won’t go into detail. But there’s been a lot of discussion here about livestock operations, and I know that’s the focus in the southern part of the state. But there are other reasons for this bill, and I want to just put this out and get my remarks eventually into the Journal.

Up in Peninsula Township in Grand Traverse County, we have a poster child for farmland preservation in this state. That township has been working on the project for many, many years. It’s spent about \$6 million preserving 1,700 acres or so of land up there. Talking about preservation, they have a local millage, etc., yet they have a problem trying to keep the farmers in business. So recently they formed an organization called the Growers and Merchants League. It’s an agribusiness alliance, and they have faxed me a letter this morning, which is on your desks, supporting Senate Bill No. 205. I’d like to indicate why because I think it’s important to all of us.

“Far too long residential policies have governed agribusiness development. Value added and retail operations involving agricultural enterprises have been subject to special use permits which virtually dictate a static business plan.” This is not livestock. This is cherry orchards and wineries.

“More than markets, more than weather, and more than insects, business decisions being dictated by public hearings of a residential nature will stifle investment and agricultural production and innovation.” Here is a township that’s trying to preserve their farmland.

“A well-designed state plan—not individual township mood swings—is what agriculture needs.”

That’s signed by Bernie Kroupa, the chairman of the Farmers and Merchants League of Old Mission Peninsula, the poster child for farmland preservation.

This gets at the heart of the issue. If we’re going to preserve farmland in this state, which we definitely want to do, we have to provide a system by which farmers can farm. And it goes beyond just the livestock operations. I would urge support of the bill.

Senator Cherry’s first statement, in which Senator Byrum concurred, is as follows:

I rise in support of the Byrum amendment because, ultimately, I think it strikes a better balance than the bill as it is before us.

What I have heard is a number of reasons being put forward to oppose it, things like we needn't do this because the EPA is coming to the rescue. I am struck because that's about the first time I've heard the EPA characterized in that fashion. Normally, what I read and see and hear here in this city is how often we're in angst because the EPA has taken a step, and we believe it's been arbitrary—that they ought not be interfering in state matters and that we all would be better off if they just stayed in D.C. and left us alone. But now we know that they're coming to the rescue, I guess.

Secondly, what I'm hearing as well in opposition to this amendment is that what we need is uniformity and that if this bill doesn't pass in its present form, we will have a variety of standards across the state promulgated by local units of government, and if we support the Byrum amendment, we will, in fact, encourage that. But look at the uniformity that the bill puts forward. It's a uniformity of silence—that, in fact, is what we're saying is we're going to make this uniform because we're just going to abdicate any sort of land-use regulation of farming—not just of family farming but of farming.

What I'm also hearing is that it is extremely difficult to put in place standards as the Byrum amendment does. Ultimately, Mr. President, I think that's why we have relied on locals to engage in zoning activity here because it's true—circumstances vary from farm to farm, from community to community, from situation to situation. It's important, I think, to preserve some flexibility for locals to act. I think the Byrum amendment accomplishes that.

Most interestingly, I heard my good colleague from the 35th District talk about treating agriculture as a business, which it is. I'm somewhat receptive to that argument, but I also note that if we treat agriculture as a business, we look at what occurs in other types of businesses: commercial ventures, manufacturing ventures, service ventures. All of them deal with local zoning concerns. To treat agriculture as a business would not mean we would be here today abdicating the field on zoning on the questions that this bill is putting forward.

Ultimately, I think what I've noted over the course of the summer is, while we've talked about preempting the field here with this bill on one hand, in the area of urban sprawl, we've talked about the necessity to enhance zoning and enhance restriction to make sure that we don't lose open space. That's a very difficult thing to balance when you're talking about contradictory strategies. What strikes me about the Byrum amendment is it does make it easier for a family farm to operate and exist, but it does preserve our option of dealing with the urban sprawl questions. On that basis, I find the Byrum amendment particularly attractive.

Ultimately, Mr. President, I think we have to go to the reason why we zone in the first place—because it gives not only a local government the right to make a decision or establish a regulation. It gives the public the right to express their concerns. That is really what is at the source of local zoning. It is the public's, the people who reside in that community, opportunity to express their concerns about operations in their community.

I concur that we need to take steps to preserve the family farm. In that instance, it may require us to give them certain protections, but to open up wholesale local communities to invasion by major operations that will clearly inconvenience and disrupt certain communities, I think is inappropriate. We should be allowing those communities to have some say about their future. Ultimately, that is what democracy is all about—making sure that the public has a say. What this bill does is it removes the public from the table. It simply puts them outside the calculation. We are going to allow someone to operate in the face of public concerns and not allow those concerns to be addressed through the traditional way we address them, and that is through public expression through their zoning ordinances.

On that basis, Mr. President, I support the Byrum amendment because I think it strikes the right balance of providing the appropriate protections for the family farm yet preserves the democracy in our local communities by allowing the citizens to express concerns about the quality of life in their community, how businesses operate, and how the community plans for its future. I would urge adoption of the Byrum amendment.

Senator Cherry's second statement is as follows:

I did note in the language of the amendment that the good Senator from the 34th District is putting forth on the public health question.

Ultimately, what the bill is doing is it is going to reduce the question of public health down to an economic benefit and use that as the rule and the yardstick by which these determinations are going to be made. So what the amendment does is it amends a bill that strikes democracy from the local community's ability to protect itself and inserts in its place a rule that says the public health is going to be determined by economic benefit.

Well, it seems to me, Mr. President, that's a pretty harsh commentary about how we want to regulate issues in this state—that we're going to reduce the public health down to a pure economic benefit.

It seems to me that's not our role. In fact, we are insinuating ourselves in an area which traditionally has been regulated by local government, which approaches these public health questions with a little bit more humanity than simply a rule establishing economic benefit as a determiner of public health questions.

So I would urge defeat of the amendment.

Senator Gougeon's statement is as follows:

I rise to urge passage of Senate Bill No. 205 as it is without further change.

The members of this body are well aware that Senator McManus and members of his commission have spent a good long time studying the concerns of agriculture in the state of Michigan, and that report concludes that we're at a

crossroads. We either decide as public policy that we're going to continue agriculture in this state or we're not. We can make that determination today and tomorrow and the next few weeks as the remainder of 12 recommendations of the McManus Agricultural Report come before this body. I don't think we have to look within this report to see what's happening in agriculture.

Every one of us has seen a farm lost and a new subdivision move in. Then we see the people in the subdivision who have moved in complain about the farm next door, so the farm next door is sold and that becomes yet another subdivision, and so forth, and so on, until we've lost farm after farm after farm. Now we know that. But what is presented here today is unbelievable.

The spin is that we're going to have these big corporate farm boogie men coming after your children, coming after you. Big! Thirty-thousand farms in the state of Michigan and 100 of them are big. The Land Use Institute has another spin on it. They call them "industrial farms" as though industrial farms are going to be something horrible and terrible to be in your neighborhood—big corporate farms. They're going to be horrible for your children and your family to live with. What a spin. The fact of the matter is that those who are knowledgeable on farming know that our biggest farms are some of our best farmers. They have the best procedures in place because they have the most invested. Large stakes are invested in succeeding at farming. So to suggest that these people somehow don't care about the public health and don't care about the people that live within their community is nonsense. It's just spin to put a negative face on this bill, and it's absolute nonsense.

This bill is indeed something that this body needs to pass if we are going to say at this crossroads that we want farming in Michigan. Without this bill and others, in the future for the state of Michigan you'll be buying your food from some other state, perhaps some other country. Mexican strawberries—if you want to put fear in the people rather than big corporate farms, why isn't somebody talking about Mexican strawberries? Why isn't somebody talking about apple juice from China that has pesticides in it that our farmers can't even use? Our farmers have to use safer pesticides. Our farmers have to farm with one arm behind their back while farmers in Mexico can use DDT, and in China they can use DDT or any dangerous pesticide you want to name, and then they can ship that product over here.

If we shut down farming in the state of Michigan, indeed in the United States, that's the future. The future is going to be exactly what we saw in Mexican strawberries. Are we going to stand up for Michigan farming or aren't we? That is a question, and that is a vote. A green vote today is a stand-up for Michigan farming. A red vote isn't.

Senator Jaye's statement is as follows:

I strongly support private property rights. Certainly one of the most fundamental elements of private property rights is the right to farm. This amendment would improve the farmers' ability to farm without excessive harassment.

What this right-to-farm legislation does is it gives an affirmative defense to a farmer in court cases when somebody is suing the farmer over a variety of activities, be they pollution activities, the way they're raising their crops or other agriculture activities. However, the problem is that it says that the affirmative defense is predicated on the farmer following standard agriculture processes, defined by the Agriculture Commission. The Agriculture Commission is appointed by the Governor. At some point in the future, there will be an anti-farmer Governor who could then use his commission to put unreasonable rules on the farmers.

What my amendment does is it codifies in law today the standard agriculture practices that are in place. If this amendment is adopted, it says that the rules and the methods and the procedures will become state law because right now they're just state rules that can be changed by an unelected commission.

There have been several movements, for instance, for governmental entities to prohibit bio-engineered crops and bio-engineered cows or other animals. There have been movements by governments to limit the number of animals or the setbacks, or to say that the farmer shouldn't grow veal; because it's an inhumane process to force feed and confine the animals.

There are anti-fur movements; there are anti-slaughter movements. There are anti-meat vegetarian movements where they say that no farmer should be allowed to raise animals if it takes more than three pounds of grain to produce one pound of flesh. There are those from the environmental angle who say that these farmers are causing water pollution. In fact, we had to pass a law which specifically allowed farmers to put crushed grapes back on the ground because some environmental whackos said that crushed grapeskins were polluting the aquifers. There are people who are saying that farmers are causing air pollution because of the dust that the farming activities raise or because of the odor that the farm animals in the farming process might have.

So what this bill does is that it takes a long-range perspective, a long-range goal. It says let us truly put in a right-to-farm act by codifying the existing standard agriculture practices and raising the bar, so that some time in the future if the Agriculture Commission wants to have more restrictive rules, or roll back the rules, or extend the rules, they would have to come to this Legislature and make the case, as opposed to the House and the Senate trying to pass a bill and get it over a Governor's veto who is anti-farmer, anti-animals, and anti-fur, who is an environmental extremist.

This a way where we truly can give to the farmers a peace of mind and a codification of rules in the same way that we have codified as a Legislature the gaming laws. I would hope that you would support this amendment that would codify the standard agriculture practices as of the effective date of this amendatory act.

Senators Schuette, Hoffman, Steil, North, Hammerstrom, Shugars, Sikkema, Jaye, McCotter, Stille, Goschka, Gast, Bennett, Dunaskiss, Johnson, and Schwarz moved that they be named co-sponsors of the following bill:

Senate Bill No. 205

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 539, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 110b (MCL 41.110b), as added by 1989 PA 77.

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. 450

Yeas—36

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Leland	Schwarz	Young

Nays—0

Excused—2

Emmons Koivisto

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 703, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

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. 451

Yeas—36

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema

Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Leland	Schwarz	Young

Nays—0

Excused—2

Emmons Koivisto

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 704, entitled

A bill to amend 1947 PA 359, entitled “The charter township act,” by amending section 23 (MCL 42.23).

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. 452

Yeas—36

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Leland	Schwarz	Young

Nays—0

Excused—2

Emmons Koivisto

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4244, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending section 2d (MCL 141.422d), as amended by 1996 PA 401.

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. 453

Yeas—35

Bennett	Gast	McManus	Sikkema
Bullard	Goschka	Miller	Smith, A.
Byrum	Gougeon	Murphy	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter
Dingell	Johnson	Schuette	Vaughn
Dunaskiss	Leland	Schwarz	Young
Emerson	McCotter	Shugars	

Nays—1

Jaye

Excused—2

Emmons Koivisto

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.

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

"An act to provide for the formulation and establishment of uniform charts of accounts and reports in local units of government; to define local units of government; to provide for the examination of the books and accounts of local units of government; to provide for annual financial reports from local units of government; to provide for the administration of this act; to prescribe the powers and duties of the state treasurer, the attorney general, the library of Michigan and depository libraries, and other officers and entities; to provide penalties for violation of certain requirements of this act; to provide for meeting the expenses authorized by this act; to provide a uniform budgeting system for local units; and to prohibit deficit spending by a local unit of government."

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4609, entitled

A bill to amend 1957 PA 200, entitled "An act to provide for the creation by 2 or more municipalities of an intermunicipality committee for the purpose of studying area problems; and to provide authority for the committee to receive gifts and grants," (MCL 123.631 to 123.636) by adding section 7.

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. 454

Yeas—35

Bennett	Gast	McManus	Sikkema
Bullard	Goschka	Miller	Smith, A.

Byrum	Gougeon	Murphy	Smith, V.
Cherry	Hammerstrom	North	Steil
DeBeaussaert	Hart	Peters	Stille
DeGrow	Hoffman	Rogers	Van Regenmorter
Dingell	Johnson	Schuette	Vaughn
Dunaskiss	Leland	Schwarz	Young
Emerson	McCotter	Shugars	

Nays—1

Jaye

Excused—2

Emmons

Koivisto

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4696, entitled

A bill to amend 1965 PA 7, entitled "An act to authorize the department of conservation to sell certain lands and buildings located thereon owned by the department of conservation in the township of Waterford, Oakland county; and to provide for the disposition of the revenue received therefrom," by amending section 2 and by adding section 2a.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 2, following line 6, by inserting:

"SEC. 3. IF ANY FEE, TERM, OR CONDITION FOR THE USE OF THIS PROPERTY IS IMPOSED ON MEMBERS OF THE PUBLIC, OR IF ANY OF THOSE FEES, TERMS, OR CONDITIONS IS WAIVED FOR USE OF THIS PROPERTY, RESIDENT AND NONRESIDENT MEMBERS OF THE PUBLIC SHALL BE SUBJECT TO THE SAME FEES, TERMS, CONDITIONS, OR WAIVERS."

The amendment was 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. 455**Yeas—36**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter

Dunaskiss
Emerson

Johnson
Leland

Schuetz
Schwarz

Vaughn
Young

Nays—0

Excused—2

Emmons

Koivisto

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.

Senator Jaye offered to amend the title to read as follows:

A bill to amend 1965 PA 7, entitled "An act to authorize the department of conservation to sell certain lands and buildings located thereon owned by the department of conservation in the township of Waterford, Oakland county; and to provide for the disposition of the revenue received therefrom," by amending section 2 and by adding sections 2a and 3.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 718, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 415 (MCL 750.415).

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. 456

Yeas—36

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Jaye
Johnson
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuetz
Schwarz

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

Nays—0

Excused—2

Emmons

Koivisto

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 719, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16u of chapter XVII (MCL 777.16u), as added by 1998 PA 317.

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. 457

Yeas—36

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Leland	Schwarz	Young

Nays—0

Excused—2

Emmons Koivisto

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senate Concurrent Resolution No. 21.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to repeal the inheritance tax for farmers.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senators Dunaskiss, Dingell, Van Regenmorter, McCotter, Jaye, Johnson, Hammerstrom, North, Byrum and Goschka offered the following resolution:

Senate Resolution No. 86.

A resolution to urge the United States Attorneys for the Western and Eastern Districts of Michigan, and other federal officials to institute Project Exile in Michigan.

Whereas, In 1997, the United States Attorney's Office for the Eastern District of Virginia developed and implemented a program to address the grave problem of violence and illegal gun use. This initiative, Project Exile, has proven to be effective in significantly reducing the number of murders and other violent crimes. As a result, federal district courts, working with the Bureau of Alcohol, Tobacco, and Firearms, the United States Marshal, and the Federal Bureau of Investigation, are working to put this program in place in many other areas of the country; and

Whereas, Project Exile is a multi-layered approach to fighting violence in our streets and communities. The program includes a comprehensive public information campaign to convey the straightforward, understandable message that use of an illegal gun will bring five years in a federal prison. The key to the campaign is the promise that the consequences will be swift, certain, and severe. In Richmond, Virginia, well over 400 individuals have been indicted, with more than 30 convictions as of March 1999. Most importantly, the homicide rate has fallen by one-third, and armed robberies are down by 30 percent. The number of criminals carrying guns has been significantly reduced, which has made the streets safer for police as well as the general public; and

Whereas, Project Exile holds great potential for Michigan. This can be another major tool in making our state a safer place for our children and all of our citizens; now, therefore, be it

Resolved by the Senate, That we urge the United States Attorneys for Western and Eastern Districts of Michigan, and other federal officials to institute Project Exile in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the United States Attorney's Offices for the Eastern and Western Districts of Michigan.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Statements

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:

On Monday, October 11, our nation will celebrate the birthday of Christopher Columbus. Columbus Day has been surrounded by a certain amount of controversy. What we can take from celebrating the birthday of Christopher Columbus is a lesson in curiosity. Because he was curious and adventurous, Columbus made a new discovery. As a nation, we have drawn on this spirit of discovery and adventure.

I rise today to applaud Christopher Columbus' spirit of discovery. I am grateful for the land that he discovered and grateful for the leaders and people who came after him and created the government and nation that you and I serve today. From all of us serving in the Michigan Senate today, let me say, "Parlo italiano, buon compleanno Cristoforo Colombo."

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Stille, Emmons, Bennett, McManus and Steil introduced

Senate Joint Resolution M, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to restrict the assessment of agricultural real property used in agricultural operations.

The joint resolution was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

Senators Hammerstrom, Shugars, Johnson, McCotter, Goschka, Stille, Rogers and Steil introduced

Senate Bill No. 793, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 22 of chapter X and sections 13a, 18f, and 19b of chapter XIIA (MCL 710.22, 712A.13a, 712A.18f, and 712A.19b), section 22 of chapter X as amended by 1996 PA 409, sections 13a and 19b of chapter XIIA as amended by 1998 PA 530, and section 18f of chapter XIIA as amended by 1998 PA 480.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Emmons, Van Regenmorter, McManus, Goschka, Shugars, Hammerstrom, Gougeon, Miller, McCotter, Rogers, Sikkema, Hart, Dunaskiss, Schuette, Stille, Jaye, North and Bennett introduced

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators McManus, Gast, Gougeon, North, Koivisto and Rogers introduced

Senate Bill No. 795, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 1996 PA 499.

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

House Bill No. 4597, entitled

A bill to designate the part of M-53 located between 27 Mile road and 34 Mile road in Macomb county as the "Doug Carl Memorial Freeway"; and to prescribe the duties of the state transportation department.

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 Transportation and Tourism.

House Bill No. 4751, entitled

A bill to prohibit the payment of money or other consideration as a condition of awarding a prize under certain circumstances; to prescribe the disclosure of certain information to certain persons; to prescribe the powers and duties of certain state and local officials relating to the regulation of certain prizes and sweepstakes; and to prescribe penalties and provide remedies.

The House of Representatives has passed the bill.

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

House Bill No. 4764, entitled

A bill to amend 1996 PA 386, entitled "An act to regulate the sale and purchase of viatical settlement contracts; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties," (MCL 550.521 to 550.528) by adding section 4a.

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 Financial Services.

House Bill No. 4796, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86.

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

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

Committee Reports

The Committee on Finance reported

Senate Bill No. 709, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 1996 PA 476.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Joanne Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

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. 4426, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 1994 PA 255.

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 Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Hammerstrom, Peters and Dingell

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 on Tuesday, October 5, 1999, at 1:00 p.m., Room 810, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

The Committee on Local Urban, and State Affairs reported

House Bill No. 4844, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2, 4, 9, and 21 (MCL 207.552, 207.554, 207.559, and 207.571), section 2 as amended by 1986 PA 66, section 4 as amended by 1995 PA 218, and section 9 as amended by 1996 PA 513.

With the recommendation that the bill pass.

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

Thaddeus G. McCotter
Chairperson

To Report Out:

Yeas: Senators McCotter, Van Regenmorter, Miller and Murphy

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Meeting held on Wednesday, October 6, 1999, at 3:00 p.m., Room 405, Capitol Building

Present: Senators McCotter (C), Shugars, Van Regenmorter, Miller and Murphy

The Committee on Farming, Agribusiness and Food Systems reported

Senate Concurrent Resolution No. 22.

A concurrent resolution to memorialize the Congress of the United States to investigate antitrust violations in the agricultural processing industry.

(For text of resolution, see Senate Journal No. 62, p. 1353.)

With the recommendation that the concurrent resolution be adopted.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Hart

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Farming, Agribusiness and Food Systems reported

Senate Concurrent Resolution No. 23.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to require price reporting for agricultural products.

(For text of resolution, see Senate Journal No. 62, p. 1354.)

With the recommendation that the concurrent resolution be adopted.

George A. McManus, Jr.
Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Hart

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submits the following:

Meeting held on Wednesday, October 6, 1999, at 1:00 p.m., Room 405, Capitol Building

Present: Senators McManus (C), Stille, Gougeon and Hart

Excused: Senator Byrum

Scheduled Meetings

Environmental Quality Appropriations Subcommittee - Wednesday, October 13, at 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Financial Services Committee - Wednesday, October 13, at 9:00 a.m., 8th Floor Conference Room, Farnum Building (3-1758).

Health Policy Committee - Tuesday, October 12, at 3:00 p.m., Room 100, Farnum Building (3-0793).

Human Resources, Labor, Senior Citizens and Veterans Affairs Committee - Thursday, October 14, at 9:45 a.m., Elijah Myers Room, 2nd Floor, Capitol Building (3-2420).

Michigan Capitol Committee - Wednesday, October 13, at 12:00 p.m., Room H-41, Ground Floor, Capitol Building (3-0289).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 12:30 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, October 12, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

