

**No. 78**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, November 4, 1999.

10:00 a.m.

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

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—excused  
Emerson—present  
Emmons—present  
Gast—present  
Goschka—present  
Gougeon—present

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

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

Senator Kenneth R. Sikkema of the 31st District offered the following invocation:

Lord, we ask You to bless these proceedings this morning as well as the other proceedings in the Legislature today in the House and Senate committees. Regardless of our partisan affiliation or where we hail from geographically in this state, we all ask for a measure of wisdom and courage, understanding and cooperation.

And finally, we want to thank You for the opportunity You've given all of us to serve our fellow citizens. You have richly blessed us as individuals and as a state, and for that, we are grateful.

This we ask in Your name. Amen.

### Motions and Communications

Senators Bullard, A. Smith, Emmons and Byrum entered the Senate Chamber.

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

Senator Rogers moved that Senators Jaye and Schuette be temporarily excused from today's session.  
The motion prevailed.

Senator Rogers moved that Senator Dunaskiss be excused from today's session.  
The motion prevailed.

Senator Dunaskiss is accompanying his daughter for a medical procedure.

Senator Jaye entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, November 3:

**House Bill Nos. 4205 4689 4807 4846 4865 4903 4959**

The Secretary announced the printing and placement in the members' files on Wednesday, November 3 of:

**Senate Bill Nos. 868 869 870 871 872 873 874 875 876 877 878 879**  
**House Bill Nos. 5069 5070 5071 5072 5073 5074 5075 5076 5077 5078 5079 5080 5081**  
**5082 5083 5084 5085 5086 5087 5088 5089 5090 5091 5092**

### Messages from the House

#### Senate Bill No. 463, entitled

A bill to amend 1972 PA 230, entitled "State construction code act of 1972," by amending the title and sections 2, 4, 7, 8, 10, and 22 (MCL 125.1502, 125.1504, 125.1507, 125.1508, 125.1510, and 125.1522), the title and section 4 as amended by 1995 PA 270, section 2 as amended by 1998 PA 42, section 8 as amended by 1994 PA 128, section 10 as amended by 1989 PA 135, and section 22 as amended by 1980 PA 371, and by adding sections 2a, 3a, 8a, 8b, 9b, and 13d; and to repeal acts and parts of acts.

The House of Representatives has appointed Reps. DeRossett, Rocca and Frank as conferees to join with Senators McCotter, Stille and Dingell.

The bill was referred to the Conference Committee.

#### Senate Bill No. 436, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17745a (MCL 333.17745a), as added by 1993 PA 305.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 218, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 1994 PA 174.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 706, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1317.

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

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 826, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 803l and 804 (MCL 257.803l and 257.804), section 803l as amended by 1998 PA 68 and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

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

**Senate Bill No. 831, entitled**

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 23 (MCL 78.23), as amended by 1982 PA 373.

The above bill was read a third time.

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. 572**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Dunaskiss

Murphy

Schuette

Smith, V.

**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. 832, 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. 573****Yeas—34**

Bennett

Gast

Leland

Shugars

Bullard

Goschka

McCotter

Sikkema

Byrum

Gougeon

McManus

Smith, A.

Cherry

Hammerstrom

Miller

Steil

DeBeaussaert

Hart

North

Stille

DeGrow

Hoffman

Peters

Van Regenmorter

Dingell

Jaye

Rogers

Vaughn

Emerson

Johnson

Schwarz

Young

Emmons

Koivisto

**Nays—0****Excused—4**

Dunaskiss

Murphy

Schuette

Smith, V.

**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. 833, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 4 of chapter VI (MCL 66.4), as amended by 1998 PA 255.

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. 574**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Dunaskiss	Murphy	Schuette	Smith, V.
-----------	--------	----------	-----------

**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. 834, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 3 (MCL 117.3), as amended by 1993 PA 207.

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. 575**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Dunaskiss                                      Murphy                                      Schuette                                      Smith, V.

**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. 838, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 227g.

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. 576**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Dunaskiss                                      Murphy                                      Schuette                                      Smith, V.

**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. 839, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16m of chapter XVII (MCL 777.16m), 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. 577****Yeas—34**

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

**Nays—0****Excused—4**

Dunaskiss	Murphy	Schuette	Smith, V.
-----------	--------	----------	-----------

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Schuette entered the Senate Chamber.

The following bill was read a third time:

**Senate Bill No. 855, entitled**

A bill to amend 1925 PA 289, entitled “An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act,” by amending section 3 (MCL 28.243), as amended by 1999 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. 578****Yeas—35**

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

**Nays—0**

**Excused—3**

Dunaskiss

Murphy

Smith, V.

**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. 856, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 219, 222, 233, 240, 319, 605, and 904d (MCL 257.219, 257.222, 257.233, 257.240, 257.319, 257.605, and 257.904d), sections 219, 233, and 605 as amended by 1999 PA 73, section 222 as amended by 1993 PA 300, section 319 as amended by 1999 PA 118, and section 904d as amended by 1999 PA 51.

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. 579****Yeas—35**

Bennett

Gast

Leland

Shugars

Bullard

Goschka

McCotter

Sikkema

Byrum

Gougeon

McManus

Smith, A.

Cherry

Hammerstrom

Miller

Steil

DeBeaussaert

Hart

North

Stille

DeGrow

Hoffman

Peters

Van Regenmorter

Dingell

Jaye

Rogers

Vaughn

Emerson

Johnson

Schuette

Young

Emmons

Koivisto

Schwarz

**Nays—0****Excused—3**

Dunaskiss

Murphy

Smith, V.

**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. 4656, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), 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. 580****Yeas—28**

Bennett	Gast	Johnson	Schuette
Bullard	Goschka	Koivisto	Schwarz
Cherry	Gougeon	McCotter	Shugars
DeBeaussaert	Hammerstrom	McManus	Sikkema
DeGrow	Hart	Miller	Steil
Dingell	Hoffman	North	Stille
Emmons	Jaye	Rogers	Van Regenmorter

**Nays—7**

Byrum	Leland	Smith, A.	Young
Emerson	Peters	Vaughn	

**Excused—3**

Dunaskiss	Murphy	Smith, V.
-----------	--------	-----------

**Not Voting—0**

In The Chair: President

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Rogers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The President, Lieutenant Governor Posthumus, designated Senator Leland as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

**Senate Bill No. 763, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 36109 (MCL 324.36109), as amended by 1996 PA 233.

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

1. Amend page 5, line 3, after "exceed" by striking out "7%" and inserting "3.5%".

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:  
**Senate Bill No. 734, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 1992 PA 267.

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. 773, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 1999 PA 116.

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.

### Resolutions

Senator Young offered the following concurrent resolution:

**Senate Concurrent Resolution No. 27.**

A concurrent resolution to memorialize the Congress and the President of the United States to increase efforts to bring peace and a just settlement to the conflict between Ethiopia and Eritrea.

Whereas, The world has witnessed a tragic series of wars centered upon ethnic cleansing, brutal assaults upon civilian populations, and the displacement of vast numbers of men, women, and children. Over the past several years, Ethiopia and Eritrea have engaged in a destructive war over the identification of their border and a host of other disputes, including economic matters. This conflict has claimed tens of thousands of innocent victims; and

Whereas, The Organization for African Unity has presented numerous proposals to bring stability to the region and an end to the immeasurable suffering. The governments of Ethiopia and Eritrea have accepted certain provisions of a framework agreement to halt fighting. Many other segments of the international community have lent their voices to the cries for reason to end this ongoing nightmare; and

Whereas, The situation in Ethiopia and Eritrea is especially heartbreaking because many of the technical aspects of the disputes seem close to resolution. The magnitude of the civilian casualties and hardships have largely escaped much of the attention of mainstream American media. While the United States has been working to advance the cause of peace, an accelerated effort is needed at this time; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress and the President of the United States to increase efforts to bring peace and a just settlement to the conflict between Ethiopia and Eritrea; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Vaughn was named co-sponsor of the concurrent resolution.

Senator Young offered the following resolution:

**Senate Resolution No. 98.**

A resolution to memorialize the Congress and the President of the United States to increase efforts to bring peace and a just settlement to the conflict between Ethiopia and Eritrea.

Whereas, The world has witnessed a tragic series of wars centered upon ethnic cleansing, brutal assaults upon civilian populations, and the displacement of vast numbers of men, women, and children. Over the past several years, Ethiopia and Eritrea have engaged in a destructive war over the identification of their border and a host of other disputes, including economic matters. This conflict has claimed tens of thousands of innocent victims; and

Whereas, The Organization for African Unity has presented numerous proposals to bring stability to the region and an end to the immeasurable suffering. The governments of Ethiopia and Eritrea have accepted certain provisions of a framework agreement to halt fighting. Many other segments of the international community have lent their voices to the cries for reason to end this ongoing nightmare; and

Whereas, The situation in Ethiopia and Eritrea is especially heartbreaking because many of the technical aspects of the disputes seem close to resolution. The magnitude of the civilian casualties and hardships have largely escaped much of the attention of mainstream American media. While the United States has been working to advance the cause of peace, an accelerated effort is needed at this time; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress and the President of the United States to increase efforts to bring peace and a just settlement to the conflict between Ethiopia and Eritrea; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Vaughn was named co-sponsor of the resolution.

Senators Miller, Peters, Jaye, DeBeaussaert and Emerson offered the following resolution:

**Senate Resolution No. 97.**

A resolution to ask Detroit Edison and Michigan Consolidated Gas to provide rate decreases commensurate with the executive severance payments associated with the merger of these corporations and to request the Attorney General to investigate the buyouts.

Whereas, Two of our state's major corporations, DTE Energy Company, the holding company for Detroit Edison, and MCN Energy Group, which includes the Michigan Consolidated Gas Company, are in the process of merging. Together, these corporations provide vital regulated services of natural gas and electricity to a vast number of Michigan households and businesses. These energy services, including the rates charged to families and companies, are regulated by the Michigan Public Service Commission; and

Whereas, Since the announcement of the merger, reports have surfaced indicating that part of the consolidation plan includes severance packages for certain corporate officials. According to some reports, the total worth of the buyouts may approach nearly \$30 million; and

Whereas, While generous severance packages, often referred to as "golden parachutes," are a common practice in the corporate world, there are many people who view lavish buy-out packages inappropriate in a regulated industry providing the essentials of electricity and natural gas to the homes of the ratepayers. It is certainly insensitive for these corporations to make multi-million dollar payments to executives while expecting the approval of rate increases at other times; and

Whereas, A regulated service-providing corporation with enough money to spare to pay displaced officers after a merger ought to consider rate decreases for the customers who provide this money in the first place; now, therefore, be it

Resolved by the Senate, That we ask Detroit Edison and Michigan Consolidated Gas to provide rate decreases commensurate with the executive severance payments associated with the merger of these corporations and to request the Attorney General to investigate the buyouts; and be it further

Resolved, That copies of this resolution be transmitted to officials of DTE Energy Company and MCN Energy Group and to the office of the Attorney General.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Rogers moved that the resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senator Vaughn was named co-sponsor of the resolution.

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Jaye's statement is as follows:

Mr. President and Senate colleagues, next week Tuesday, we're scheduled to vote on Senate Bill No. 763, which increases the tax breaks for agriculture. I'd like you to take a close look at the actual details over the weekend. The way the current farmland and open space preservation act reads is that any time the property taxes on all the land, all the farming operations, and the home that the farmer lives in exceeds 7 percent of the household income, they get a

refund from the General Fund—the state taxpayers. I know of no other business that gets a break on their home. I understand that agriculture is land intensive, but to also exempt the home, I believe, is excessive. And what this bill does is it says any time the property taxes exceed 3.5 percent of the income, there'll be a refund from the Treasury Department, \$11.7 million.

Well, I'm going to be offering an amendment next week, Tuesday, to say that any residential home should be considered an open space. Most people that have a home have an open space; it's called a front yard and a back yard. I know that we've got the homestead income tax credit. It's about \$1,200. But it is, in my estimation, wrong just to give one homeowner a special refund from the treasury but not the other homeowners.

Then I asked staff members to take a look at what actually is the definition of a farm. Well, I'm reading right from the code. It says, "A farm can be five acres or more that has a gross annual income of \$200.00 a year or more per acre." So all you have to do is have \$200.00 of sales per acre, and you're going to have a refund on any property tax on your mansion and your home whenever that property tax exceeds 3.5 percent of your income. So I hope that will give some strong consideration to target this tax break to people that are actually farming, not somebody with a mansion that grows a couple tomato plants and sells them for 200 bucks. And it can even be less if the farm is designated as a speciality farm by the Department of Agriculture—it could even be less than that.

So I do want to help farmers. I voted for the right-to-farm legislation. I voted for private property rights for farmers. I voted to reduce their property taxes to 6 mills, where every other residential home or business spends 24 mills, including land-intensive operations like an airport or a golf course. But I do believe that there's a loophole here, perhaps as much as an \$11.7-million loophole when we allow farmers' homes to have a tax break and not any other business to have a tax break. And when we're allowing people that aren't farmers if you can only produce \$200.00 per acre, I believe that allows individuals that aren't serious farmers to get a special tax break. So anytime we have a special tax break for a specific industry, it should be a legitimate operation not some sort of scammer with a sharp pencil and an eagle eye that finds the way to shift their responsibilities and get out of their tax break for property taxes for school financing.

Senator Miller's statement is as follows:

I rise just to make a couple of statements regarding a topic that has been showing up recently in the headlines of the newspapers and has been on every major news station across the country. I'm talking about the increased burden on our senior citizens and senior citizens across Michigan with the prices of the most commonly used prescription drugs by our seniors having increased four times faster than the rate of inflation. The pharmaceutical industry is the most profitable industry in America, and yet, these drug companies continue to raise prices on our senior citizens.

Prescription drugs are not covered by the protection of Medicare for our seniors. Half of the seniors in this country are trying to make ends meet on less than \$15,000.00 a year. Senior citizens on the average have more than 18 prescriptions per year filled, and yet, they're not covered by Medicare. Many, many seniors are in a serious dilemma. "Do I let my utilities and my food bill go, or do I get my prescriptions filled?" It's a terrible dilemma. When you reach that age of retirement, you should be reaching an age that you enjoy life not worrying about "Do I eat, or do I take my prescriptions to fight some dreadful disease?"

In Michigan, we've been a leader in this chamber and in this state government to find ways to help senior citizens with prescription drugs. However, Michigan allows a tax credit for low-income seniors of \$600.00 a year, but it has not been increased since 1988. We can show the country and the federal government how Michigan has been a leader in so many different areas and especially for senior citizens.

I urge my colleagues here to support my bill, Senate Bill No. 237, and I've talked to the good Senator and the chairman of the committee that my bill is in. We're working to give the seniors of this state a hearing and some relief. Why should we not be the leaders to show the free world that Michigan is the leader to help senior citizens? So I hope that when you see these headlines and watch these news shows in your communities that you remember that we have a Senate bill here. I'm hoping that the good chairman, Senator Emmons, will schedule a hearing soon, and we move forward on my bill and the package of bills to help senior citizens.

So again, I wanted to bring this up that Michigan is already out in the forefront and hope that we show Washington that we mean business and relief for our senior citizens.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators Jaye, McCotter and Dunaskiss introduced

#### **Senate Joint Resolution N, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 25 to article I, to recognize a right to catch and take fish.

The joint resolution was read a first and second time by title and referred to the Committee on Government Operations.

Senators Schwarz, Gast, Johnson and Shugars introduced

**Senate Bill No. 882, entitled**

A bill to create certain funds; to provide for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.

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

**House Bill No. 4205, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 115 (MCL 750.115).

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. 4689, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 315b.

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 Gaming and Casino Oversight.

**House Bill No. 4807, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 18826 and 18827.

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 Farming, Agribusiness and Food Systems.

**House Bill No. 4846, entitled**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265, and by adding section 3a.

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. 4865, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 705 (MCL 257.705), as amended by 1995 PA 91.

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. 4903, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18802 and 18838 (MCL 333.18802 and 333.18838), section 18802 as amended by 1982 PA 353.

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. 4959, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 15 and 602.

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 Education.

### Scheduled Meetings

Appropriations Committee - Wednesday, November 10, at 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Capital Outlay Joint Appropriations Subcommittee - Wednesday, November 10, at 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Economic Development, International Trade and Regulatory Affairs Committee - Tuesday, November 9, at 1:00 p.m., Room 110, Farnum Building (3-7946).

Financial Services Committee - Wednesday, November 10, at 9:30 a.m., Room 110, Farnum Building (3-1758).

Health Policy Committee - Wednesday, November 10, at 1:30 p.m., Room 100, Farnum Building (3-0793).

Natural Resources and Environmental Affairs Committee - Tuesday, November 9, at 1:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senator Rogers moved that the Senate adjourn.  
The motion prevailed, the time being 10:53 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, November 9, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.