

No. 3
STATE OF MICHIGAN
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REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, January 22, 2003.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Raymond E. Basham of the 8th District offered the following invocation:

Dear God, bless this chamber as it goes about the business of doing the people's work. Help us to realize that working together, with Your guidance, members of this Legislature can accomplish many things which improve the lives of the people in this great state. Help us to be understanding of each other.

In Your name we pray. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Hammerstrom moved that Senator Jelinek be temporarily excused from today's session. The motion prevailed.

Senator Jelinek entered the Senate Chamber.

Resolutions

Senator Gilbert offered the following resolution:

Senate Resolution No. 3.

A resolution recognizing Port Huron as the maritime capital of the Great Lakes.

Whereas, The stream of ship traffic past the shores of Port Huron and under the Blue Water Bridge is the biggest tourist attraction in the region. Port Huron is steeped in maritime history and tradition; and

Whereas, An excellent vantage area for up close viewing of American and international ship traffic, Port Huron has the best easily accessible deep water port on the Great Lakes; and

Whereas, The city annually hosts the Mackinac Race, which is arguably the most renowned racing event held on the Great Lakes; and

Whereas, Port Huron is home to numerous other popular Great Lakes attractions such as the Fort Gratiot Lighthouse, the Huron Lightship, and the tall ship Highlander Sea, as well as numerous other maritime-oriented festivals and events; and

Whereas, An extensive search has been completed that indicates no other municipality has trademarked this designation; and

Whereas, The Port Huron City Council has adopted a resolution designating the city as the "Maritime Capital of the Great Lakes," and the city has filed trademark paperwork with the United States Patent and Trademark Office to formally secure the designation for Port Huron; now, therefore, be it

Resolved by the Senate, That we hereby designate the city of Port Huron as the maritime capital of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the Port Huron City Council and the United States Patent and Trademark Office as evidence of our declaration.

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

Senator Hammerstrom 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 Hammerstrom moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Goschka was named co-sponsor of the resolution.

Senators Patterson, Gilbert, Brater, Birkholz, Sanborn, Cherry, Sikkema, McManus, George, Cassis, Goschka, Stamas, Toy, Barcia, Hammerstrom, Jelinek, Brown, Garcia, Basham and Kuipers offered the following resolution:

Senate Resolution No. 4.

A resolution to memorialize the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste.

Whereas, In 1992, the United States Supreme Court, in Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources, ruled that states could not regulate or ban the importation of solid waste because only Congress has

the authority to regulate interstate commerce. Since that time, Michigan has become the dumping ground for increasing amounts of solid waste from outside of our state and, with large amounts of trash from Canada, from outside the country; and

Whereas, Michigan has become one of the largest recipients of imported solid waste in the country. Approximately 15 percent of all trash dumped in landfills in Michigan now originates elsewhere. The amounts have increased significantly in the past several years, and recent reports of a major contract with Ontario and of the closing of the nation's largest landfill in New York seem to indicate this situation will only become a bigger issue in the future; and

Whereas, Accepting unlimited volumes of trash from outside our state is a serious long-term commitment. Long after the money from the contract has been spent, there is a threat to the environment and an obligation to monitor sites to protect water and health. Clearly, any state accepting these long-term risks should be able to regulate what comes across state lines for disposal; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom 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 Hammerstrom moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Introduction and Referral of Bills

Senators Hammerstrom, Cassis, Kuipers, Stamas, Leland, Cherry, George, Toy, Goschka, Birkholz, Schauer, Jacobs, Clark-Coleman, Thomas, Prusi, Hardiman, Brater, Bernero and McManus introduced

Senate Bill No. 40, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Hammerstrom, Patterson, Kuipers, Leland, Brater, Goschka, Schauer, Jacobs and Hardiman introduced

Senate Bill No. 41, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17748a, 17748b, 17748c, 17748d, 17748e, 17748f, 17748g, 17748h, 17748i, 17748j, 17748k, 17748l, 17748m, 17748n, 17748o, 17748p, 17748q, 17748r, 17748s, 17748t, and 17748u.

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

Senators Sanborn, Patterson, Johnson, Cassis, Stamas, Cropsey and Goschka introduced

Senate Bill No. 42, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 51a, 209, 303, and 314 (MCL 257.51a, 257.209, 257.303, and 257.314), section 303 as amended by 2002 PA 422 and section 314 as amended by 2002 PA 554.

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

Senators Sanborn, Patterson, Johnson, Cassis, Stamas, Cropsey and Goschka introduced

Senate Bill No. 43, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended and section 1a as added by 1997 PA 99 and section 2 as amended by 2002 PA 553.

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

Senators Cassis, Gilbert, Sanborn, Garcia, Birkholz, Kuipers, Van Woerkom, Goschka, Barcia, Thomas, Hardiman, Allen, Schauer, Bernero, Cropsey, Bishop and Clarke introduced

Senate Bill No. 44, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2002 PA 603.

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

Senators Cassis, Garcia, McManus, Kuipers, Birkholz, Toy, Barcia, Hardiman, Brown, Allen, Bernero, Schauer, Jacobs, Bishop and Clarke introduced

Senate Bill No. 45, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1705; and to repeal acts and parts of acts.

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

Senators Patterson, Gilbert, Brater, Cassis, Toy, Bishop and Goschka introduced

Senate Bill No. 46, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3115 (MCL 324.3115).

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

Senator Patterson introduced

Senate Bill No. 47, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as added by 2002 PA 30.

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

Senators Patterson, Cassis, Toy and Goschka introduced

Senate Bill No. 48, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 227 and 233a (MCL 257.227 and 257.233a), section 227 as amended by 1995 PA 287 and section 233a as amended by 2000 PA 82.

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

Senator Patterson introduced

Senate Bill No. 49, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12c of chapter XVII (MCL 777.12c), as added by 2002 PA 34.

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

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, January 23, 9:00 a.m., Room 110, Farnum Building (373-1635)

Banking and Financial Institutions - Thursday, January 23, 1:00 p.m., Room 100, Farnum Building (373-2417)

Education - Thursday, January 23, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, January 29, 1:00 p.m., Room 110, Farnum Building (373-1758)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:11 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, January 23, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

