

No. 2
STATE OF MICHIGAN
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Senate Chamber, Lansing, Thursday, January 15, 2004.

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—excused
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

Pastor David Brooks of First Baptist Church of Portage offered the following invocation:

Father, we thank You for this day and that You have given us the health and the safety, O God, to leave the places where we live and come here. We thank You, Father, that You call men and women to give our states and our nation leadership, wisdom, and skill. Thank You for that.

Now, God, I pray that this meeting today would be under Your guiding hand and Your wisdom, O God, and Your personal blessing. Thank You for the privilege of being here today to be unified and to give leadership to the great state of Michigan.

God bless these men and women as they continue to follow You and lead us. We are grateful for every one of them. In Jesus' name. 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 Brown be temporarily excused from today's session.
The motion prevailed.

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

Senator Schauer moved that Senator Emerson be temporarily excused from today's session.
The motion prevailed.

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

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 626, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

Senate Bill No. 627, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386.

Senate Bill No. 629, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 4 (MCL 390.994), as amended by 1980 PA 503.

Senate Bill No. 661, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274).

Senate Bill No. 662, entitled

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 3 (MCL 390.1023), as amended by 1984 PA 9.

The bills were 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. 625, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283).

Substitute (S-1).

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. 628, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403).

Substitute (S-1).

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. 753, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; and to repeal acts and parts of acts.

Substitute (S-1).

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. 755, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20531.

Substitute (S-1).

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. 756, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a.

Substitute (S-1).

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. 757, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5475a.

Substitute (S-1).

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.

During the Committee of the Whole, Senators Emerson and Brown entered the Senate Chamber.

Resolutions

Senator Hammerstrom moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 207

The resolution consent calendar was adopted.

Senator Allen offered the following resolution:

Senate Resolution No. 207.

A resolution honoring Bay Harbor as the winner of the worldwide Urban Land Use Institute Award of Excellence.

Whereas, The Urban Land Use Institute's mission is to promote responsible leadership in the use of land to enhance the total environment, and the Award of Excellence is based on their guiding principle that the achievement of excellence in land use should be recognized and rewarded; and

Whereas, Bay Harbor was selected from a global field of projects based on a number of different criteria, such as consistency with the Urban Land Use Institute's mission, achievement of excellence in all categories—design, construction, finance, economics, marketing and management, contribution to an enhancement in the quality of community life, ability to serve as an extraordinary example of private interests and public agencies working effectively together to achieve a noble result, and its worthiness of emulation; and

Whereas, Located on the pristine shores of Lake Michigan on the Little Traverse Bay, Bay Harbor was once the site of an abandoned limestone quarry and cement plant and which was then developed by the Victor International Corporation, through the largest land reclamation project in North America to become an example of a master planned and environmentally sensitive community;

Whereas, Bay Harbor now boasts over 550 homeowners, and through a collective commitment to excellence, has seen the community expand and flourish as an exemplary model for which other communities in Michigan, the United States, and the world will look to as a leader in the land use industry; now, therefore, be it

Resolved by the Senate, That it is an honor and a privilege to recognize the residents of Bay Harbor and the Victor International Corporation as the recipient of the 2003 Urban Land Use Institute Award of Excellence; and be it further Resolved, That a copy of this resolution be transmitted to the Victor International Corporation.

Introduction and Referral of Bills

Senators Sanborn and Stamas introduced

Senate Bill No. 918, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539j. The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Cropsey and Stamas introduced

Senate Bill No. 919, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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

Statements

Senators Clark-Coleman, Hardiman and Johnson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Clark-Coleman's statement is as follows:

I'd like to take this opportunity to draw attention to the fact, as many of us know, that Monday we will be celebrating the birthday of a very important person to me and to many of you. That is the birthday of Dr. Martin Luther King.

Dr. Martin Luther King, Jr., was born on January 15, 1929, in Atlanta, Georgia. He attended Morehouse College in Atlanta, Georgia, where he graduated at the very young age of 19 years old. He led his first boycott of segregated buses in Montgomery, Alabama, at the age of 26 years old. He decided to become a preacher after being assaulted by violence and human treachery during the bus boycott. This great man was awarded the Nobel Peace Prize in 1964 for his great works. He was named *Time* magazine's Person of the Year in 1963. He delivered the famous and unmatched "I Have A Dream" speech before hundreds of thousands of freedom-seeking Americans at the steps of the Lincoln Memorial in 1963.

This wonderful man sacrificed his life for his countryman—black, white, Jews, and Gentiles—on April 4, 1968. The legacy of Dr. King's life lives on with the continuous work of the NAACP, the Center for Nonviolent Social Change, and other brave warriors of social change.

You know, I have to personalize this by saying that I marched with Dr. King in the march down Woodward Avenue back in the '60s. I was just a young girl at that time, but it was such an experience for me that I never forgot it. I was then an activist, I was a member of the young adult division at the NAACP, and we all came out en masse to walk with this great man during this great march down Woodward Avenue. I never forgot it. It was something I will carry with me as long as I live. He was a great man.

In addition of that, he was a wonderful orator. I remember seeing him down at the Veteran's Memorial when he spoke at an event that I attended. I was struck in awe of the way that this man could just walk the stage, from one end of the stage to the other end of the stage, and he spoke so eloquently without notes or any prompting of any kind. He just spoke, and he held the audience in the palm of his hands. You could hear a pin drop, and no one said a word. It was just that he was able to inspire and hold the minds and the attention of all the people and just walk and just talk. He was a great, great orator whom I will never forget.

I am greatly honored to be able to stand up here today and to bring these remarks on behalf of that wonderful man.

Senator Hardiman's statement is as follows:

There is an emerging consensus among many people across this country, whether that be spiritual, academic, civic, or politic leaders, that increasing the portion of children born in healthy two-parent, married homes is one way to improve the lives of young people, also older people. There has been much research done on this issue.

Some people believe that this is important because they believe that marriages are ordained of God. It is based on those religious beliefs. Others believe it because they've seen the reports that have come out, and statistics have shown that children who are born in healthy married, two-parent families have lower instances of teenage pregnancy, higher levels of academic excellence, lower instances of jail time, and other social ills.

I have been involved in an effort in the greater Grand Rapids area, a grassroots effort, to help increase the proportion of healthy married families in that community. It has been very successful, but it's only one of many efforts around this country. I am very pleased to see that President Bush has announced a \$1.5 billion plan to also promote marriage. That plan would provide federal dollars that could be used for specific activities like advertising campaigns to publicize the value of marriage, instruction in marriage skills, and mentoring programs that can be used to help provide married couples as role models. There are many other ways to help lift up the standard of marriage.

Let me be very clear. This is not an effort to imply criticism of individuals, who through unfortunate circumstances, are members of unwed or single-parent families. Certainly, this is not. If it were, in my years coming up, I was in one of those situations. This is an effort to lift up a very positive standard for marriage that I believe will be a blessing to many people in this country, children and adults alike.

It certainly does not assume that abusive situations should be endured. I certainly do not advocate for that. It is an effort to empower couples for healthy lifelong marriages and to raise the standard of two-parent, married families in this community. In this way, all of our communities can focus and provide the greater likelihood of ensuring the well-being of its members, children and adults alike.

Senator Johnson's statement is as follows:

I rise to compliment and also say that Senator Clark-Coleman and I are the same age. We go back to the '60s together. As a young woman, working while my husband was going to school, I worked in downtown Chicago, and the company that I worked for happened to be located in the state education building.

Martin Luther King with frequency, with hundreds and hundreds of people, picketed that building and would on occasion open and have remarks because, of course, all the media was there. Most of us in that building frantically fought either running downstairs or getting on elevators—sometimes way overcrowded—to get ourselves out there to hear him speak. He was truly an inspiration for each and every one of us. I get goose bumps all over just thinking about those days. He was an incredible man, and I rise to honor him as well as you.

Scheduled Meetings

Agriculture, Forestry and Tourism and Agriculture Appropriations Subcommittee, Joint - Thursday, January 22, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -

Subcommittees -

Agriculture and Agriculture, Forestry and Tourism, Joint - Thursday, January 22, 9:00 a.m., Room 110, Farnum Building (373-5932)

Higher Education, Joint Senate/House - Wednesday, January 28, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Commerce and Labor - Tuesday, January 20, 3:00 p.m., Room 100, Farnum Building (373-2413)

Families and Human Services - Tuesday, January 20, 3:00 p.m., Room 210, Farnum Building (373-1801)

Finance - Wednesday, January 21, 1:00 p.m., Room 110, Farnum Building (373-1758)

Judiciary - Tuesday, January 20, 1:00 p.m., Room 210, Farnum Building (373-3760)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:35 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, January 20, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate