

No. 8
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Tuesday, February 4, 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

Pastor Tim Forsthoff of Cornerstone Church of Highland offered the following invocation:

As the Bible says, "If my people who are called by my name shall humble themselves, and pray . . . then I will hear from heaven . . . and heal their land."

Heavenly Father, I thank You, Lord, for this great opportunity as we gather ourselves together to conduct the state's business. Father, we remember the tragedy of the *Columbia* space shuttle and pray for Your comfort and grace to all those who are touched by this tragedy. We also pray, Lord, for our President and Congress as they have large decisions and even contemplating possible war. Lord, guide and direct them to make the right decisions.

And, Father, we pray for Your divine wisdom to enter into the hearts of these good men and women as they conduct the state's business. As Your Word says, if anyone lacks wisdom, let them ask of God, and He will give it. Father, we pray to that end, that You will grant Your wisdom. Blessed is the nation whose God is the Lord. Father, we pray that Your wisdom and Your guidance and direction would be imparted into their hearts so they might lead this nation with integrity and with righteousness and in a manner that is pleasing to You.

We ask all these things in Jesus' name. Amen and Amen.

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

Motions and Communications

The Secretary announced the printing and placement in the members' files on Thursday, January 30, of:

House Bill Nos.	4079	4080	4081	4082	4083	4084	4085	4086	4087	4088	4089	4090	4091	4092
	4093	4094	4095	4096	4097	4098	4099	4100	4101	4102	4103	4104	4105	4106
	4107	4108	4109	4110	4111	4112	4113	4114	4115	4116	4117			

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

Senate Bill Nos.	65	66	67	68	69	70	71	72	73	74	75	76	77	78
	79	80	81	82	83	84	85	86	87	88	89	90	91	92
	93	94	95	96	97	98	99	100	101	102	103	104	105	106
	107	108	109	110	111	112	113	114	115	116	117	118	119	120
	121	122	123	124	125	126	127							

Messages from the Governor

The following messages from the Governor were received and read:

January 30, 2003

I respectfully submit for consideration and confirmation by the Senate, the following appointments to state office:

Director of Department of Transportation

Gloria Jeff, 6304 16th Street NW, Washington, District of Columbia 20011, for a term commencing on January 30, 2003, and expiring at the pleasure of the Governor.

Director of Department of Information Technology

Teresa Takai, 4783 Riverchase Drive, Troy, Michigan 48098, county of Oakland, for a term commencing on February 10, 2003, and expiring at the pleasure of the Governor.

Director of Department of Management and Budget

Mitch Irwin, 844 Pebblebrook, East Lansing, Michigan 48823, county of Ingham, for a term commencing on January 30, 2003, and expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators George, Patterson, Goschka, Birkholz, Toy and Cherry introduced

Senate Bill No. 128, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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

Senators Cassis, Birkholz, Bishop, Garcia, Toy, McManus, Van Woerkom, Goschka, Kuipers, Allen and Jelinek introduced

Senate Bill No. 129, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1211, 1211d, and 1211e (MCL 380.1211, 380.1211d, and 380.1211e), section 1211 as amended and section 1211e as added by 1994 PA 258 and section 1211d as amended by 1996 PA 69.

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

Senators Allen, Cassis, Garcia, Birkholz, Bishop, Toy, McManus, Van Woerkom, Goschka, Kuipers and Jelinek introduced

Senate Bill No. 130, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2001 PA 217.

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

Senators Birkholz, Cassis, Bishop, Garcia, Toy, McManus, Van Woerkom, Goschka, Kuipers, Allen and Jelinek introduced

Senate Bill No. 131, 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 2000 PA 203.

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

Senators Garcia, Cassis, Birkholz, Bishop, Toy, McManus, Van Woerkom, Goschka, Kuipers, Allen and Jelinek introduced

Senate Bill No. 132, entitled

A bill to amend 2002 PA 27, entitled "An act to establish procedures for municipalities to designate individual lots or structures as blighting; to purchase or condemn blighting property; to transfer blighting property for development; and to repeal acts and parts of acts," by amending section 2 (MCL 125.2802).

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

Senators McManus, Cassis, Garcia, Bishop, Birkholz, Toy, Van Woerkom, Goschka, Kuipers, Allen and Jelinek introduced

Senate Bill No. 133, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7u, 7cc, 7dd, 24c, 27d, and 120 (MCL 211.7u, 211.7cc, 211.7dd, 211.24c, 211.27d, and 211.120), sections 7u and 24c as amended by 2002 PA 620, section 7cc as amended by 2002 PA 624, section 7dd as amended and section 27d as added by 1996 PA 476, and section 120 as added by 1995 PA 74.

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

Senators Toy, Cassis, Garcia, Bishop, Birkholz, McManus, Van Woerkom, Goschka, Allen, Kuipers and Jelinek introduced

Senate Bill No. 134, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 20 (MCL 388.1620), as amended by 2002 PA 521.

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

Senators Hardiman, Cassis, Garcia, Birkholz, Bishop, Toy, McManus, Van Woerkom, Goschka, Kuipers, Allen and Jelinek introduced

Senate Bill No. 135, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2000 PA 13.

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

Senators Hammerstrom, Cassis, Birkholz, Garcia, Bishop, Toy, McManus, Van Woerkom, Goschka, Kuipers, Allen and Jelinek introduced

Senate Bill No. 136, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 35, 37, 43, and 62a (MCL 205.735, 205.737, 205.743, and 205.762a), section 35 as amended by 2000 PA 165, section 37 as amended by 1996 PA 505, and section 43 as amended and section 62a as added by 1994 PA 254.

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

Senators Gilbert, Jelinek, Basham and Birkholz introduced

Senate Bill No. 137, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 27a (MCL 125.227a).

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

Senators Gilbert, Jelinek, Basham and Birkholz introduced

Senate Bill No. 138, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 27a (MCL 125.297a).

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

Senators Gilbert, Jelinek, Basham and Birkholz introduced

Senate Bill No. 139, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 12 (MCL 125.592).

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

Senators Leland, Brater, Goschka, Cherry, Jacobs, Schauer, Olshove, Basham and Bernero introduced

Senate Bill No. 140, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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

Senators Leland, Brater, Goschka, Cherry, Jacobs, Prusi, Schauer, Olshove, Bishop and Bernero introduced

Senate Bill No. 141, 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 Birkholz, Garcia, Sanborn, Jelinek, Allen, Jacobs, Cropsey, Goschka and Hardiman introduced

Senate Bill No. 142, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 7 (MCL 800.327), as amended by 1996 PA 537.

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

Senators Birkholz, Garcia, Cherry, Van Woerkom, Cropsey, Jacobs, Goschka and Hardiman introduced

Senate Bill No. 143, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w.

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

Senators Birkholz, Garcia, Sanborn, Jelinek, Brown, Allen, Cropsey, Goschka and McManus introduced

Senate Bill No. 144, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304.

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

Senators Bishop, Gilbert, Goschka and Jelinek introduced

Senate Bill No. 145, entitled

A bill to amend 1969 PA 296, entitled "An act to provide for the transfer of jurisdiction over highways; to provide for the final determination of disputes involving transfers of highway jurisdiction; and to supersede certain acts and parts of acts," by amending section 5 (MCL 247.855), as amended by 1980 PA 12, and by adding section 3a.

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

Senators Garcia, McManus, Goschka, Sanborn, Kuipers and Hardiman introduced

Senate Bill No. 146, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

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

Senators Garcia, Toy, Patterson, Goschka, Olshove and Jelinek introduced

Senate Bill No. 147, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514).

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

By unanimous consent the Senate returned to the order of

Resolutions

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

House Concurrent Resolution No. 4

The resolution consent calendar was adopted.

House Concurrent Resolution No. 4.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Wednesday, February 5, 2003, at 6:30 p.m., to receive the message of Governor Jennifer M. Granholm.

The House of Representatives has adopted the concurrent resolution.

Senators Switalski, Brater, Schauer, Jacobs, Brown, Cassis, Toy, Jelinek, Clarke and Bishop were named co-sponsors of the concurrent resolution.

Senators Hardiman, Sanborn, Cropsey, McManus, Garcia, Kuipers, Brown, Van Woerkom and Birkholz offered the following resolution:

Senate Resolution No. 7.

A resolution to express support for the proposed federal rules change to permit faith-based human service organizations to compete for grants through the United States Department of Housing and Urban Development.

Whereas, Faith-based organizations have provided comfort, security, and aid to Michigianians since the earliest days of statehood. These organizations continue to do so today, from the streets of Detroit to the rural reaches of the Upper Peninsula; and

Whereas, Over the years, faith-based organizations have grown to provide many services in health, welfare, and care for needy Michigianians. These organizations are an integral part of communities and neighborhoods of all sizes and descriptions; and

Whereas, Faith-based organizations often provide services on behalf of state and local governments. This enables scarce public funds to be stretched even further to fulfill a common mission; and

Whereas, President Bush has recently proposed that the Department of Housing and Urban Development amend its rules to allow faith-based organizations to compete for federal housing and community development grants. This rule change would allow faith-based organizations to receive funding for structures and improvements for the nonsectarian portions of their work; and

Whereas, Adoption of the proposed new rule would mean numerous Michigan organizations could choose to improve the delivery of services or assistance to needy residents if they choose to apply; and

Whereas, The United States Department of Housing and Urban Development is currently seeking input on this proposal through a public comment period that runs through March 7, 2003; now, therefore, be it

Resolved by the Senate, That we express support for the proposed federal rules change to permit faith-based human service organizations to compete for grants through the United States Department of Housing and Urban Development; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States and the Secretary of the United States Department of Housing and Urban Development.

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 Families and Human Services.

The motion prevailed.

Senators Sikkema, Hammerstrom, Sanborn, Patterson, Cropsey, Garcia, Van Woerkom, Allen, Hardiman, Bishop, Stamas, Cassis, Birkholz, Jelinek, Johnson and Kuipers offered the following concurrent resolution:

Senate Concurrent Resolution No. 3.

A concurrent resolution to create the Joint Select Committee on Business Competitiveness.

Whereas, While our state has made substantial progress in economic development, this challenge is becoming increasingly difficult in the current conditions facing the country. Uncertainties with the economy, the increased focus on homeland security, and the impact of the global market create additional pressures on the entire policy area of creating jobs and business growth; and

Whereas, The highly competitive nature of economic development efforts is also accelerated by the rapid changes in technology and market conditions. The responses and approaches that worked in the past may be inadequate now. Any state that does not take an aggressive stance in the effort to create new jobs is not serving its citizens as it should; and

Whereas, A concentrated study of Michigan's business climate is in order. We need to identify any obstacles, including regulatory processes, that may keep Michigan from being as competitive as it needs to be. We also need to determine if new incentives can be developed to attract jobs; and

Whereas, The mission of developing the economy and creating employment opportunities is shared by job providers, small business owners, workers, government leaders, and taxpayers. In this vitally important work, everyone's experience is important and can contribute to building a stronger Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there be created the Joint Select Committee on Business Competitiveness to study Michigan's business climate and identify any obstacles, including regulatory requirements, that inhibit Michigan's growth. The Joint Select Committee on Business Competitiveness shall consist of five members of the Senate and five members of the House of Representatives appointed in the same manner as standing committees of the Senate and House are appointed. The committee shall report its findings and recommendations to the Michigan Legislature by September 1, 2003; and be it further

Resolved, That the committee is hereby authorized to expend a maximum amount of \$10,000 in carrying out its duties and such additional expenditures deemed necessary by the chair of the committee and approved by the Senate Majority Leader and the Speaker of the House. Payments for contractual services may be authorized by the committee chair, the Senate Majority Leader, and the Speaker of the House.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution was adopted.

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Wednesday, February 5, at 6:00 p.m.

The motion prevailed.

Committee Reports

The Committee on Technology and Energy reported

Senate Bill No. 1, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2000 PA 295.

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.

Bruce Patterson
Chairperson

To Report Out:

Yeas: Senators Patterson, Toy, Birkholz, Brown, Cassis, Olshove and Bernero

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 Technology and Energy submitted the following:

Meeting held on Wednesday, January 29, 2003, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 28, 2003, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, Small Business and Regulatory Reform submitted the following:

Meeting held on Wednesday, January 29, 2003, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Sanborn (C), Allen, Gilbert, Jacobs and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Meeting held on Thursday, January 30, 2003, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, January 30, 2003, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom, Clark-Coleman and Leland

Scheduled Meetings**Appropriations -****Subcommittees -**

Environmental Quality Department - Wednesday, February 19, 3:00 p.m., Room 110, Farnum Building (373-1725)

General Government - Tuesdays, February 11, February 18, and February 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesdays, February 11 and February 18, 1:00 p.m., Room 100, Farnum Building (373-0793)

Natural Resources Department - Wednesday, February 19, 4:00 p.m., Room 110, Farnum Building (373-1725)

Transportation Department - Tuesday, February 11, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, February 6, 1:00 p.m., Room 100, Farnum Building (373-2417)

Education - Thursday, February 6, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Thursday, February 6, 8:30 a.m., Room 210, Farnum Building (373-1801)

Finance - Wednesday, February 5, 1:00 p.m., Room 110, Farnum Building (373-1758)

Gaming and Casino Oversight - Wednesday, February 5, 1:00 p.m., Room 810, Farnum Building (373-2413)

Judiciary - Tuesday, February 11, 1:00 p.m., Room 210, Farnum Building (373-3760)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:17 a.m.

Pursuant to the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, February 5, 2003, at 6:00 p.m.

CAROL MOREY VIVENTI
Secretary of the Senate