

No. 24
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, March 12, 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—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

Senator Michael Prusi of the 38th District offered the following invocation:

Lord, thank You for this day. Across Michigan and around the world Your people pray to You through many faiths and many creeds in many languages, but our hopes and our prayers are common.

Lord, we seek God's peace in these trying times when war and senseless violence curse our planet. We pray that You hold our troops and their families in Your gentle grace in the dangerous days ahead.

Lord, we look for Your compassion for the downtrodden and poverty-stricken who have been cast aside in the world's lust for wealth and power. Help us to lift them up to share in the bounty of our society.

Lord, we ask that Your love fill the hearts of mankind to replace the hatred born of fear and ignorance.

Lord, keep us ever mindful that our society is and ought to be measured by the things we do to protect and strengthen those in the dawn of life, our children, whose futures are in our hands; those in the twilight of life, our elders, who have toiled all of their lives to earn a dignified and secure retirement; and those in the shadows of life, our brothers and sisters, who struggle daily with mental, emotional, and physical disabilities.

Lord, guide us with Your wisdom today as we do our work in this chamber, for we know that through You, all things are possible. 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 Garcia be excused from today's session.
The motion prevailed.

The following communications were received and read:
Office of the Senate Majority Leader

March 10, 2003

Pursuant to MCL 38.1026, I have made the following retiree appointments to the Legislative Retirement System Board of Trustees, with terms ending in 2006:

Senator Robert Geake	Senator George McManus
48525 W. Eight Mile Road	741 Garfield Road South
Northville, MI 48167	Traverse City, MI 49686

March 10, 2003

Pursuant to MCL 390.1531, I have appointed Senator Mike Goschka to serve on the Midwestern Higher Education Commission.

March 10, 2003

Pursuant to MCL 4.1401(1)(b), I have made the following Senate appointments to the Michigan Law Revision Commission:

Senator Mike Bishop and Senator Hansen Clarke

March 10, 2003

Pursuant to MCL 397.14(3)(c) and (d), I have made the following Senate appointments to the Michigan Library Board of Trustees:

Senator Tom George and Senator Irma Clark-Coleman

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, March 11:
House Bill No. 4198

The Secretary announced the printing and placement in the members' files on Tuesday, March 11, of:
Senate Bill No. 289

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 Bishop 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 with a substitute therefor, the following bill:

Senate Bill No. 6, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17757 (MCL 333.17757), as amended by 1986 PA 304.

Substitute (S-2).

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

1. Amend page 4, line 4, by striking out all of subdivision (j) and inserting:

"(j) Until January 1, 2005, the current selling price of the prescription drug to a purchaser without prescription coverage or the price of the prescription drug charged to a third-party payment source, and the co-pay, if any, paid by the purchaser. Effective on and after January 1, 2005, if the prescription purchase is covered by a third-party pay contract, the price of the prescription drug charged to the third-party payment source, and the co-pay, if any, paid by the purchaser. Effective on and after January 1, 2005, if the prescription purchase is not covered by a third-party pay contract, the current selling price of the prescription drug to a purchaser without prescription coverage."

The Senate agreed to the substitute, as amended, 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. 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.

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. 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.

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. 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.

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. 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).

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. 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.

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. 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.

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. 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.

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. 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.

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 123, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

Senator Patterson offered the following amendment:

1. Amend page 2, line 18, after "**commission**" by striking out the balance of the subsection and inserting a period and "**As used in this subsection, "county road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.**".

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. 27

Yeas—37

Allen
Barcia

Clark-Coleman
Clarke

Jacobs
Jelinek

Sanborn
Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry			

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 29

Senate Resolution No. 31

The resolution consent calendar was adopted.

Senators Clark-Coleman, Brater, Barcia, Switalski, Olshove, Scott, Jacobs, Leland, Emerson, Bernero, Cherry, Schauer, Bishop, Hardiman, Jelinek, Clarke, Prusi and Basham offered the following resolution:

Senate Resolution No. 29.

A resolution honoring Lewis College of Business on its 75th Anniversary.

Whereas, Lewis College of Business (LCB) is Michigan's only Historically Black College. LCB was established 75 years ago in Indianapolis, Indiana, when its founder, Dr. Violet T. Lewis, decided to establish an educational institution that would help African Americans acquire business skills. LCB is also one of only three Historically Black Colleges and Universities started by a woman. In 1939, Dr. Lewis moved the school to Detroit to take advantage of a thriving climate of automotive and manufacturing industries. Dr. Marjorie Harris is the current president of LCB and the daughter of founder Dr. Violet T. Lewis; and

Whereas, LCB has provided many firsts for the Michigan community: the first African American telephone operators at Michigan Bell, tellers at National Bank of Detroit, cashiers at several local area supermarkets, stenographers at the "Big Three," and clerical employees for the city of Detroit, Wayne County, and the state of Michigan. Among distinguished alumni is Mark Stepp, the first African American vice president of United Auto Workers International Union; and

Whereas, In 1974, LCB received degree-granting authority from the state of Michigan. The U.S. Department of Education designated LCB a Historically Black College in 1987; and

Whereas, Lewis College of Business is continuing its tradition of providing both quality educational and business resources to the community. LCB also hosts an annual minority business conference and a scholarship banquet that honors the parents of famous African Americans; now, therefore, be it

Resolved by the Senate, That we hereby honor Lewis College of Business on its 75th Anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to Lewis College of Business as evidence of our support.

Senators Cropsey, Goschka, Birkholz, Van Woerkom, Toy and Thomas were named co-sponsors of the resolution.

Senator Stamas offered the following resolution:

Senate Resolution No. 31.

A resolution declaring the third week of April as Michigan Community Theatre Week.

Whereas, The community theatre has a long history in the state of Michigan, providing an opportunity for cultural experiences for many local communities; and

Whereas, The community theatre also provides a valuable learning experience for the volunteers who dedicate their time and efforts on its behalf; and

Whereas, The volunteers of the community theatre have a passion for presenting a production that both the participants and audience can take great pride in; and

Whereas, The volunteers also work to preserve our state's traditional spirit of independence through innovation and dedication; and

Whereas, The community theatre furnishes a challenging and productive activity for many citizens, from those just beginning to others with years of experience. It promotes a productive lifestyle that lasts a lifetime, helps reduce stress from other areas of our life, and teaches that rewards can come from diligent efforts; and

Whereas, The community theatre enables members of community theatre groups across the state, nation, and world to serve others in the communities where they reside and work; now, therefore, be it

Resolved by the Senate, That the members of this legislative body call upon the citizens of Michigan to recognize the third week of April every year as Michigan Community Theatre Week; and it be further

Resolved, That a copy of this resolution be transmitted to the Community Theatre Association of Michigan as evidence of our support for their efforts.

Senators Basham, Prusi, Switalski, Goschka, Bishop, Brown, Cherry, Schauer, Birkholz, Van Woerkom, Jelinek, Jacobs, Leland, Bernero, Brater, Toy, Thomas, Cassis and Clarke were named co-sponsors of the resolution.

Senators Jacobs, Barcia, Olshove and Goschka offered the following resolution:

Senate Resolution No. 30.

A resolution to memorialize the Congress of the United States to enact legislation to provide an additional 26 weeks of benefits through the Temporary Extended Unemployment Compensation program.

Whereas, The convergence of many factors has led to economic difficulties through almost every segment of the job market. As a result, increasing numbers of American families are coping with the devastation of unemployment; and

Whereas, Like the rest of the country, Michigan is suffering from a steady loss of jobs and a rising number of workers who have exhausted their unemployment insurance benefits. While the Congress and the President recently reinstated temporary federal unemployment benefits, the legislation ignored the more than one million workers who have used up all their benefits and now face financial ruin. In Michigan, nearly 50,000 people have already exhausted their benefits, with many more facing the same fate soon; and

Whereas, The situation facing unemployed workers today is in many ways worse than the conditions in the job market that faced the unemployed during the last major downturn in the economy in the early 1990s. At that time, the federal unemployment benefits program offered significantly more help; and

Whereas, The Unemployment Insurance Trust Fund is adequately funded to cover the costs of the extension. Providing benefits will give an immediate and very meaningful stimulus to the economy. Analysts indicate that, for every dollar devoted to extending unemployment insurance benefits, well over twice that amount is generated in economic activity. Clearly, this action is sorely needed by the American economy, as well as the American workers displaced by the challenging economy; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to extend the Temporary Extended Unemployment Compensation program to 26 weeks; 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 Commerce and Labor.

The motion prevailed.

Senators Basham, Prusi, Switalski, Cherry, Schauer, Birkholz, Leland, Bernero, Brater, Thomas and Clarke were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 1.

A concurrent resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

(For text of resolution, see Senate Journal No. 6, p. 74.)

The House of Representatives has adopted the concurrent resolution and named Reps. Accavitti, Acciavatti, Adamini, Amos, Anderson, Bieda, Bisbee, Bradstreet, Brown, Casperson, Caswell, Caul, Cheeks, Dennis, DeRossett, Ehardt, Elkins, Emmons, Farhat, Farrah, Garfield, Gillard, Gleason, Hager, Hardman, Howell, Hummel, Hune, Hunter, Julian, Kolb, Kooiman, LaJoy, Lipsey, Meyer, Middaugh, Moolenaar, Murphy, Newell, Nofs, Paletko, Pappageorge, Pastor, Richardville, Rivet, Sak, Shackleton, Shaffer, Sheltroun, Shulman, Smith, Spade, Stahl, Stakoe, Steil, Taub, Vander Veen, Voorhees, Walker, Ward, Wenke, Wojno, Woodward and Woronchak as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

Senators Bishop, Cassis, Toy, Johnson, Patterson and Cropsey introduced

Senate Bill No. 293, entitled

A bill to amend 1929 PA 152, entitled "An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials," by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

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

House Bill No. 4198, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82126 (MCL 324.82126), as amended by 1998 PA 30.

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 Judiciary.

Committee Reports

The Committee on Government Operations reported

Senate Bill No. 255, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45a (MCL 24.245a), as added by 1999 PA 262.

With the recommendation that the bill pass.

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

Ken Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen and Cassis

Nays: Senators Emerson and Jacobs

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, March 11, 2003, at 1:03 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson and Jacobs

Excused: Senator Thomas

The Committee on Agriculture, Forestry and Tourism reported:

Senate Bill No. 105, entitled

A bill to amend 1990 PA 182, entitled "An act to require counties to redistribute certain payments received from the federal government; and to repeal certain acts and parts of acts," by amending the title and sections 1 and 3 (MCL 141.1301 and 141.1303).

With the recommendation that the bill pass.

Gerald Van Woerkom
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Jelinek and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, March 6, 2003, at 9:00 a.m., Room 110, Farnum Building

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

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, March 6, 2003, at 2:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Joint Select Committee on Business Competitiveness submitted the following:

Meeting held on Monday, March 10, 2003, at 3:00 p.m., Novi Expo Center, Stiller Room, 43700 Expo Center Drive, Novi

Present: Senators Sanborn (C), Cassis, Toy and Schauer

Excused: Senator Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Meeting held on Tuesday, March 11, 2003, at 2:00 p.m., Room 424, Capitol Building

Present: Senators Hardiman (C), George and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 11, 2003, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, McManus, Schauer and Olshove

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, March 13, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture - Thursdays, March 13, March 20, March 27, April 3, and April 24, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Family Independence Agency - Tuesday, March 18, 2:00 p.m., Room 424, Capitol Building; Thursdays, March 20 and March 27, and Tuesday, April 1, 2:00 p.m., Room 810, Farnum Building; and Wednesday, April 2, 2:00 p.m., Senate Hearing Room, Boji Tower (formerly Michigan National Tower) (373-1801)

General Government - Tuesdays, March 18, 2:00 p.m.; March 25, April 1, and April 22, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesday, March 18, 12:00 noon, Room 100, Farnum Building (373-0793)

Judiciary and Corrections - Tuesdays, March 18, March 25, April 1, and April 22, 3:00 p.m., Room 210, Farnum Building (373-3760)

State Police and Military Affairs - Tuesdays, March 18, March 25, April 1, and April 22, 1:00 p.m., Room 405, Capitol Building (373-5932)

Transportation Department - Tuesdays, March 18, March 25, April 1, April 8, April 15, and April 22, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, March 13, 1:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, March 13, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:31 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 13, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

