

No. 40
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, May 1, 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

Pastor Jim Erwin of Bethel Gilead Community Church of Bronson offered the following invocation:

Our great God and King, we gather in this place on this National Day of Prayer, and we join our hearts and our prayers with millions around this country to acknowledge that You are our Lord and our God. You are the sustainer of men and of nations. We give You thanks and praise for Your kindness and Your love towards us. We continue to pray that as a nation You would give us our daily bread, that You would forgive us our sins, that You would lead us not into temptation, and that You would deliver us from evil.

Now I specifically pray for these choice men and women gathered here as public servants of this great state we call Michigan. Grant them, we ask, as in the days of King Jehoshaphat—careful judgment, faithful service, and courageous actions. Grace them, in Your wisdom, Lord, to judge carefully. Give them insight into the days in which they live and serve—to the needs and issues of those they represent. Give them foresight into the future, the implications of the decisions they make in this place, and their impact on those who follow in their train.

Empower them, I pray, to serve faithfully. Leadership is service not of self, but of others. May they embody Your concern and compassion for the men, women, and children of our community. May they model integrity of character, and like You, Heavenly Father, may they be men and women of their word.

Finally, fill them with the resolve to act courageously. Guard them from the spirit of the age—complacency, fear, and discouragement. Rather, may we who look to their leadership and be inspired by their courage to act not on impulse, pressure, or public popularity, but rather on principles; courage that flows from their convictions. Use them, God, to fulfill Your purposes for their lives in this generation, as they judge carefully, serve faithfully, and act courageously.

For we ask it in the name of the Lord—our Rock, our Fortress, and our Redeemer. 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. He is attending National Guard training.

The motion prevailed.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

March 24, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:55 p.m. this date, administrative rule (03-03-06) for the Department of Treasury, Bureau of State Lottery, entitled "*Charitable Gaming*," effective 7 days hereafter.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, April 30:

Senate Bill Nos.	410	411	412	413	414	415	416	417	418	419	420	421	422	423
	424													
House Bill Nos.	4578	4579	4580	4581	4582	4583	4584	4585	4586	4587	4588	4589	4590	4591
	4592	4593	4594	4595	4596									

Messages from the Governor

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

Senate Bill No. 195

The motion prevailed.

The following message from the Governor was received on April 15, 2003, and read:

EXECUTIVE ORDER
No. 2003-6

**Assistant Adjutant General for Homeland Security
Michigan Homeland Protection Board
Department of Military and Veterans Affairs
Department of State Police**

Whereas, under Article V, Section 1 of the Michigan Constitution of 1963, the executive power is vested in the Governor;
Whereas, under Article V, Section 12 of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection, and repel invasion;

Whereas, under Section 171 of the Michigan Military Act, 1967 PA 150, MCL 32.571, the Governor may organize, disband, arrange, transfer, convert, alter, consolidate, or attach units of the military establishment;

Whereas, under Section 181 of the Michigan Military Act, 1967 PA 150, MCL 32.581, the Governor has the authority to appoint and promote officers and warrant officers of the organized militia.

Whereas, on September 11, 2001, the nation was attacked by terrorists, requiring the State of Michigan to maintain a vigilant focus on addressing the threat that terrorism may pose to the safety and security of our citizens and visitors;

Whereas, it is necessary and proper to undertake all prudent measures to detect, prepare for, prevent, protect against, respond to, and recover from violence or threats of violence from terrorist attacks or threats, and to maintain peace and good order;

Whereas, there is a continuing need to assess and evaluate the security of the State of Michigan and to assure that all departments and agencies are communicating and coordinating efforts to address threats to our homeland security;

Whereas, it is critical that the Governor be continuously apprised of homeland security issues and be provided the most accurate and prompt information available to ensure that all relevant factors are appropriately weighed in the development and implementation of effective and coordinated homeland security measures;

Now, Therefore, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the authority vested in me by the Michigan Constitution of 1963 and the laws of the State of Michigan, order:

I. ASSISTANT ADJUTANT GENERAL FOR HOMELAND SECURITY

A. The office of Assistant Adjutant General for Homeland Security is created within the Department of Military and Veterans Affairs. The Adjutant General, after consultation with the Governor, shall appoint from among the qualified federally-recognized officers of the Michigan National Guard an Assistant Adjutant General for Homeland Security ("Assistant Adjutant General"), with all responsibilities and privileges accorded by Section 304 of the Michigan Military Act, 1967 PA 150, MCL 32.704, who shall serve at the pleasure of the Governor.

B. The Assistant Adjutant General shall be the chief advisor to the Governor, the Adjutant General, the Director of the Department of State Police and other department directors and agency heads regarding the development of policies, programs, and procedures to protect, enhance, and manage Michigan's homeland security.

C. The Assistant Adjutant General shall report directly to the Adjutant General.

D. The Assistant Adjutant General shall take and subscribe to the oath of office required under Section 217 of the Michigan Military Act, 1967 PA 150, MCL 32.617.

II. CHARGE TO THE ASSISTANT ADJUTANT GENERAL FOR HOMELAND SECURITY

A. The mission of the Assistant Adjutant General is to act as the Governor's liaison with all state, provincial, local, tribal, and federal agencies, and private entities to develop and coordinate the implementation of a comprehensive state strategy to secure the State of Michigan from terrorist threats or attacks. The Assistant Adjutant General shall facilitate the coordinated development of state homeland security policy.

B. The Assistant Adjutant General shall perform the functions necessary to carry out this mission, including coordination of the assessment, development, and evaluation of the Executive Branch's plans to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks.

C. In performing functions assigned under this Order, the Assistant Adjutant General shall work with governmental agencies, as appropriate, to do all of the following:

1. Coordinate efforts, together with the Director of the Department of Information Technology and the Director of the Department of State Police, to ensure that all executive departments and agencies have the technological capabilities and resources to communicate with other state departments and agencies and to achieve interoperability of information, technology, and communication systems relating to terrorists' activities or possible terrorist acts.

2. Coordinate efforts, together with the Director of the Department of State Police, to prepare for, prevent, and mitigate the consequences of terrorist threats or attacks.

3. Coordinate efforts, together with the Director of the State Police and the Adjutant General, to protect this state and its vital resources and critical infrastructure from terrorist attacks.

4. Coordinate the development of policies to respond to and promote recovery from terrorist threats or attacks.

D. The Assistant Adjutant General shall coordinate a periodic review and assessment of the legal authorities available to the Governor, departments, and agencies to permit them to perform necessary functions related to homeland security efforts.

III. MICHIGAN HOMELAND PROTECTION BOARD

A. The Michigan Homeland Protection Board ("Board") is created as an advisory body to the Governor within the Department of State Police.

B. The Board shall develop, implement, and revise as needed, an effective and coordinated homeland security strategy. The Board shall refine and update the state's domestic preparedness and homeland security strategies, and shall continue to strengthen the state's capabilities to detect, prepare for, prevent, secure and protect against, respond to and recover from, any terrorist threats or attacks.

C. The members of the Michigan Homeland Protection Board shall be the Director of the Department of State Police, the Adjutant General, the Director of the Department of Agriculture, the Director of the Department of Civil Rights, the Director of the Department of Community Health, the Director of the Department of Environmental Quality, the Director of the Department of Information Technology, and the Director of the Department of Transportation, or their designees.

D. The Director of the Department of State Police shall serve as Chairperson of the Board.

E. The Assistant Adjutant General shall attend meetings of the Board, act as Executive Secretary to the Board and, with input from the Department of State Police, be responsible for preparing the Board agenda, ensuring that necessary papers are prepared, recording Board actions, and other tasks related to the duties of the Board as may be assigned by the Board.

F. The Board may adopt procedures, not inconsistent with Michigan law and this Order, governing its organization and operations. The Board may establish such committees and subcommittees as it deems advisable.

G. The Board shall meet at the call of the Chairperson, at the request of the Governor or his or her designee, and as may be provided in procedures adopted by the Board.

H. The Michigan Homeland Security Task Force referenced in Executive Directive No. 2002-1 is abolished.

I. The Homeland Security Advisory Council is created to advise the Board and to provide input, advice, and recommendations to the Board on any issues deemed necessary by the Board. The Homeland Security Advisory Council shall consist of the Deputy State Director of Emergency Management, the Assistant Adjutant General, and other members as directed by the Board. The Deputy State Director of Emergency Management shall serve as the Chairperson of the Homeland Security Advisory Council.

J. The Homeland Security Advisory Council may with direction from the Board appoint advisory groups consisting of government officials and members of the public to solicit input, receive recommendations, and assist in the development of plans and strategies on homeland security issues, including but not limited to agriculture and food supply; communications and cyber systems; critical infrastructure protection; energy; hazardous and radioactive materials; key facilities and special events; transportation systems; water systems; public health and hospitals; indications and warnings, response equipment and exercises; strategic planning; and training and technical assistance.

IV. DEPARTMENT OF STATE POLICE

A. As required by the Michigan Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421:

1. The Director of the Department of State Police or his or her designee shall continue to serve as the State Director of Emergency Management and State Director of Homeland Security.

2. The Emergency Management Division within the Department of State Police shall continue to coordinate the state's emergency management activities for all emergencies and disasters.

3. The commanding officer of the Emergency Management Division shall continue to serve as the Deputy State Director of Emergency Management and Deputy State Director of Homeland Security.

4. All state departments and agencies shall cooperate with the Emergency Management Division.

B. The State Director of Emergency Management shall direct homeland security response activities under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421.

C. The Emergency Management Division shall continue to serve as the focal point for all emergency and disaster response to ensure that response activities are carried out in a coordinated manner.

V. MISCELLANEOUS

A. The Adjutant General shall make internal organizational changes within the Department of Military and Veterans Affairs as may be administratively necessary to implement this Order.

B. The Director of the Department of State Police shall make internal organizational changes within the Department of State Police as may be administratively necessary to implement this Order.

C. Departments and agencies shall, to the extent permitted by law, make available to the Assistant Adjutant General and the Director of the Department of State Police all information relating to terrorist threats and activities. The Assistant Adjutant General and the Director of the Department of State Police shall encourage and invite the participation of local governments and private entities, as appropriate.

D. Departments and autonomous agencies shall actively support the Assistant Adjutant General and the Homeland Protection Board by:

1. Assigning key personnel at the request of the Assistant Adjutant General or the State Emergency Management Director to actively participate in this state's homeland security efforts and to assist in the development and implementation of homeland security strategy, goals, and objectives.

2. Ensuring implementation of Board goals and objectives identified as requiring action by a particular department or agency.

E. The active collaboration in homeland security efforts by all department directors and autonomous agency heads will ensure that the State of Michigan's emergency management and homeland security system will be better prepared to respond to terrorist threats or attacks.

F. Executive Directive No. 2002-1 is repealed.

G. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the
state of Michigan this 15th day of April, 2003.
Jennifer M. Granholm
Governor

By the Governor:
Terri Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

April 30, 2003

Pursuant to MCLA 290.6, I respectfully submit for consideration and confirmation by the Senate, the following appointments to state office:

Michigan Cherry Committee

Mr. John King, 4620 North M-88, Central Lake, MI 49622, county of Antrim, to reappointment representing District #1 tart cherry growers, for a term commencing on April 30, 2003, and expiring on April 30, 2006.

Mr. Jeffrey J. Send, 2866 South Lee Point Road, Suttons Bay, MI 49682, county of Leelanau, to reappointment representing District #1 tart cherry growers, for a term commencing on April 30, 2003, and expiring on April 30, 2006.

April 30, 2003

Pursuant to Act 232 of 1965, MCL 290.657, I respectfully submit for consideration and confirmation by the Senate, the following appointments to state office:

Michigan Corn Marketing Committee

Mr. Jay Drozd, 281 33rd Street, Allegan, MI 49010, county of Allegan, to reappointment, for a term commencing on April 30, 2003, and expiring on April 30, 2006.

Mr. William L. Uphaus, 14324 Pleasant Lake Road, Manchester, MI 48158, county of Washtenaw, to reappointment, for a term commencing on April 30, 2003, and expiring on April 30, 2006.

Mr. Clark F. Gerstacker, 2319 N. Waldo, Midland, MI 48642, county of Midland, to succeed Mr. Frank Lipinski, for a term commencing on April 30, 2003, and expiring on April 30, 2006.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

April 30, 2003

I am writing to withdraw from consideration by the Senate the following appointment:

State Tax Commission

Mr. Alfred Thomas Frank, 2190 Marlou Court, Saginaw, MI 48603, county of Saginaw, appointed to fill the vacancy created by the resignation of Lesley Holt, to a term expiring September 13, 2003.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations.

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 Sanborn 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:

House Bill No. 4332, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending sections 6, 6a, and 6b (MCL 38.556, 38.556a, and 38.556b), section 6 as amended by 2002 PA 98, section 6a as amended by 1982 PA 145, and section 6b as added by 1986 PA 30.

Senate Bill No. 397, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 613a (MCL 168.613a), as amended by 1999 PA 72.

House Bill No. 4086, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 255 (MCL 257.255), as amended by 1987 PA 34.

House Bill No. 4078, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8251 (MCL 600.8251), as amended by 1994 PA 5.

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. 395, entitled

A bill to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain 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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

Senate Bill No. 395

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

Senator Hammerstrom moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 37

Senate Bill No. 38

Senate Bill No. 39

Senate Bill No. 365

Senate Bill No. 366

Senate Bill No. 293

Senate Bill No. 395

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 37, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 16 (MCL 456.536), as amended by 1982 PA 132.

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. 63**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	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.

The following bill was read a third time:

Senate Bill No. 38, entitled

A bill to amend 1869 PA 12, entitled “An act to authorize and encourage the formation of corporations to establish rural cemeteries; to provide for the care and maintenance thereof; to provide for the revision and codification of the laws relating to cemeteries, mausoleums, crypts, vaults, crematoriums, and other means of disposing of the dead; to make an appropriation therefor; and to impose certain duties upon the department of commerce,” by amending section 7a (MCL 456.107a).

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. 64**Yeas—37**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	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.

The following bill was read a third time:

Senate Bill No. 39, entitled

A bill to amend 1855 PA 87, entitled “An act relative to burying grounds; and to impose certain duties upon the department of commerce,” by amending sections 35 and 35a (MCL 456.35 and 456.35a).

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. 65

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	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.

The following bill was read a third time:

Senate Bill No. 365, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 94a (MCL 388.1694a), as amended by 2002 PA 521.

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. 66

Yeas—37

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	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.

The following bill was read a third time:

Senate Bill No. 366, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1526 and 1526a (MCL 380.1526 and 380.1526a), section 1526 as amended by 1995 PA 289 and section 1526a as added by 1996 PA 159; and to repeal acts and parts of acts.

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. 67

Yeas—21

Allen	George	Jelinek	Sanborn
Birkholz	Gilbert	Johnson	Sikkema
Bishop	Goschka	Kuipers	Stamas
Brown	Hammerstrom	McManus	Toy
Cassis	Hardiman	Patterson	Van Woerkom
Cropsey			

Nays—16

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas

Excused—1

Garcia

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. 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 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. 68**Yeas—26**

Allen	Cropsey	Jelinek	Sikkema
Birkholz	George	Johnson	Stamas
Bishop	Gilbert	Kuipers	Switalski
Brown	Goschka	McManus	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Sanborn	Van Woerkom
Clarke	Jacobs		

Nays—11

Barcia	Brater	Leland	Schauer
Basham	Clark-Coleman	Olshove	Scott
Bernero	Emerson	Prusi	

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Schauer, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 293 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Schauer’s statement is as follows:

I rise to speak against Senate Bill No. 293 because it’s unnecessary. The state has spent \$200 million to construct a statewide Public Safety Communications System. Some local governments want to put their own equipment on the state’s towers. Last month, Governor Granholm issued an executive directive that instructed the State Police to allow that to happen. Just 45 days into office, our new Governor worked collaboratively with this bill sponsor, and I credit him for his work in working with the administration to solve the problem that had not been addressed by the previous administration.

The Governor’s executive directive solving this problem, Executive Directive No. 2003-12, changes state policy and is binding upon executive branch departments. That’s very important. It’s binding upon executive branch departments. Under Governor Engler, the state refused to allow local public safety agencies to hang communication equipment on these same state towers. Governor Granholm’s directive requires state agencies to allow local public safety agencies to hang communication equipment on state towers whenever possible.

Now I want to make an important point here that was misstated in committee. Executive directives do not expire when a Governor leaves office and remain binding on state agencies until rescinded or superceded by statute. Colleagues, state agencies continue to comply with executive directives issued as far back as Governor Romney.

Under Governor Granholm’s executive directive, local governments have to meet some simple tests before they can hang their equipment—tests that both protect taxpayers’ safety and their pocketbooks. First, they must pay for installation. Second, they must pay for any damage to the state system. This protects state taxpayers. Third, they must show that their equipment does not interfere with the state system. And fourth, they must show their equipment has an appropriate level of interoperability with the state system. “Appropriate” will mean different things with different types of communication systems. The directive does not force them to join the state system, but it certainly encourages it. It raises a critical public safety issue. The state towers were built to provide statewide communications, not to facilitate a continuing fragmented system.

Senate Bill No. 293 grants the director of the Department of State Police the authority to deny use of the Michigan Public Safety Communications System, but the Department of State Police is no longer responsible for the system. This is an important problem with this bill that we have before us. Under Executive Order No. 2001-3, all information technology services within state government, including the Michigan Public Safety Communications System, were transferred by Governor Engler to the Department of Information Technology. Under Executive Order No. 2002-20, Governor Engler transferred all real estate functions and facilities management to the Department of Management and Budget. Senate Bill No. 293 fails to recognize the effect of these executive orders.

Under existing law, fire departments can, and will, continue to be able to hang equipment for paging systems on state towers. In addition, the towers could be used for equipment for the federal weather radio system and emergency alert system.

Unfortunately, for the people who sent us here, this bill puts politics above policy. The previous Governor actively worked against legislative attempts to allow local governments to use state towers. Our current Governor acted quickly and corrected that policy. Rather than declare victory and move on, the supporters of this bill seek confrontation. Members on the other side of the aisle, if you really want to do something, if you really want to take action, ask the Attorney General to approve the master agreement sitting on his desk. That’s the only barrier now to this process moving forward.

The Granholm administration is ready to proceed with installing equipment now on state towers, but the current bottleneck is at the Attorney General’s office, which has had a master agreement to allow installation under its review since April 15. Oakland County and the state of Michigan are waiting for the Attorney General to opine on the legality of the installation and approve the agreement for local public safety agencies.

The bottom line—local governments want to hang their equipment on the state’s towers, and the executive directive makes that happen. Anything else is just politics. That’s why I urge a “no” vote on Senate Bill No. 293.

The following bill was read a third time:

Senate Bill No. 395, entitled

A bill to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

The question being on the passage of the bill,

Senators Jacobs and Brater offered the following amendment:

1. Amend page 2, line 15, after “to” by inserting “**preserve the health of the mother or**”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 69

Yeas—12

Bernero	Clark-Coleman	Leland	Scott
Brater	Emerson	Prusi	Switalski
Cherry	Jacobs	Schauer	Thomas

Nays—25

Allen	Clarke	Hardiman	Patterson
Barcia	Cropsey	Jelinek	Sanborn
Basham	George	Johnson	Sikkema
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Goschka	McManus	Toy
Brown	Hammerstrom	Olshove	Van Woerkom
Cassis			

Excused—1

Garcia

Not Voting—0

In The Chair: President

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. 70

Yeas—24

Allen	Cassis	Hardiman	Patterson
Barcia	Cropsey	Jelinek	Sanborn
Basham	George	Johnson	Sikkema
Birkholz	Gilbert	Kuipers	Stamas
Bishop	Goschka	McManus	Toy
Brown	Hammerstrom	Olshove	Van Woerkom

Nays—12

Bernero	Clark-Coleman	Leland	Scott
Brater	Emerson	Prusi	Switalski
Cherry	Jacobs	Schauer	Thomas

Excused—1

Garcia

Not Voting—1

Clarke

In The Chair: President

The Senate agreed to the title of the bill.

Senators Goschka and Birkholz moved that they be named co-sponsors of the bill.

The motion prevailed.

Protests

Senators Jacobs, Schauer, Scott and Brater, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 395.

Senators Jacobs, Schauer and Scott moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Jacobs’ statement, in which Senator Brater concurred, is as follows:

Let’s not confuse the issue. The intent of this bill is to ban all abortions. I don’t want this Legislature in my daughters’ doctor’s office, in my nieces’ doctor’s office, or in my doctor’s office.

This ban undermines a physician’s ability to determine the best course of treatment for a patient—for my daughters, for my nieces, and for myself. Physicians must be free to make clinical determinations in accordance with medical standards of care that best safeguard a woman’s life and health. But, most importantly, families should decide.

Women and their families, not the state Legislature, along with their doctors are better than politicians at making decisions about medical care. This Senate should not take the decisions about medical treatment out of the hands of doctors and families. I urge a “no” vote on this legislation.

Senator Schauer’s first statement is as follows:

I rise to indicate my opposition to this bill. This bill is unclear and confusing. Its language is unclear and confusing. It is blatantly unconstitutional, as supported by numerous court cases, which have overturned similar statutes passed by legislatures, including one which was not that long ago, as stated in earlier discussion on this bill as recent as 1999.

One reason why this bill will not pass constitutional muster is the failure of the previous amendment, which would have protected not just the life of the mother, but the health of the mother. In 2000, the U.S. Supreme Court struck down Nebraska’s so-called partial-birth abortion ban in *Stenburg v. Carhart*. The court invalidated the Nebraska law for two reasons: It imposed an undue burden upon a woman’s right to choose because it banned more than one procedure which, due to the vague and unclear language of this bill, would also be the case, and it lacked an exemption to protect women’s health.

This bill also sends a chilling effect on our medical community and the ability of trained physicians to exercise medical judgment. There was a letter submitted as written testimony in committee earlier this week by Dr. Timothy Johnson, the Bates professor on the diseases of women and children at the University of Michigan Medical Center.

Dr. Johnson stated that such an extreme, broad ban blatantly disregards women's health and lives. Indeed, it provides no immunity for care necessary to protect a women's health. The physician is immune only if the procedure was necessary to save the women's lives, and every reasonable effort was made to preserve the life of the fetus.

First, this means that rather than complete an abortion or miscarriage, the physician must do anything else that would keep the woman alive, no matter the consequences of her health or fertility.

Second, the bill forbids a physician from acting to save a woman's life unless the physician also tries to preserve the life of the fetus with no chance of survival. This is enigmatic and, according to Dr. Johnson, it is cruel.

I will be voting "no." I took an oath to uphold the Constitution, and it would be irresponsible for us to pass this legislation which is problematic in so many ways.

Senator Schauer's second statement is as follows:

Language is important, and there is different language in this bill than even the 1999 statute in what some have called late-term or partial-birth abortion. Those words aren't found in this bill, but the intent is the same. I have read this bill over and over again. As the minority vice chair of the committee, I listened very carefully to the testimony offered on both sides and asked many questions.

The reason that I cannot vote for this bill is because of the language. It talks about birth, and this is called the Legal Birth Definition Act. It talks about birth, or the status of being born, as when any portion of a human being has been vaginally delivered outside of the mother's body. Now it's not clear what "delivered" means. That could be even during an elective abortion procedure. When any part is delivered, that portion of the body can only be described as born.

Now this bill also talks about what is live. Senator Cropsey talked about breathing. That was mentioned in testimony, and they were citing current statute. But this also talks about when a detectable heartbeat occurs. In the hearing, that was stated that that could occur as early as 21 days. Spontaneous movement, evidence of spontaneous movement, no one could give us an opinion as to how early spontaneous movement could occur. So as early as 21 days, the standards of this bill for live birth could be met, and that elective abortion would be prohibited. That's why I can't vote for this bill.

It also doesn't protect the health of the mother. That also should be of concern to us. So this bill is not limited to abortions performed late in pregnancies and could ban even some of the safest and most common procedures. Language counts, and I hope you will join me in reading the bill and voting "no."

Senator Scott's statement is as follows:

I rise to oppose Senate Bill No. 395. You know, the several years that I have served in the House and Senate, each year we deal with this issue. Just last session, we dealt with giving birth certificates. Now here again, it's not about partial abortions. Well, what is it about then? You know, it is clear that 30 years later after the Supreme Court's *Roe v. Wade* defined this decision, there is no medical, philosophical, or theological consensus concerning the beginning of life. It would be irresponsible of the state to invest in a lawsuit doomed by precedents to failure when our sparse fiscal resources are badly needed elsewhere.

Instead of continuing to place restrictions on access to reproductive health care, we should be focusing on ways to better improve reproductive health care for Michigan women. Improving access for low-income women to reproductive and prenatal health care, assuring conceptive equity in insurance coverage, and providing medically accurate sexuality education to our young people—which we restricted some last session—would be a more responsible and appropriate allocation of the state's money and resources. If we want to work together to reduce the number of abortions in Michigan, surely these efforts focused on preventing unintended pregnancies would be a better place to begin.

We, certainly, do not want to go to the back rooms of 30 years ago—as to what happened to women. Women should be able to decide how they want to deal individually with their bodies.

Senators Brown, Cassis, Cropsey, Hardiman and Sanborn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

I really had chosen not to speak earlier, but I'm not going to hold back now. Mr. President, the issue is clear, and we need not confuse it. We understand that the court has chosen not to weigh in on when life begins—a question for another day. Today's question is a different one.

Birth is not a vague concept. It is real and obvious. In fact, it is the basis upon which we acknowledge and embrace a new member into the embrace of the human life. What is a real puzzlement is that we have to wrangle over that which is self-evident—language, incidentally, that we find in our Declaration of Independence. Mr. President, if we can't acknowledge the obvious, the self-evident truth of birth itself, then we should be in the business of doing nothing. I urge my colleagues to support Senate Bill No. 395.

Senator Cassis' statement is as follows:

I rise on behalf of Senate Bill No. 395, which creates a new act. I want to thank the sponsor for her leadership.

On a variety of issues and a variety of topics, including this one, much rhetoric is dedicated by my colleagues on the other side of the aisle to protect the most vulnerable in our society. Well, today I place the unborn child as a most fragile, the most vulnerable life we need to protect. What we're really talking about here is stopping the most egregious, heinous practice of partial-birth abortion. Some causes are definitely worth fighting for.

We do indeed have three branches of government. I can only hope and pray that the executive branch, that our Governor, will sign this bill into law, as most Americans agree that this practice needs to be stopped. Then, if it goes to the judicial branch of our government, so be it. That is our democratic process at work.

Senator Cropsey's first statement is as follows:

I think a lot would be cleared up if people would take the bill itself and read it. First of all, there's been a lot of talk about partial-birth abortion. This bill says in section 1, "This act shall be known and may be cited as the 'legal birth definition act.'" Legal birth, we're talking about when a child is born. We keep talking about unborn children, and we also talk about born children. What about the process between being unborn and born? The question is are we going to have legal rights accrue to that entity between being unborn and being born? That's all we're talking about on this.

We have a special term that we call the entity between being unborn and born. We have that as a special term as a "perinate," and that means a live human being at any point after which any anatomical part of the human being is known to have passed beyond the plane of the vaginal introtitus until the point of complete expulsion or extraction from the mother's body. So we're talking about birth, and we're saying that birth is from the time the child starts out of the mother's body until the child is completely out of the mother's body. And the question is what this law does is say that during that process, that perinate is going to be having the rights that you and I have. That's all we're talking about under this. That is not an extreme medical view on whether we understand this or not. You know when it happens; you're there. And, believe you me, I think every doctor knows that. I certainly wouldn't want to go to a doctor who didn't know that.

We make things so complicated when you try and beat them. This is not complicated; this is very simple. Does the state have a right, a duty, to defend human life? I think that's the first and foremost position that the state has. Now the question becomes, is this alive? Well, a child who's being born is normally alive. There is life there. Otherwise, you have a stillborn. Is that clear? I think that's very clear. What isn't clear is what the courts have said you can do and can't do. Let me give you an example and when the legal rights accrue. *Davis v. King*, now this was a circuit court opinion out of Tennessee, and this is after *Roe v. Wade*. This is what a circuit court said. In a divorce case, a frozen embryo is not a piece of property to be negotiated over, but a child. We're talking about a frozen embryo being a child to be placed in the custody of the parent who, in the opinion of the court, is most able to act in the best interest of that child. Okay, so is that alive or not? Here you have a court saying it's alive.

Now get this, Supreme Court case in 1986, denying medical care to a newborn baby because that baby is mentally retarded or otherwise handicapped, is not a violation of laws forbidding discrimination against handicapped people provided that the baby's parents agree to the denial of care. This applies even if the deliverant intent of the denial of care was to cause the baby's death. Feeding is considered a form of medical care for this purpose. I take a look at this and I'm wondering if we're going down this slope of saying that a handicapped person is no longer a person under the law and deserves proper medical care. I think when you take a look at this—in testimony in front of our committee—and this is why this is so important. I said, when do legal rights accrue? The ACLU and Planned Parenthood, I believe their testimony was, when a child takes a breath. My question was, when a child takes a breath? You mean a child can be fully born, but before the child breathes or wails or cries and takes a breath into its lungs, then that child could be destroyed and there are no legal rights of that child? Well, they laughed that off, but they never answered it.

I think it's very clear we need a definition of when this state is going to say legal rights accrue to a person. This is different than the partial-birth abortion thing that many people want to make this into. This is saying this state is making a determination that this is when legal rights accrue. Can we do this? I believe, yes, we can do this. The United States Supreme Court in the *Casey* decision which was interpreting *Roe v. Wade*, the head note, which is not law but gives you an indication, "The state has a legitimate interest from the outset of pregnancy in protecting health of women and life of the fetus." Then it goes on and in its dictum itself, it says, "This too we find consistent with *Roe's* central premises and indeed the inevitable consequences of our holding that the state has an interest in protecting the life of the unborn." Now that's the unborn. Certainly, if the state has an interest in protecting the interest in protecting the unborn, doesn't the state have an interest in protecting life while it is being born?

Casey recognized there is a substantial state interest in potential life throughout pregnancy. It also states, "Yet it must be remembered that *Roe v. Wade* speaks with clarity in establishing not only the women's liberty, but also states important and legitimate interest in potential life." We're not even talking about potential life. We're talking about a child in the process of being born. Is that life? That is life. Does anybody deny that? If that isn't life, that's a stillborn child. We're talking about a child who is not stillborn.

Casey also states a woman's liberty is not so unlimited, however, that from the outset, the state cannot show its concern for the life of the unborn. It goes on and states that regulations which do no more than create a structural mechanism by which the state or the parent or guardian of a minor may express profound respect for the life of the unborn are permitted. *Casey* talks about the unborn, and it says even there, the state has legitimate interest, but now we're talking about the process. And, certainly, if the state has a legitimate interest in an unborn life during the process of being born, while it is not unborn, but yet not fully born, certainly, the state has a legitimate interest, and we're saying that that perinate, that child, in the process of being born, is going to be protected by the laws of the state of Michigan.

I would hope that everyone in this body would have it in their heart to say that little baby deserves the legal rights that everyone else who is born has.

Senator Cropsey's second statement is as follows:

The Senator from the 19th District would imply that this would outlaw many abortions or most abortions. I just fail to see that.

Let me give you one of the statistics: The number of reported induced abortions by evidence of life, Michigan occurrences in 2001, and this is from the file of reported induced abortions incurred in Michigan by the Vital Record and Health Data Development Section, Michigan Department of Community Health. The question was, "Did the fetus show evidence of life when separated or expelled or removed from the woman?" There were 28,220 total abortions. The number of times that a fetus came out and showed signs of life was four—four times. What some people in this body would say is that that child who's been born should not have any right to life when it's living and apart from the mother.

I can't believe people would vote against this and say there are all these other things when what we're looking at is saying, "When do the rights start?" I would say it's not at the first breath, but it ought to be as soon as that child is being born. At the very least, that ought to be the common denominator to say we are going to protect the life of that child. Otherwise, when I take a look at this other case where it said, hey, the children who may have been born with some deformities, to say that that child is going to die because we aren't going to take care of it, and we just won't say that it's a child at this point. That's gruesome! I think we need to have in place in the law that this is when legal rights accrue, at least here in the state of Michigan.

Senator Hardiman's statement is as follows:

I rise to support this bill. I'm appreciative of the sponsor for bringing it to us. Protecting life is one of our most important functions. Indeed, some of the words that have been very important down through the years in this country: We hold these truths to be self-evident that all men are created equal and that they are endowed by their Creator with unalienable rights and among those life. Life, that's what we're talking about right here.

Now, we know that *Roe v. Wade* declared an unborn child as not a constitutionally protected legal person, but a born child is protected. The *Roe v. Wade* decision did not define birth or limit the states' rights to do so. This bill does define birth, although to me it seems self-evident—a live born child.

How can we not protect the life of this most vulnerable human being? I don't understand that. We were all there. I urge your support of this bill. I passionately urge those who oppose it to re-think this. I think of my child. Would I have wanted to have seen her killed at the moment of birth? Absolutely not. I urge your support of this bill.

Senator Sanborn's statement is as follows:

I have listened to the debate in committee and now on the floor again. It was a tremendous learning process in the committee. Most people know me to be strongly pro-life, but even after learning of the details and the case of *Doe v. Bolton*, how an abortion could be granted based on the health. Well, health in *Doe v. Bolton* was ruled to be mental health as well and extended to socioeconomic standing. I was shocked to learn that an abortion could be granted up until the point of first breath. Therefore, I think it's absolutely essential that we support our chairman here and pass this Senate Bill No. 395.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Leland's statement is as follows:

I would like to tell the members that this is a sad day for us on our side of the aisle. Patti Halm has been working for the Senate Dem Caucus for about ten years and is leaving today to go work for the administration. She has been

our tax policy person. In fact, it was told to me recently that she is about the only person in this chamber who gets very excited about tax issues and tax policies. She will be leaving today to work in the Department of Treasury, and she will be sorely missed. I always like to tell people that once you work around here as an aide, once an aide—right Monica—always an aide. She will be leaving, but we will be counting on her for expertise and all kinds of good information down the road.

Senator Schauer's statement is as follows:

This is a sad day for me and my staff team as we lose one of our very talented college interns. I would like to introduce him to you, as we say good-bye to him. His name is Aaron Flynn. Aaron is a sophomore at my alma mater, Albion College, and he is a member of the prestigious Gerald R. Ford Institute for Public Policy and Public Service. He's a constituent of Senator Gilbert as a resident of North Branch in Lapeer County, so you know he is an outstanding young man. He is interning with us his second semester at Albion College, after being an invaluable volunteer for my Senate campaign last summer and this fall.

I would ask you, colleagues, to please join me in expressing our thanks for Aaron Flynn's service to the Michigan Senate and to the people of our state.

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

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator George introduced

Senate Joint Resolution D, entitled

A bill to prohibit certain health care corporations from taking certain actions to change their status; to provide a referendum; and to repeal acts and parts of acts.

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

Senator Birkholz introduced

Senate Bill No. 430, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 29 (MCL 117.29), as amended by 1994 PA 17.

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

Senators Brater, Scott, Jacobs, Bernero and Leland introduced

Senate Bill No. 431, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 3, 37, and 38 (MCL 338.2203, 338.2237, and 338.2238), section 3 as amended by 1993 PA 139, section 37 as amended by 2002 PA 633, and section 38 as amended by 1999 PA 171; 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 Appropriations.

Senator Hammerstrom introduced

Senate Bill No. 432, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 73, 283, 393, 509t, 509y, 509aa, 561a, 624, 624a, 686, 727, 745, 761, 769, 797a, 798c, 799a, 803, 842, and 931 (MCL 168.31, 168.73, 168.283, 168.393, 168.509t, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.727, 168.745, 168.761, 168.769, 168.797a, 168.798c, 168.799a, 168.803, 168.842, and 168.931), section 31 as amended by 1999 PA 220, sections 73, 283, 393, and 686 as amended by 1999 PA 216, section 509t as amended by 1998 PA 21, sections 509y and 509aa as added by 1994 PA 441, section 624 as amended by 1999 PA 218, section 624a as amended by 1988 PA 116, sections 727 and 769 as amended by 1995 PA 261, section 761 as amended by 1996 PA 207, sections 797a and 931 as amended by 1996 PA 583, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137; 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 Government Operations.

Senator Switalski introduced
Senate Bill No. 433, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e and 907 (MCL 257.629e and 257.907), section 629e as amended by 2001 PA 213 and section 907 as amended by 2002 PA 534.

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

Senator Switalski introduced
Senate Bill No. 434, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8727, 8729, 8731, 8733, 8735, 8827, 8829, and 8835 (MCL 600.8727, 600.8729, 600.8731, 600.8733, 600.8735, 600.8827, 600.8829, and 600.8835), sections 8727, 8729, 8731, and 8733 as added by 1994 PA 12 and sections 8735, 8827, 8829, and 8835 as added by 1995 PA 54.

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

Senator Clarke introduced
Senate Bill No. 435, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8381 (MCL 600.8381), as amended by 1996 PA 374.

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

Senator Switalski introduced
Senate Bill No. 436, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1j to chapter IX.

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

Senator Switalski introduced
Senate Bill No. 437, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18 of chapter XIII (MCL 712A.18), as amended by 2000 PA 55, and by adding section 18m to chapter XIII.

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

Senator Switalski introduced
Senate Bill No. 438, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 880, 880a, 880b, 1027, 2529, 5756, 8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b, 600.1027, 600.2529, 600.5756, 600.8371, and 600.8420), section 321 as amended by 1997 PA 182, sections 880 and 880b as amended by 2000 PA 56, section 880a as added and sections 5756 and 8420 as amended by 1993 PA 189, section 1027 as added by 1996 PA 388, and sections 2529 and 8371 as amended by 2002 PA 605, and by adding section 171.

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

Senator Cropsey introduced
Senate Bill No. 439, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 181.

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

Senator Cropsey introduced
Senate Bill No. 440, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 185.

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

Senator Cropsey introduced

Senate Bill No. 441, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 175.

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

Senators Garcia and Cropsey introduced

Senate Bill No. 442, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 16a, 44a, and 81 (MCL 780.766a, 780.794a, and 780.831), sections 16a and 44a as added by 2000 PA 503 and section 81 as amended by 1996 PA 562.

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

Senator Cropsey introduced

Senate Bill No. 443, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 29 of chapter XIIA (MCL 712A.29), as added by 1993 PA 344.

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

Senator Brown introduced

Senate Bill No. 444, entitled

A bill to amend 1994 PA 35, entitled "The forensic laboratory funding act," by amending sections 5 and 6 (MCL 12.205 and 12.206), section 6 as amended by 1998 PA 98.

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

Senator Brown introduced

Senate Bill No. 445, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 2001 PA 87.

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

Senator Brown introduced

Senate Bill No. 446, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 2001 PA 91.

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

Senator Brown introduced

Senate Bill No. 447, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 2001 PA 89.

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

Senators Garcia and Cropsey introduced

Senate Bill No. 448, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

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

Senator Cropsey introduced

Senate Bill No. 449, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XV (MCL 775.22), as added by 1993 PA 343.

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

Senators Garcia and Cropsey introduced

Senate Bill No. 450, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 1999 PA 271.

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

Senators Garcia and Cropsey introduced

Senate Bill No. 451, entitled

A bill to amend 1988 PA 260, entitled "Community dispute resolution act," by amending section 10 (MCL 691.1560), as amended by 1993 PA 286.

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

Senators Cropsey, Hardiman, Birkholz, Kuipers, Van Woerkom, Stamas, Jelinek, Brown and Garcia introduced

Senate Bill No. 452, entitled

A bill to provide for the manner of approval of a compact made between this state and an Indian tribe.

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

Senator George introduced

Senate Bill No. 453, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 204, 206, 211, 301, 303, 304, 306, 307, 602, 607, 608, and 609 (MCL 550.1204, 550.1206, 550.1211, 550.1301, 550.1303, 550.1304, 550.1306, 550.1307, 550.1602, 550.1607, 550.1608, and 550.1609), section 211 as amended by 1993 PA 127, section 301 as amended by 1988 PA 45, section 608 as amended by 1991 PA 73, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 206a, 301a, 306a, 403c, 502b, and 502c; 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 Health Policy.

Senator George introduced

Senate Bill No. 454, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3603.

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

Senator George introduced

Senate Bill No. 455, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 502 (MCL 550.1502), as amended by 1998 PA 446.

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

Senator George introduced

Senate Bill No. 456, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 211 (MCL 550.1211), as amended by 1993 PA 127.

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

Senator George introduced

Senate Bill No. 457, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 314.

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

Committee Reports

The Committee on Appropriations reported

House Bill No. 4032, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2003; and to provide for the expenditure of the appropriations.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Barcia, Cherry and Switalski

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 283, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 288, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 266, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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.

Shirley Johnson
Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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 Appropriations submitted the following:

Meeting held on Tuesday, April 29, 2003, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 372, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 360.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom and Basham

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 289, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 328.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson and Van Woerkom

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 Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, April 29, 2003, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, April 29, 2003, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Schauer and Olshove

Excused: Senators Kuipers and McManus

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, April 30, 2003, at 1:05 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, April 30, 2003, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senator Brown

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

Community Health Department - Tuesdays, May 6 and May 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7946)

Environmental Quality Department - Wednesdays, May 14, May 21, May 28, and June 4, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Judiciary and Corrections - Tuesdays, May 6 (CANCELED), May 13, May 20, and May 27, 3:00 p.m., Room 210, Farnum Building (373-3760)

K-12, School Aid, Education - Thursdays, May 15, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower), and May 8, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Natural Resources Department - Tuesdays, May 13, May 20, May 27, and June 3, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Business Competitiveness Joint Select Committee (SCR 3) - Monday, May 5, 10:30 a.m., DENSO Manufacturing Michigan, Inc., One Denso Road, Battle Creek (373-7670)

Natural Resources and Environmental Affairs, Natural Resources Department Appropriations Subcommittee, and Environmental Quality Department Appropriations Subcommittee - Thursday, May 8, 11:30 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Transportation - Monday, May 5, 7:00 p.m., Oakland County Commissioners Auditorium, 1200 N. Telegraph Road, Pontiac (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:38 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, May 6, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

