

No. 73
STATE OF MICHIGAN
Journal of the Senate
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REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, September 17, 2003.

10:00 a.m.

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

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

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

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

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

Senator Nancy Cassis of the 15th District offered the following invocation:

Heavenly Father, on such a beautiful magnificent day as today, we are all reminded that we are here at a very special time in history. We have all been brought together at this moment not only to serve You, but to serve all those whom we represent. Please guide us with compassion, with wisdom, and with the wonderful ability Your Son taught us to get along with each other and to reach out to each other.

Once again, we thank You for this day, for this moment that we have together in history. It is not by chance that You have brought these 38 members of this august body together.

In Your name we pray and give all the thanks. Amen.

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

Motions and Communications

Senator Thomas entered the Senate Chamber.

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

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

The Secretary announced that the following bill was available at the legislative Web site on Tuesday, September 16:
Senate Bill No. 701

Messages from the Governor

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

Senate Bill No. 195

Senate Bill No. 364

Senate Bill No. 293

Senate Bill No. 265

Senate Bill No. 288

Senate Bill No. 540

Senate Bill No. 283

Senate Bill No. 464

Senate Bill No. 466

The motion prevailed.

The following message from the Governor was received and read:

September 17, 2003

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointments to office under Section 10(1) of the Michigan Education Trust Act, 1986 PA 316, MCL 390.1430:

Michigan Education Trust Board of Directors

Mrs. Paula D. Cunningham of 1625 Sagebrush, Lansing, Michigan 48917, county of Ingham, succeeding Dr. Marsi Liddell who has resigned, representing Michigan community colleges, for a term commencing September 17, 2003 and expiring December 31, 2003.

Mr. Michael Rao, Ph.D., of 1214 Forest Lane, Mount Pleasant, Michigan 48858, county of Isabella, succeeding Dr. William Sederburg, who has resigned, representing four-year public colleges and universities, for a term commencing September 17, 2003 and expiring December 31, 2003.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of
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 without amendment, the following bill:

Senate Bill No. 701, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 8 (MCL 390.1458), as amended by 2002 PA 736.

The bill was placed on the order of Third Reading of Bills.

Resolutions

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

Senate Resolution No. 146

The resolution consent calendar was adopted.

Senators Leland, Basham, Switalski, Bernero, Olshove, Bishop, Toy, Cassis and Johnson offered the following resolution:

Senate Resolution No. 146.

A resolution honoring the Michigan Lawmen/Belle Tire Police Softball Club.

Whereas, The Michigan Lawmen Club defeated the New York City metro Police Softball Club 17-14 in the finals of the semi-finals, and they defeated them again in the championship game 22-12 in the National Law Enforcement Softball Association Championship; and

Whereas, These men keep the citizens of this state safe through their commitment to protect life and property. The Michigan Lawmen Club victory is a fine representation of the abilities of all of Michigan's public safety officers; and

Whereas, Officers from many different areas of Michigan could come together to represent the state as a whole on the Michigan Lawmen/Belle Tire Police Softball Club. The city of Detroit is proudly represented by John Anderson, Olie McMillian, and Chuck Fitzgerald. The city of Eastpointe is proudly represented by Derek McLaughlin and Marty Campbell. The city of Troy is proudly represented by Greg Pokley, Joe Morgan, and coach/player Steve Perkola, who was also named the tournament's Most Valuable Player. The city of Lansing is proudly represented by Robert Merritt. The city of Livonia is proudly represented by Gerry Schomack. The city of Taylor is proudly represented by Aaron Shrewsbury. The city of Wyandotte is proudly represented by Scott Affholter. The city of Southgate is proudly represented by Scott Czopek. The city of Romulus is proudly represented by Damien Hull. The city of Westland is proudly represented by Randy Thivierge. Clinton Township is proudly represented by Bill Furno. Macomb County is proudly represented by Mike McDowell. Oakland County is proudly represented by Jamie Kavalick and Tim Lanfear; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor the Michigan Lawmen/Belle Tire Police Softball Club; and be it further

Resolved, That a copy of this resolution be transmitted to each member of the team as a symbol of our appreciation and gratitude for their accomplishments and the high esteem in which they are held by the state of Michigan.

Senators Sanborn, Jacobs, Birkholz, Van Woerkom and Gilbert offered the following resolution:

Senate Resolution No. 145.

A resolution to memorialize the Congress of the United States to enact the Great Lakes Controlled Data Collection and Monitoring Act.

Whereas, The Great Lakes constitute a critically important resource for our nation. The long-term health of this vast and complicated freshwater network is fundamental to the quality of life through its impact on public health, commerce, transportation, and recreation; and

Whereas, The ongoing challenge of protecting the Great Lakes is complicated by the many threats the lakes face, the number of units of government within its basin, and inconsistencies in how data on the water is gathered, assessed, and acted upon; and

Whereas, In spite of the efforts of many public entities committed to protecting the Great Lakes, there is insufficient and inconsistent data on the impact that restoration efforts are having on water quality. The lack of data was confirmed by the General Accounting Office in a May 2003 report. Without reliable information, it is impossible to determine to what extent the Great Lakes Water Quality Agreement between our nation and Canada is progressing or whether federal and state water quality standards and programs are effective; and

Whereas, Legislation is pending in Congress that would directly address the issue of how data on the Great Lakes is collected and assessed. The Great Lakes Controlled Data Collection and Monitoring Act, H.R. 2668, would direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on indicators of water quality and related environmental factors in the Great Lakes. The legislation also authorizes appropriations to carry out this much-needed work; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Great Lakes Controlled Data Collection and Monitoring Act; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Basham, Hardiman, Jelinek, Switalski, Thomas and Bishop were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senator Brown entered the Senate Chamber.

Senator Hammerstrom introduced

Senate Bill No. 702, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23d of chapter X (MCL 710.23d), as amended by 1996 PA 409.

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

Senators McManus, Cropsey, Birkholz, Garcia, Hardiman, Allen, Jelinek and Cassis introduced

Senate Bill No. 703, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as added by 2000 PA 229.

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

Senators McManus, Brater, Kuipers, Barcia, Birkholz and Allen introduced

Senate Bill No. 704, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title of part 610 and by adding a title for subchapter 1A of chapter 3, and adding part 611.

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

Senators McManus, Cropsey, Birkholz, Jelinek, Hardiman, Brown, Van Woerkom, Stamas, Cassis, Hammerstrom, Kuipers, Bishop, Garcia, Sanborn, Goschka, Barcia, Patterson, Allen and Olshove introduced

Senate Bill No. 705, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2922a (MCL 600.2922a), as amended by 2002 PA 164.

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

Committee Reports

The Committee on Commerce and Labor reported

House Bill No. 4764, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 791 (MCL 450.1791), as amended by 1993 PA 91, and by adding section 798a.

With the recommendation that the bill pass.

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

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, McManus, Schauer and Olshove

Nays: Senator Kuipers

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, September 16, 2003, at 11:00 a.m., Room 110, Farnum Building

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

Scheduled Meetings

Administrative Rules - Thursday, September 25, 1:00 p.m., Room 424, Capitol Building (373-2417)

Agriculture, Forestry and Tourism and House Agriculture and Resource Management Subcommittee on Forestry and Mineral Rights - Friday, September 19, 9:00 a.m., Bay de Noc Community College Auditorium, 2001 N. Lincoln, Escanaba; and Thursday, September 25, 6:00 p.m., Grayling City Hall, 1020 City Boulevard, Grayling (373-1635)

Appropriations - Tuesday, September 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Community Health Department and Health Policy - Wednesday, September 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3543)

Natural Resources Department - Thursdays, September 18, and September 25, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Health Policy and Department of Community Health Appropriations Subcommittee - Wednesday, September 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3543)

Legislative Retirement Board of Trustees - Wednesday, September 24, 3:00 p.m., Room H-252, 2nd Floor, Capitol Building (373-0575)

Local, Urban and State Affairs - Monday, September 22, 6:30 p.m., Macomb County Community College, Center Campus, 44575 Garfield Road, Clinton Township (373-1707)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:14 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, September 18, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

