

No. 15
STATE OF MICHIGAN
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92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, February 19, 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 not present.

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

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

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

Pastor Joel Brooks, Jr., of Christian Life Center of Kalamazoo offered the following invocation:

I Timothy 2:1, 2 state: "I urge that, first of all, requests, prayers, intercession, and thanksgiving be made for everyone;

For kings and all those in authority; that we may live peaceable and quiet lives in all godliness and holiness. This is good and pleases God our Savior, who wants all to be saved and come to knowledge of the truth."

Lord, based upon Your Word, we pray for each Senator here that they will function today under the influence of Your wisdom and by Your grace. May their decisions be ones that cause our state to be a place of peace and prosperity for all the residents of Michigan. By Your power give them insight and solutions to the problems we face as a state, and may You bless our state and our nation in these difficult times.

In Jesus' name we pray. Amen.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

10:13 a.m.

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

During the recess, Senators Bishop, Toy, Hardiman, Johnson, Cassis, McManus, Allen, Patterson, Van Woerkom, Brown, Jelinek, Cropsey, Garcia, Birkholz, Goschka, Gilbert, Kuipers, Sanborn, Sikkema and Stamas entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Schauer moved that Senator Brater be excused from today's session.

The motion prevailed.

The following communication was received:

Public Service Commission

February 3, 2003

The enclosed annual report, *Status of Electric Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission (MPSC) in accordance with Section 10u of 2000 PA 141, MCL 460.10u. This report will be available on the MPSC Web site.

As you know, electric restructuring in Michigan was created in response to Michigan's relatively high electric rates that, in large part, stifled economic development in the state. Indeed, the explicit goals of the Customer Choice and Electric Reliability Act include fostering competition, improving the opportunities for economic development, and promoting financially healthy and competitive utilities in Michigan.

During 2002, competition in Michigan's electric markets continues to expand. The Commission issued 39 orders to further establish the framework for Michigan's Retail Open Access Program (ROA), and implement the provisions of Act 141. Highlights of the report include:

- Over 5,700 customers are now participating in Michigan's ROA, almost doubling since 2001.
- The Commission has licensed 25 alternative electric suppliers.
- In 2002, 2,286 megawatts (MW) of new in-state electric generation capacity became operational in Michigan.
- All investor-owned electric utilities in Michigan joined multi-state Regional Transmission Organizations (RTO's).
- Transmission capacity was increased by 2,000 MW in 2002.
- National events continued to impact the progress of Michigan's development towards electric competition.

Development of a robust competitive market with full customer protection was a high priority for the commission during the second year of fully open retail electricity markets in Michigan, and will continue to be so in 2003. Market development through 2003 should provide the Commission with a greater understanding of the components that can enhance market competition in support of the purposes of Act 141, including supporting healthy Michigan utilities. The Commission will apprise the Governor and the Legislature of any developments that may require action.

Sincerely,
 Laura Chappelle
 Chairman
 David A. Svanda
 Commissioner
 Robert B. Nelson
 Commissioner

The communication was referred to the Secretary for record.

The following communication was received:
 Office of the Auditor General

February 13, 2003

Enclosed is a copy of the following audit report and/or report summary:
 Performance Audit of the Bureau of Elections, Department of State, February 2003.

Sincerely,
 Thomas H. McTavish, C.P.A.
 Auditor General

The communication was referred to the Secretary for record.

Messages from the Governor

The following message from the Governor was received and read:

February 18, 2003

I respectfully submit for your approval the following appointment to office:

Michigan Commission on Law Enforcement Standards

Sheriff Gene Wriggelsworth, Lansing, MI 48911, county of Ingham, to a term commencing on January 1, 2003 and expiring on January 1, 2006.

Sincerely,
 Jennifer M. Granholm
 Governor

The appointment was referred to the Committee on Government Operations.

Introduction and Referral of Bills

Senator Thomas introduced
Senate Bill No. 196, entitled

A bill to require that state universities classify certain aliens as residents of this state for purposes of charging tuition. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Leland, Jacobs, Brater, Clark-Coleman and Emerson introduced
Senate Bill No. 197, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2002 PA 79.

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

Senators Patterson, Jelinek, Kuipers, Cropsey, Johnson, Gilbert, Cherry, Goschka, Schauer and Allen introduced
Senate Bill No. 198, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11514a.

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

Senators Garcia, Johnson, Bishop, Goschka, Leland, Allen, Switalski, Jelinek and Barcia introduced
Senate Bill No. 199, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1481 (MCL 380.1481), as added by 2000 PA 230.

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

Senator Bishop introduced

Senate Bill No. 200, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," (MCL 431.301 to 431.336) by adding section 307a. The bill was read a first and second time by title.

Pursuant to MCL 24.245a, the bill was referred to the Committee of the Whole and placed on the order of General Orders.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 160, entitled

A bill to provide for the audit and examination of this state and state funds; to provide for the audit and examination of the books and accounts of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of this state; to prescribe powers and duties of certain officers and employees; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; and to provide for the administration of this act.

With the recommendation that the bill pass.

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

Alan L. Cropsey
 Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Bernero

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 18, 2003, at 1:00 p.m., Room 210, Farnum Building

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

Excused: Senator Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 11, 2003, at 1:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, February 13, 2003, at 8:30 a.m., Room 110, Farnum Building

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

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, February 18, 2003, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Garcia (C), McManus and Switalski

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:
Meeting held on Tuesday, February 18, 2003, at 2:00 p.m., Room 405, Capitol Building
Present: Senators Brown (C) and Stamas
Excused: Senator Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:
Meeting held on Tuesday, February 18, 2003, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Johnson (C), Stamas and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:
Meeting held on Tuesday, February 18, 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, February 20, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

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

Capital Outlay - Thursday, February 20, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Commerce, Labor and Economic Development - Wednesdays, February 26 and March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

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

State Police and Military Affairs - Tuesday, February 25, 1:00 p.m., Room 405, Capitol Building (373-5932)

Transportation Department - Tuesday, February 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Appropriations, Joint Senate/House - Thursday, March 6, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, February 20, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Thursday, February 20, 8:30 a.m., Room 210, Farnum Building (373-1801)

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

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 20, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

