

No. 2
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Tuesday, January 21, 2003.

10:00 a.m.

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

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

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

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

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

Senator Jim Barcia of the 31st District offered the following invocation:

Newness comes forth out of past successes, failures, disappointments, and joys. Lord God, create the “new” in our speaking and in our planning together and in our working with one another in this new legislative session.

Bless our words, our actions, our hopes, and our thoughts so that the lives of our fellow citizens as well as our lives will be ennobled, enriched, and enlivened. Create in us the desire to rise to the opportunities and challenges which present themselves. Use us to create boldly the “new,” for we care about our fellow citizens.

Give to each of us the will and the wisdom to strive continually for the greater good of people who will be impacted by our thoughtfulness and our desire to meld the very best of what we bring to this noble enterprise of public service. Give that wisdom and that vision, God, to all of us who lead and speak in these legislative chambers.

Continue to bring out the best of the human spirit which You create in and through us together. Great God, bless us and our fellow citizens of this great state of Michigan.

We pledge ourselves to use all that we are and have so that the lives of children and youth, women and men, rich and poor will be better because we worked together here in this great house of the people. Amen.

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

Motions and Communications

The following communications were received:
Department of State

Administrative Rules Notices of Filing

December 13, 2002

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 8:22 a.m. this date, administrative rule (02-12-04) for the Department of Environmental Quality, Environmental Response Division, entitled “*Part 201 Rules*,” effective 7 days hereafter.

December 13, 2002

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 8:26 a.m. this date, administrative rule (02-12-05) for the Department of Treasury, Higher Education Facilities Authority, entitled “*Education Loans*,” effective 15 days hereafter.

December 19, 2002

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 2:05 p.m. this date, administrative rule (02-12-06) for the Department of Transportation, Bureau of Finance and Administration, entitled “*Classification and Rating of Bidders*,” effective 7 days hereafter.

December 30, 2002

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 11:09 a.m. this date, administrative rule (02-12-08) for the Department of Environmental Quality, Surface Water Quality Division, entitled “*Water Resource Protection—Part 6. Cleaning Agents and Water Conditioners*,” effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

January 9, 2003

Enclosed is a copy of the annual financial statements, together with the Auditors' Report, for the Bureau of State Lottery for the six months and years ended September 30, 2002 and 2003.

If you have questions regarding this report, please call me; Scott M. Strong, C.P.A., Director of Audit of Operations; or Michael R. Becker, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

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

The communication was referred to the Secretary for record.

The Secretary announced that pursuant to rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from July 1, 2002 through September 30, 2002, and are available in the Secretary's office during business hours for public inspection:

Committee

- Appropriations
- Banking and Financial Institutions
- Economic Development, International Trade and Regulatory Affairs
- Education
- Families, Mental Health and Human Services
- Farming, Agribusiness and Food Systems
- Finance
- Financial Services
- Government Operations
- Health Policy
- Hunting, Fishing and Forestry
- Judiciary
- Local, Urban and State Affairs
- Natural Resources and Environmental Affairs
- Reapportionment
- Senior Citizens and Veterans Affairs
- Technology and Energy
- Transportation and Tourism
- Appropriations Subcommittee on Career Development
- Appropriations Subcommittee on Community Health
- Appropriations Subcommittee on Corrections
- Appropriations Subcommittee on Department of Education
- Appropriations Subcommittee on Family Independence Agency
- Appropriations Subcommittee on Retirement
- Appropriations Subcommittee on School Aid

Chairperson

- Senator Harry Gast
- Senator Valde Garcia
- Senator Bill Schuette
- Senator Loren Bennett
- Senator Beverly Hammerstrom
- Senator George McManus
- Senator Joanne Emmons
- Senator Bill Bullard
- Senator Thaddeus McCotter
- Senator Dale Shugars
- Senator Alan Sanborn
- Senator William Van Regenmorter
- Senator Thaddeus McCotter
- Senator Ken Sikkema
- Senator Bill Schuette
- Senator Mat Dunaskiss
- Senator Mat Dunaskiss
- Senator Bill Bullard
- Senator Shirley Johnson
- Senator Joel Gougeon
- Senator Walter North
- Senator Leon Stille
- Senator Mike Goschka
- Senator Joel Gougeon
- Senator Leon Stille

The Secretary announced the printing and placement in the members' files on Thursday, January 9, of:

Senate Bill Nos.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	15	16	17	18	19	20								
Senate Joint Resolution	A													
House Bill Nos.	4001	4002	4003	4004	4005	4006	4007	4008						

Senator Hammerstrom moved that the rules be suspended and that the following appointments, now on Committee Reports, be placed on the order of Messages from the Governor for consideration today:

Director, Michigan Department of Consumer and Industry Services

David Clinton Hollister, 1943 Byrnes, Lansing, Michigan 48906, county of Ingham, for a term commencing on January 28, 2003, and expiring at the pleasure of the Governor.

State Treasurer

Jay Bruce Rising, 1896 Live Oak Trail, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 6, 2003, and expiring at the pleasure of the Governor.

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

Messages from the Governor

The following message from the Governor was received on January 9, 2003, and read:

EXECUTIVE ORDER

No. 2003-1

**Procurement of Goods and Services from Vendors
in Compliance with State and Federal Law**

Whereas, under Article V, Section 8 of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor, unless otherwise provided by the Constitution, and the Governor must take care that the laws of the State of Michigan are faithfully executed;

Whereas, the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1101 to 18.1594, creates and sets forth the duties and powers of the Department of Management and Budget, a principal department;

Whereas, under section 261(1) of the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1261(1), the Department of Management of Budget shall provide for the purchase of, the contracting for, and the providing of supplies, materials, services, insurance, utilities, third party financing, equipment, printing, and all other items as needed by state agencies for which the legislature has not otherwise expressly provided;

Whereas, section 261(2) of the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1261(2), provides that the Department of Management of Budget shall make all discretionary decisions concerning the solicitation, award, amendment, cancellation, and appeal of state contracts;

Whereas, section 264 of the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1264, provides that the Department of Management may debar a vendor from participation in the bid process and from contract award upon notice and a finding that the vendor is not able to perform responsibly, or that the vendor, or an officer or an owner of a 25% or greater share of the vendor, has demonstrated a lack of integrity that could jeopardize the state's interest if the state were to contract with the vendor; and

Whereas, because the State of Michigan conducts business with a wide-range of private sector vendors, it is important to ensure that state contracting is conducted in an open and honest fashion, that citizens receive the best goods and services at the best price, and to ensure the integrity of the contracting process;

Now, Therefore I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and the laws of the State of Michigan, do hereby order the following:

I. DEFINITIONS

As used in this Order:

(a) "Debar" means to suspend, revoke, or prohibit the privilege of contracting with the State of Michigan for the provision of goods or services;

(b) "Department" means the principal department created by section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121; and

(c) "Vendor" means a person or entity that has contracted with or seeks to contract with the State of Michigan for the provision of goods or services.

II. VENDOR COMPLIANCE WITH STATE AND FEDERAL LAW

(a) The Department may debar a vendor from the consideration for the award of a contract for the provision of goods or services to the State of Michigan or suspend the procurement of goods and services from a vendor if, within the past three (3) years, the vendor, an officer of the vendor, or an owner of a 25% or greater interest in the vendor has:

(1) Been convicted of a criminal offense incident to the application for or performance of a state contract or subcontract;

(2) Been convicted of any offense which negatively reflects on the vendor's business integrity, including but not limited to embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, state or federal antitrust statutes;

(3) Been convicted of any other offense, or violated any other state or federal law, as determined by a court of competent jurisdiction or an administrative proceeding, which, in the opinion of the Department, indicates that the vendor is unable to perform responsibly or which reflects a lack of integrity that could negatively impact or reflect

upon the State of Michigan. An offense or violation under this subdivision may include, but is not limited to, an offense under or violation of: the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106; the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922; 1965 PA 166 (law relating to prevailing wages on state projects), MCL 408.551 to 408.558; 1978 PA 390 (law relating to payment of wages and fringe benefits), MCL 408.471 to MCL 408.490; or a willful or persistent violation of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1001 to 408.1094;

(4) Failed to substantially perform a state contract or subcontract according to its terms, conditions, and specifications within specified time limits;

(5) Violated Department bid solicitation procedures or violated the terms of a solicitation after bid submission;

(6) Refused to provide information or documents required by a contract, including but not limited to information or documents necessary for monitoring contract performance;

(7) Failed to respond to requests for information regarding vendor performance, or accumulated repeated substantiated complaints regarding performance of a contract/purchase order; or

(8) Failed to perform a state contract or subcontract in a manner consistent with any applicable state or federal law, rule or regulation.

(b) If the Department finds that grounds to debar a vendor exist, it shall send the vendor a notice of proposed debarment indicating the grounds and the procedure for requesting a hearing. If the vendor does not respond with a written request for a hearing within twenty (20) calendar days, the Department shall issue the decision to debar without a hearing. The debarment period may be of any length, up to eight (8) years. After the debarment period expires, the vendor may reapply for inclusion on bidder lists through the regular application process.

III. IMPLEMENTATION

(a) The Director of the Department and agency heads shall revise written departmental rules, policies, and procedures, including but not limited to the Administrative Guide to State Government, to conform with this Executive Order, the Management and Budget Act, and the terms of existing contracts with vendors.

(b) Department directors, agency heads and supervisors shall be responsible for familiarizing employees with this Executive Order and with Departmental or agency rules, policies and procedures and implementing this Executive Order and for enforcing compliance within the scope of their authority.

IV. MISCELLANEOUS

(a) Nothing in this Order should be construed to in any way impair the obligation of any existing contract between a vendor and the State of Michigan.

(b) The invalidity of any portion of this Order shall not affect the validity of the remainder the Order.

This Executive Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the
state of Michigan this 2nd day of January, 2003.

Jennifer M. Granholm
Governor

By the Governor:

Terri Land

Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on January 9, 2003, and read:

EXECUTIVE ORDER

No. 2003-2

Solicitation or Receipt of Political Contributions at State Government Facilities

Whereas, under Article V, Section 8 of the Michigan Constitution of 1963, each principal department is under the supervision of the Governor, unless otherwise provided by the Constitution, and the Governor must take care that the laws of the State of Michigan are faithfully executed;

Whereas, section 57 of the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.257, prohibits an individual acting for a state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government from using funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide a political committee with volunteer personal services excluded from the definition of contribution by the Act;

Whereas, Rule 1-12 promulgated by the Michigan Civil Service Commission prohibits state classified employees from engaging in unauthorized political activities during actual duty time and prohibits the levying, solicitation, collection, or payment of any type of political assessment, or the authorizing or ordering of any such activity in the state classified service;

Whereas, it is in the best interests of the State of Michigan to protect state government and state employees from any appearance of improper political influence connected with the solicitation or receipt in state government facilities of local, state, or federal political contributions;

Now, Therefore I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

I. DEFINITIONS

As used in this Order:

(a) "Contract manager" includes the following state employees: (1) an employee designated in a state contract as a contract administrator; and (2) an employee of the Department of Management and Budget Office of Acquisition Services acting as a director, buyer, buyer manager, buyer specialist, or procurement technician;

(b) "Political contribution" means a "contribution" as defined in section 4 of the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.204, and also includes a "contribution" as defined in section 431(8) of the Federal Election Campaign Act of 1971, 2 USC 431(8); and

(c) "State government facility" means any public building or real property owned by the State of Michigan, either directly or by or through any of its Executive Branch departments or agencies, and that part of any publicly-owned or privately-owned building or real property leased or operated by the State of Michigan, either directly or by or through any of its Executive Branch departments or agencies. "State government facility" does not include any public building or real property owned by a college or university or any part of any privately-owned building or real property leased or operated by a college or university.

II. PROHIBITION AGAINST SOLICITATION OR RECEIPT OF POLITICAL CONTRIBUTIONS AT STATE GOVERNMENT FACILITIES

(a) Department directors and agency heads shall prohibit the solicitation and receipt of political contributions in all state government facilities including but not limited to buildings and grounds.

(b) Department directors and agency heads shall revise existing written departmental policies, procedures, and issuances as necessary to conform with this Executive Order, the Michigan Campaign Finance Act, and related Civil Service Rules. Department Directors and agency heads also may issue reasonable written work rules to implement this Executive Order, the Michigan Campaign Finance Act, and related Civil Service Rules.

(c) The requirements of this Executive Order apply all Executive Branch employees including but not limited to contract managers.

(d) Department directors, agency heads, and supervisors shall be responsible for familiarizing employees with this Executive Order and with departmental or agency policies, procedures, issuances, and work rules implementing this Executive Order and for enforcing compliance within the scope of their authority.

(e) Nothing in this Order should be construed to in any way limit the continuing obligation of all persons within the Executive Branch to comply with existing provisions of state and federal law regulating political contributions and other political activities.

(f) This order is not intended to amend or modify the Michigan Campaign Finance Act or rules relating to political activity promulgated by the Civil Service Commission.

(g) The invalidity of any portion of this Order shall not affect the validity of the remainder the Order.

This Executive Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of
the state of Michigan this 2nd day of January, 2003.

Jennifer M. Granholm
Governor

By the Governor:

Terri Land

Secretary of State

The Executive Order was referred to the Secretary for record.

Director, Michigan Department of Consumer and Industry Services

David Clinton Hollister, 1943 Byrnes, Lansing, Michigan 48906, county of Ingham, for a term commencing on January 28, 2003, and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 5**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Senators Bernero, Emerson, Sikkema and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bernero's statement is as follows:

It's my privilege and pleasure to speak in favor of the Governor's nomination of my good friend, esteemed colleague, and constituent, David Hollister—I should say one of my mentors as well—to serve as Director of Consumer and Industry Services. As a State Representative for more than two decades, David Hollister served here for more years than any of us will serve, but his departure from these halls—well, not here in this chamber, but the one across the way—wasn't the end of his story. In fact, it was a new beginning. Elected mayor of Lansing in 1993, David set out to revitalize what had grown stagnate, to secure a job base that was eroding, to renew a sense of pride and ownership by all stakeholders, and to bring a brand of purposeful leadership to City Hall that would build a better future for the people who live here. What he's done for Lansing, I believe he can do for Michigan. He's performed a virtual miracle in Lansing and Lord knows that Michigan could use one.

A visionary leader, an instinctive coalition builder, and a pragmatic problem solver, David Hollister knows how to get the job done. His record of leadership and accomplishment as mayor of Michigan's capital city speaks volumes for his commitment for positive change and his ability to reach across traditional boundaries to build relationships instead of fences. He is a man well prepared to face the challenges that lie ahead for Michigan; to help us reignite the engine of growth that will set us on a better path for the future. He is well prepared to make the tough decisions that we will be called upon to make in the days ahead. He is well prepared to understand what is doable, to draw a road map of how to get there, and to marshal the forces needed to get it done.

Mr. President, I urge the support of my colleagues for this nomination.

Senator Emerson's statement is as follows:

I rise to support the nomination of David Hollister for the Director of the Department of Consumer and Industry Services. But before I talk about Dave Hollister, whom I consider to be a very good friend, I would like to commend the Majority Leader for beginning the process of having the Senate live up to its constitutional responsibilities. I would agree with him that he has set out a fair process in which we will consider department heads. He has worked cooperatively with us, and I appreciate very much his actions as chair of the Government Operations Committee. We have not gone through this process for quite some time, and I appreciate the fact that we are beginning to do what we are required to do by the Constitution. I believe we have set up an imminently fair process. While I'm sure that there will be differences from time to time, clearly, with the first two hearings we established a process where civility reigned and was the call of the day.

That being said, I would like to say a few words about my former colleague because I served for the majority of Dave's 20 years in the House of Representatives and served on the same Appropriations subcommittee with David. I have teased him over the years that people worried when he became mayor of Lansing that David had spent too much time in the legislative process and was not qualified to be an administrator. I think the Senator from the 13th District, who served on the Social Services Subcommittee with me and Mayor Hollister, will attest that Dave had years of experience micromanaging the Department of Social Services as chair of the subcommittee.

But seriously, there was nobody better than Dave Hollister at building coalitions in the Legislature. He carried that experience with him as mayor of Lansing and worked in the collaborative style and has pledged as director of the department to continue that collaborative style because he believes that's the only thing that will work in trying to bring new business into this state is making sure that everyone is at the table and everybody has a chance and everybody is heard. Dave has exhibited that style as mayor, and I'm sure he will make a fine director of the Department of Consumer and Industry Services, or if the department is recreated to include the things that Dave has talked about, he will do a terrific job in ensuring that new business is brought to the state of Michigan. So I welcome the opportunity to support the confirmation of David Clinton Hollister for Director of the Department of Consumer and Industry Services.

Senator Sikkema's statement is as follows:

Through you to my Senate colleagues, we have two of the Governor's first appointments for department directors in front of us today, and I think I would be remiss if I didn't offer some comments both on Mr. Hollister's behalf and on Mr. Rising's behalf.

The first appointment is for Mayor David Hollister as the Director of the Department of Consumer and Industry Services, which we understand the Governor tends to reorganize into a new Department of Labor, Economic Growth and Urban Development. I would urge the members to vote in favor of Mayor Hollister, and I think with today's confirmation, the Senate has regained its proper role in the offering of advice and consent. When I say "proper role," I mean the role which the framers of our Constitution and the people of Michigan had envisioned that it would be. I also hope and firmly believe that the tenor of the first two hearings in the Government Operations Committee has dispelled any fears at all that advice and consent would be used as a partisan tool. It's been an open and productive process, I believe, and I expect that all remaining hearings that we have will follow the standard that we set with Mayor Hollister and with Jay Rising.

I also want to congratulate both the Governor for this appointment and Mayor Hollister for accepting the appointment and his willingness to serve the state. I believe that the mayor will do an excellent job in this new role. He was quite specific in the questions that he was asked in the hearing, and I think that the members of the Government Operations Committee on both sides of the aisle appreciated his candor and his specificity.

One of the things that sets Mr. Hollister apart from some of the other appointments is that he did serve in this Legislature for many, many years, but he also built upon that legislative experience by being mayor of one of the major cities in this state. As his role of mayor, I think he dealt firsthand with the challenges of economic development, business investment, and job creation. I think that will stand him in good stead in his new role because if we are to keep Michigan competitive, we're going to have to bring all sides of the table and all stakeholders together. He demonstrated as mayor of the city of Lansing an uncanny ability to do that.

I welcome his appointment, and I would hope that the members would vote "yes" and confirm him this morning.

Senator Cropsey's statement is as follows:

I rise in support of Mayor Hollister's nomination. I do this as a legislator from the Lansing area, just north of Lansing.

When I was first elected to the House of Representatives in 1978, I came in as a principled conservative. David Hollister was there. I think he had served a few years before I did, and he had been a principled liberal. We had our definite disagreements on policy issues during the legislative process, but there's one thing about Dave Hollister—he was always a man of integrity. I think that's critical for anybody who's appointed to head up a state office; that they are a person of integrity.

When Dave Hollister became mayor of Lansing, I know a lot of us questioned, "Can he really do the job?" He did do the job. He did bring different parties to the table. He got things done for the benefit of the citizens of Lansing and the greater Lansing area. I know that was his goal.

I believe by being appointed to this department, his goal is to do things as best he sees fit for the people of the state of Michigan. I would urge that everyone do support Mayor Hollister to become Director Hollister.

State Treasurer

Jay Bruce Rising, 1896 Live Oak Trail, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 6, 2003, and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 6**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer
Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Senators Jacobs, Sikkema and Emerson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' statement is as follows:

I also rise in support of the confirmation of Jay Rising to the position of State Treasurer. As we've heard, Mr. Rising brings significant experience to the job. He has spent his entire career working on state tax policy and fiscal matters. As we saw from his appointment hearing, Mr. Rising has a complete and thorough understanding of the workings of the state budget. He has already begun working on solutions to close the huge deficit that we are faced with.

Rising understands that in order to ensure our long-term economic stability, we must address the structural problems in the state budget as well as the shortfall itself. Rising is committed to a partnership between the Legislature and the administration to address the state's economic problems.

With that said, Mr. President, I urge my colleagues to confirm the appointment of Jay Rising as State Treasurer.

Senator Sikkema's statement is as follows:

I also wanted to make some comments about this appointment. I should probably start off by saying that after our hearing, the day after the consensus revenue estimating conference, I asked Mr. Rising if he wanted us to confirm him or not. He said, "Yes, I would still like to serve." So with that being said, Mr. President, Mr. Rising brings a wealth of experience to his new role as State Treasurer. He served as Deputy Treasurer in a previous administration.

What a lot of members probably do not know about him is that he was a legislative staff member prior to that. In fact, if my memory serves me well, he worked in the Legislative Service Bureau. He understands the legislative process. He respects it, but he also understands the challenge ahead of him because he served as Deputy Treasurer in the 1980s. He has his training as an attorney. He has worked in the private sector for a number of years. I think that is going to be extremely helpful to him as well in these difficult fiscal times.

Once again, I want to congratulate the Governor on this appointment and thank Mr. Rising for his willingness to serve. I hope the members will vote to confirm him today.

Senator Emerson's statement is as follows:

I rise also to recommend the confirmation of Jay Rising as the State Treasurer. I have known Jay since the day I came to the Legislature 22 years ago. When I served in my first term as a member of the House Taxation Committee, Jay worked for the Legislative Service Bureau drafting taxation legislation. He then went to work for Governor Blanchard as the Deputy Treasurer and worked until the early '90s as Deputy Treasurer. I also have had the pleasure of working with Jay as a private attorney. I headed up a health coalition in Genesee County, and we created a low-cost insurance

health plan. Jay was the attorney who drafted the nonprofit corporation board and advised us on both tax law and financing for this health care corporation that provides health insurance to low-income people in Genesee County.

I've known Jay to be a person of immense integrity and incredible skills, and because of that, I rise to support his nomination. I commend the Governor as well for having selected somebody of both Jay's qualifications and integrity to serve as State Treasurer.

Introduction and Referral of Bills

Senators Scott, Leland, Brater, Barcia, Basham, Jacobs, Emerson, Clark-Coleman, Schauer, Cherry, Goschka and Johnson introduced

Senate Bill No. 21, entitled

A bill to establish an educational loan program for employees of certain school districts studying to become teachers; to prescribe conditions for repayment and forgiveness of the loans; to establish a school employee teaching career loan fund and to provide for its administration; and to prescribe powers and duties of certain state officers, agencies, and departments.

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

Senators Johnson and Van Woerkom introduced

Senate Bill No. 22, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

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

Senators Sanborn, Gilbert, Goschka and Cropsey introduced

Senate Bill No. 23, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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

Senators Brater, Thomas, Clark-Coleman, Scott, Cherry, Emerson, Schauer, Bernero, Olshove, Jacobs, Basham and Goschka introduced

Senate Bill No. 24, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1561 and 1596 (MCL 380.1561 and 380.1596), section 1561 as amended by 1996 PA 339, and by adding section 1591.

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

Senators Garcia, Kuipers, Cropsey and Hardiman introduced

Senate Bill No. 25, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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

Senators Garcia, Sanborn, Goschka, Cropsey and Jacobs introduced

Senate Bill No. 26, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 2, 3, and 5 (MCL 52.202, 52.203, and 52.205), section 2 as amended by 2001 PA 26 and section 5 as amended by 1980 PA 401, and by adding section 5b.

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

Senators Garcia, Sanborn, Prusi, Goschka, Kuipers, Cherry, Cropsey, McManus, Jacobs, Brown and Hardiman introduced

Senate Bill No. 27, entitled

A bill to provide for continued fringe benefits and wages for certain officers and employees of the state of Michigan who are called into active duty with the military or other armed service of the United States government.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Garcia, Goschka, Kuipers, Barcia, Cropsey, Brown and Hardiman introduced

Senate Bill No. 28, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 300 (MCL 32.700).

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

Senator Switalski introduced

Senate Bill No. 29, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112a (MCL 324.3112a), as amended by 2000 PA 286.

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

Senator Switalski introduced

Senate Bill No. 30, entitled

A bill to amend 1986 PA 87, entitled "An act regarding warranties on new motor vehicles; to require certain repairs to new motor vehicles; to provide remedies for the failure to repair such vehicles; and to prescribe duties for certain state agencies," by amending section 1 (MCL 257.1401), as amended by 1998 PA 486.

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

Senator Switalski introduced

Senate Bill No. 31, entitled

A bill to provide for compulsory arbitration of labor disputes between county corrections officers and their employers; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority of arbitration panels; and to provide for the enforcement and review of awards of those panels.

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

Senator Switalski introduced

Senate Bill No. 32, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2002 PA 417.

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

Senator Switalski introduced

Senate Bill No. 33, entitled

A bill to provide for compulsory arbitration of labor disputes between university police officers and their employers; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority of arbitration panels; and to provide for the enforcement and review of awards of those panels.

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

Senator Switalski introduced

Senate Bill No. 34, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

Senator Switalski introduced

Senate Bill No. 35, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 18 and 168 (MCL 388.1618 and 388.1768), section 18 as amended by 1999 PA 119 and section 168 as added by 1993 PA 175.

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

Senator Switalski introduced

Senate Bill No. 36, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 1c, 11, 12, and 13 (MCL 247.651c, 247.661, 247.662, and 247.663), section 1c as amended by 1982 PA 438, section 11 as amended by 2002 PA 639, section 12 as amended by 2002 PA 498, and section 13 as amended by 1999 PA 54.

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

Senator Jacobs introduced

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

Senator Jacobs introduced

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 sections 7a and 15 (MCL 456.107a and 456.115).

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

Senator Jacobs introduced

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

Committee Reports

The Committee on Government Operations reported the following appointment to office:

Director, Michigan Department of Consumer and Industry Services

David Clinton Hollister, 1943 Byrnes, Lansing, Michigan 48906, county of Ingham, for a term commencing on January 28, 2003, and expiring at the pleasure of the Governor.

With the recommendation that the Senate advise and consent to the said appointment.

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

Nays: None

The appointment was placed on the order of Messages from the Governor.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, January 14, 2003, at 10:02 a.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

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

The Committee on Government Operations reported the following appointment to office:

State Treasurer

Jay Bruce Rising, 1896 Live Oak Trail, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 6, 2003, and expiring at the pleasure of the Governor.

With the recommendation that the Senate advise and consent to the said appointment.

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

Nays: None

The appointment was placed on the order of Messages from the Governor.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Thursday, January 9, 2003, at 10:04 a.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Wednesday, January 15, 2003, at 10:04 a.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, January 14, 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 Appropriations submitted the following:

Meeting held on Wednesday, January 15, 2003, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Stamas and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, January 15, 2003, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas and Gilbert

Excused: Senators Clark-Coleman and Olshove

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, January 15, 2003, at 3:00 p.m., Room 100, Farnum Building

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

Excused: Senators Olshove and Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Wednesday, January 15, 2003, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Hardiman (C), Hammerstrom and Jacobs

Excused: Senators Sanborn and Clark-Coleman

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, January 23, 9:00 a.m., Room 110, Farnum Building (373-1635)

Education - Thursday, January 23, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, January 22, 1:30 p.m., Room 110, Farnum Building (373-1758)

Technology and Energy - Wednesday, January 22, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:32 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, January 22, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate