

**No. 35**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Tuesday, April 22, 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—excused  
Goschka—excused  
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—excused  
Toy—present  
Van Woerkom—present

Senator Jason Allen of the 37th District offered the following invocation:

Lord, assist us with Your spirit of wisdom and fortitude. Guide the President of the United States of America, and protect all of our military personnel throughout the world in this time of conflict.

Bless our Governor, members of the Legislature, judges, and elected officials who are entrusted to guard the political welfare of this state. May they be enabled by Your power to discharge their duties with honesty, to seek to preserve peace, to prepare and work for national unity and local unity, and continue to bring liberty and equality to all in the state of Michigan and the United States of America. Amen.

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

### Motions and Communications

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

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

Senator Hammerstrom moved that Senator Goschka be excused from this week's sessions.  
The motion prevailed.

The following communication was received:  
Department of State

January 31, 2003

The enclosed report on the current status of the campaign finance electronic filing and Internet-based disclosure system administered through the Michigan Department of State's Bureau of Elections is provided in conformance with the Michigan Campaign Finance Act, MCL 169.218 as amended under Public Act 238 of 1999. The report discusses the establishment of the voluntary campaign finance electronic filing software program, the establishment of the Internet-based public disclosure system, the effectiveness and use of the electronic filing and Internet disclosure system, and the status of the mandatory electronic filing program that must be in place by January 31, 2004.

Public Act 238 created the Electronic Filing Advisory Board to oversee the implementation of the electronic filing and disclosure system. The Board was responsible for monitoring the voluntary submission of campaign Statements during the 2000 and 2002 election cycles and for monitoring the public disclosure of the electronically filed Campaign Statements via the Internet. The law provides for the issuance of a report by the Board on the effectiveness and use of the electronic filing and Internet-based disclosure system to the Michigan State Legislature by February 1, 2003. This report is provided in fulfillment of the statutory requirement. Copies of the report have been forwarded to the Senate Majority Leader Ken Sikkema, Senate Minority Leader Bob Emerson, Speaker of the House Rick Johnson, and House Minority Leader Dianne Byrum.

Please do not hesitate to contact me if you have any questions regarding the administration of the electronic filing program or the contents of the enclosed report.

Sincerely,  
Christopher M. Thomas, Director  
Bureau of Elections

The communication was referred to the Secretary for record.

The following communication was received:  
Department of Natural Resources

March 27, 2003

The Department of Natural Resources is providing you with copies of the annual report for our Law Enforcement Division's Communications Section and Wildlife Resource Protection Unit. These reports detail activities and expenditures for Fiscal Year 2002.

Public Act 451 of 1994, Part 435, Section 43555 (4) directs the Department to annually provide the Legislature with a report detailing expenditures from the Wildlife Resource Protection Fund.

Please let me know if you have any questions.

Dennis Knapp  
Legislative Liaison

The communication was referred to the Secretary for record.

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

April 1, 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 2:50 p.m. this date, administrative rule (03-04-01) for the Department of Consumer and Industry Services, Public Service Commission, entitled "*Telecommunications Service Quality*," effective August 1, 2003.

April 1, 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 2:55 p.m. this date, administrative rule (03-04-02) for the Department of Consumer and Industry Services, Director's Office, entitled "*Hospice Residence Licensure Rules*," effective 7 days hereafter.

Sincerely,  
Terri Lynn Land  
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:  
Department of Transportation

April 1, 2003

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2002.

The report is being forwarded to the Legislature for their information pursuant to Section 10e(21) of Act 51 of the Public Acts of 1951, as amended.

Sincerely,  
Gloria J. Jeff  
Director

The communication was referred to the Secretary for record.

The following communication was received:  
Department of State Police

April 2, 2003

Enclosed is a copy of the FY02 Annual Report and Evaluation for the Secondary Road Patrol and Traffic Accident Prevention Program.

This report satisfies the reporting requirements contained in Public Act 416 of 1978, as amended. Copies of this report are transmitted to the Governor's Office, Clerk of the House, Secretary of the Senate, Chair of the House Appropriations Committee, Chair of the Senate Appropriations Committee, each county sheriff, the Michigan Sheriff's Association, and the Deputy Sheriff's Association of Michigan.

Should you have any questions about this report, please contact Kim Kelly at 517/333-5305.

Sincerely,  
Betty J. Mercer  
Division Director  
Office of Highway Safety Planning

The communication was referred to the Secretary for record.

The following communications were received:  
Office of the Auditor General

April 8, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of Real Estate Acquisition and Disposition, Department of Natural Resources, April 2003.

April 8, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Employee Safety and Health Programs, April 2003.

April 9, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Bureau of Commercial Services, Department of Consumer and Industry Services, April 2003.

April 15, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Government Services and Customer Satisfaction Office, Department of Education, April 2003.

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

The communications were referred to the Secretary for record.

The following communication was received:  
Department of Consumer and Industry Services

April 14, 2003

Pursuant to Section 314 of P.A. 527 of 2002, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Woodland Center	2003C0212035	CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website under "Inside CIS" at the following address: <http://www.michigan.gov/cis/>. If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,  
Allan R. Pohl  
Acting Director  
Finance and Administrative Services

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 3:  
**House Bill Nos. 4032 4081 4154 4392**

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 8:  
**House Bill Nos. 4078 4086 4236 4356 4432 4479**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, April 10:  
**House Bill Nos. 4008 4257 4390**

The Secretary announced that the following House bill was received in the Senate and filed on Friday, April 11:  
**House Bill No. 4401**

The Secretary announced that the following bills were available at the legislative Web site on Thursday, April 3:  
**Senate Bill Nos. 359 360 361 362 363 364 365 366 367 368 369 370**  
**House Bill Nos. 4511 4512 4513 4514 4515 4516 4517 4518 4519**

The Secretary announced that the following bills were available at the legislative Web site on Friday, April 4:

**Senate Bill Nos. 371 372 373 374 375 376 377 378**

**House Bill Nos. 4520 4521 4522**

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, April 9:

**House Bill Nos. 4523 4524 4525 4526 4527 4528 4529 4530 4531 4532 4533 4534 4535 4536  
4537 4538 4539**

The Secretary announced that the following bills were available at the legislative Web site on Thursday, April 10:

**House Bill Nos. 4540 4541 4542 4543 4544 4545 4546 4547 4548 4549 4550 4551 4552 4553  
4554**

The Secretary announced that the following bills were available at the legislative Web site on Friday, April 11:

**House Bill Nos. 4555 4556 4557 4558 4559 4560 4561 4562 4563 4564 4565 4566 4567 4568  
4569 4570 4571 4572 4573 4574 4575 4576 4577**

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Birkholz admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### Recess

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

The motion prevailed, the time being 10:05 a.m.

10:18 a.m.

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

During the recess, Senator Birkholz introduced to the Senate the Michigan 4-H Youth Conservation Council, Dr. Cheryl Booth of Michigan 4-H Youth Development, and Lisa Campion, and presented them with the White Pine Award and a special tribute commemorating Earth Day and environmental excellence.

Dr. Booth and Ms. Campion responded briefly.

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

April 4, 2003

Pursuant to MCL 4.1301(1)(b), I have appointed Senator Bruce Patterson and Senator Michael Switalski to serve on the Michigan Commission of Uniform State Laws.

April 4, 2003

Pursuant to MCL 324.32201, Article IV of the Great Lakes Basin Compact, I have appointed Senator Patricia Birkholz to serve on the Great Lakes Commission.

Respectfully yours,  
Ken Sikkema  
Senate Majority Leader

The communications were referred to the Secretary for record.

### 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 messages from the Governor were received and read:

April 4, 2003

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

**Certificate of Need Commission**

Mr. Michael Young, 3051 Courtz Isle #6, Flint, MI 48532, county of Genesee, for a term of two years.  
 Mr. Michael Sandler, 4270 Barcroft Way, West Bloomfield, MI 48323, county of Oakland, for a term of three years.  
 Ms. Norma Hagenow, 8103 Hawkcrest Drive, Grand Blanc, MI 48439, county of Genesee, for a term of one year.  
 Mr. Richard Breon, 4177 Thousand Oaks NE, Grand Rapids, MI 49525, county of Kent, for a term of one year.  
 Ms. Jean Landreville, 1712 Helen Street, Garden, MI 48315, county of Wayne, for a term of three years.  
 Mr. Peter B. Ajluni, 1080 Dowling Road, Bloomfield Hills, MI 48013, county of Oakland, for a term of two years.

April 4, 2003

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

**Manager, State Exposition and Fairgrounds Office**

Mr. John Hertel, 28305 Thirty Mile Road, Lenox, MI 48050, county of Macomb, appointed to a term expiring at the pleasure of the Governor.

April 9, 2003

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

**Commissioner, Bureau of State Lottery**

Mr. Gary C. Peters, 2645 Bloomfield Crossing, Bloomfield Township, MI 48304, county of Oakland, to a term commencing on April 9, 2003 and expiring at the pleasure of the Governor.

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 16, 2003

Pursuant to the amended interlocal agreement between the Michigan Economic Development Corporation and local economic development corporations creating the Michigan Economic Development Corporation, please be advised of the following appointments to office:

**Michigan Economic Development Corporation Executive Committee**

Mr. Robert B. Jones, 3228 West Michigan, Kalamazoo, MI 49006, county of Kalamazoo, as a member, to a term expiring April 16, 2004.

Mr. Richard E. Blouse, Jr., 1221 Westboro, Birmingham E, MI 48009, county of Oakland, as a member, to a term expiring April 16, 2006.

Mr. George W. Jackson, Jr., 29181 Woodcrest Court, Southfield, MI 48076, county of Oakland, as a member, to a term expiring April 16, 2008.

Sincerely,  
 Jennifer M. Granholm  
 Governor

The message was referred to the Secretary for record.

The following message from the Governor was received:

Date: April 3, 2003

Time: 1:07 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 160 (Public Act No. 1), being**

An act 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 state officers and employees; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; to prescribe penalties; and to provide for the administration of this act.

(Filed with the Secretary of State on April 3, 2003, at 1:50 p.m.)

Respectfully,  
Jennifer M. Granholm  
Governor

### Messages from the House

**Senate Bill No. 105, entitled**

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

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

Senator Hammerstrom moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

### Resolutions

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

**Senate Resolution No. 59**

**Senate Resolution No. 61**

**Senate Resolution No. 62**

The resolution consent calendar was adopted.

Senator Bishop offered the following resolution:

**Senate Resolution No. 59.**

A resolution proclaiming May 14, 2003, as Student Technology Integration Day in Michigan.

Whereas, The growing need for information technology in an academic environment presents itself as an excellent opportunity for advancement and creativity. Students benefit from the opportunity to learn to support technology-based facilities and gain valuable work experience; and

Whereas, The Lake Orion Community Schools provide a world-class example by displaying exemplary student technology integration practices. There is a strong relationship between technological awareness and career success; and

Whereas, The Student Integration Technology Day programs promote student enrichment, while advancing the use of technology. Technology forums are instrumental in fostering the development of instructional technology through student and faculty partnerships; and

Whereas, The Student Integration Technology Day is truly unique, allowing the participants to demonstrate seamless integration of technology in the learning environment. A quality, daily technology education program is vital in helping people develop necessary career survival assets; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby proclaim May 14, 2003, as Student Technology Integration Day in Michigan. We wish to promote technology integration and recommend students to consider instituting long-term technological goals. We also encourage all citizens and students to support the efforts by participating in activities that emphasize the importance of technology in their communities; and be it further

Resolved, That a copy of this resolution be transmitted to the Lake Orion Community Schools in recognition of their student technology integration practices.

Senators Cassis, Kuipers, Switalski, Van Woerkom, Jelinek, Olshove, Prusi, Garcia, Cropsey, Birkholz, Toy, Allen and Clarke were named co-sponsors of the resolution.

Senator George offered the following resolution:

**Senate Resolution No. 61.**

A resolution commemorating April 22, 2003, as Scenic Michigan Day.

Whereas, It is with great respect for the natural beauty of our state and those who help preserve it that we commemorate April 22, 2003, as Scenic Michigan Day. This special day recognizes the vital contributions that the Scenic Michigan organization has made toward improving and protecting the picturesque vistas which define this state; and

Whereas, Scenic Michigan was founded in 1995 as a nonprofit organization to preserve, protect, and enhance the scenic and aesthetic character of Michigan's communities and roadsides. Scenic Michigan, an affiliate of Scenic America, helps citizens and elected officials guide their community's future; and

Whereas, Scenic Michigan serves as an educational resource to assist communities in their quest to preserve and enhance their distinctive character. Among the important contributions made by this statewide organization include:

- Making Michigan roadways scenic;
- Protecting our communities and landscapes; and
- Aligning "smart growth" with scenic growth.

From their humble beginnings as a billboard control task force of the Michigan United Conservation Clubs in 1989, Scenic Michigan has grown to become an independent 501(c)(3) organization; and

Whereas, The educational efforts of Scenic Michigan have resulted in measures that outlaw the destruction of trees or shrubs within a highway right-of-way, ban new construction of double-decker billboards, increase the spacing between billboards, ban tobacco advertising on billboards, increase billboard permit fees, and promote the use of tourist oriented direction signs (TODS) and logo signs to efficiently promote businesses in an aesthetically pleasing manner; and

Whereas, Scenic Michigan provides Michigan's communities with tools that focus on conserving scenic roadsides, roadside vegetation, saving community identity, and protecting highway corridors; now, therefore, be it

Resolved by the Senate, That we proudly commemorate Tuesday, April 22, 2003, as Scenic Michigan Day and honor all those who have contributed to the significant accomplishments of this organization. We pay tribute to their past and ongoing efforts to preserve Michigan's natural beauty for future generations; and be it further

Resolved, That a copy of this resolution be transmitted to Scenic Michigan as evidence of our esteem.

Senators Bishop, Cassis, Johnson, Kuipers, Switalski, Van Woerkom, Jelinek, Olshove, Prusi, Garcia, Cropsey, Birkholz, Toy, Allen and Clarke were named co-sponsors of the resolution.

Senator Hammerstrom offered the following resolution:

**Senate Resolution No. 62.**

A resolution commemorating April 21-25, 2003, as Playground Safety Week in Michigan.

Whereas, The safety and well-being of children is a priority for the state of Michigan; and

Whereas, More than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every 2½ minutes; and

Whereas, The National Program for Playground Safety has been created at the University of Northern Iowa to help inform the nation about playground injuries and possible ways to reduce the number of injuries; and

Whereas, The National Program for Playground Safety has identified key areas that could help substantially reduce the number of playground injuries and keep our children **SAFE**—providing proper **S**upervision, **A**ge appropriate equipment, materials to soften **F**alls to the surface, and **E**quipment maintenance; and

Whereas, It is appropriate to set aside a week each year for direction and thoughts on how to keep our children safer on playgrounds; and

Whereas, Spring is often a time when children head to the playground, and a large percentage of playground injuries occur from April through June; and

Whereas, Schools, parks, and other public facilities are preparing for the summer season and playground participants; and

Whereas, All of us who care about children make the commitment that no Michigan child shall play on an unsafe playground; and

Whereas, The National Program for Playground Safety has designated the week of April 21-25, 2003, as National Playground Safety Week; and



Whereas, We encourage compliance with the Michigan Playground Equipment Safety Act (1997 PA 16); now, therefore, be it

Resolved by the Senate, That we hereby commemorate April 21-25, 2003, as Playground Safety Week in Michigan and urge all citizens to join in this important observance.

Senators Bishop, Cassis, Kuipers, Switalski, Van Woerkom, Jelinek, Olshove, Prusi, Garcia, Cropsey, Birkholz, Toy, Allen and Clarke were named co-sponsors of the resolution.

Senators Jacobs, Bernero, Schauer, Gilbert, Brown, Cherry, Brater, Clarke and Cropsey offered the following resolution:

**Senate Resolution No. 60.**

A resolution to call for the Michigan Senate to fly the POW/MIA flag.

Whereas, A long-standing concern of the people of this state has been the fate of our fellow citizens who have served this nation and have been prisoners of war or who have been listed as missing in action. These heroes, along with those we know have died in the preservation of our freedoms, hold a special place in our affections. Our prayers, thoughts, and gratitude must be as much of a constant presence for them and their families as the valor of those who suffer for cherished ideals; and

Whereas, Public displays of the POW/MIA flag are an excellent way to remind all people of the true cost of our freedoms. The high price of liberty is even more apparent today with our troops engaged in battle. The POW/MIA flag is an effective symbol of the need for America to remain vigilant and committed to the ultimate accounting of all our heroes. Display of this flag in public places can also be effective in teaching children about the sacrifices that have been made to enrich our daily lives; and

Whereas, Elected officials should take a leadership role in honoring those who have protected our way of life. Doing so can inspire all people to remember everything that our system of self-government means to us and demands of us. Flying the POW/MIA flag is clearly an appropriate step to take; now, therefore, be it

Resolved by the Senate, That we call for the Michigan Senate to fly the POW/MIA flag.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Bishop, Cassis, Kuipers, Switalski, Van Woerkom, Jelinek, Olshove, Prusi and Garcia were named co-sponsors of the resolution.

**House Concurrent Resolution No. 9.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas to deal with the importation of dry milk protein concentrates.

Whereas, The dairy industry has been significantly impacted in recent years by the rising use of dry milk protein concentrates (MPCs). The technology that makes possible the ultrafiltration process that separates proteins and the other components of milk was not fully developed when the General Agreement on Tariffs and Trade (GATT) was finalized in 1994. As a result, there are almost no restrictions on the importation of MPCs. This is causing serious damage to the domestic dairy industry; and

Whereas, According to the General Accounting Office report on dairy products, the volume of MPC imports grew from 805 metric tons in 1990 to 44,878 in 1999. The quotas set under GATT for nonfat dry milk are clearly not working. Foreign exporters are known to blend dairy proteins for the purpose of circumventing existing tariff rate quotas; and

Whereas, In the 108<sup>th</sup> Congress, legislation has been introduced to establish tariff rate quotas for MPCs. With the enactment of legislation to close this loophole, American agriculture will be able to compete on a more equal basis. The overall benefits, to our national economy and the domestic dairy industry, will strengthen a vitally important industry and restore the stability of the marketplace; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas for dry milk protein concentrates that are equivalent to the import quotas currently in place on other dairy products; 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.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Agriculture, Forestry and Tourism.

The motion prevailed.

Senators Garcia, Prusi and Van Woerkom were named co-sponsors of the concurrent resolution.

**House Concurrent Resolution No. 10.**

A concurrent resolution to urge the United States Customs Service to work for greater enforcement of food safety standards by reconsidering the classification of dairy products, especially those containing milk protein concentrates.

Whereas, The domestic dairy industry is very concerned about the effect that imported dry milk protein concentrates (MPCs) are having. The increasing use of these key components in many dairy products and the fact that regulations have clearly lagged behind technology are serious threats to a key part of American agriculture; and

Whereas, Farm groups concerned about the negative trends in the dairy industry strongly believe the dairy protein blends are being incorrectly classified by the United States Customs Service. The improper classification has created a trade loophole that encourages importers to circumvent tariffs on certain dairy products. It also undermines food safety standards. A key impact of this situation is economic hardship for American agriculture; and

Whereas, Although the United States Customs Service earlier took a stand advocating the proper classification of products with MPCs to ensure that high-fat dairy protein products are not immune from tariff, the Customs Service has since reversed its position. This has led key dairy industry representatives to challenge the current classification system. The long-term vitality of the American dairy industry hangs in the balance; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge United States Customs Service to work for greater enforcement of food safety standards by reconsidering the classification of dairy products, especially those containing milk protein concentrates; and be it further

Resolved, That copies of this resolution be transmitted to the United States Customs Service.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Agriculture, Forestry and Tourism.

The motion prevailed.

Senators Allen, Garcia, Jelinek, Prusi, Switalski, Van Woerkom and Clarke were named co-sponsors of the concurrent resolution.

**House Concurrent Resolution No. 11.**

A concurrent resolution to memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products.

Whereas, Technological advances have led to a dramatic increase in the use of imported dry milk protein concentrates (MPCs) in dairy products. The widespread use of this technology has largely developed after the negotiations for the landmark General Agreement on Tariffs and Trade (GAAT). Since MPCs are not subject to quotas and tariffs, they are imported into this country at much lower prices. This economic advantage is wreaking havoc in the domestic dairy industry; and

Whereas, Within the American dairy industry, there is great concern that not all manufacturers may be fully complying with requirements for listing accurately all ingredients in standardized food. Since using MPCs in producing dairy products, including cheese, offers significant cost advantages, it is essential that labeling of products reflect the contents accurately. It must be easy for consumers to identify companies that fully comply with standards of identity and that do not use imported MPCs; and

Whereas, Since substituting MPCs offers price advantages in the marketplace, the volume of their use is increasing substantially. The result is the displacement of domestic milk solids and the erosion of a major component of American agriculture. Action needs to be taken to protect existing food standards and correct unlawful practices as soon as possible; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products; 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.

The House of Representatives has adopted the concurrent resolution.

Pending the order that, under rule 3.204, the concurrent 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 concurrent resolution,  
Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Agriculture, Forestry and Tourism.

The motion prevailed.

Senators Allen, Garcia, Jelinek, Prusi, Switalski, Van Woerkom and Clarke were named co-sponsors of the concurrent resolution.

#### **Senate Concurrent Resolution No. 19.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 34, p. 392.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

#### **Statements**

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

The motion prevailed.

Senator Garcia's statement is as follows:

I rise to bring attention to the life of a young man who lost his life in combat during Operation Iraqi Freedom. A few weeks ago, as we stood in this chamber and debated whether or not to support the President, and then of course unanimously agreed to support the troops, I mentioned that we would lose lives in that conflict, regardless of the debate or how we voted on any one of the resolutions.

Today I want to take but a moment to honor the life of one young man who went to do his duty. He was a young man from Howell, Michigan. He was 23 years old. He left behind a wife—had been married only about a year, actually they celebrated their one-year anniversary while he was over there in Kuwait, and had spoken to the family just a few hours before his untimely death.

I rise just to read a portion of a tribute that I presented to his family last week at the memorial service. If I could just please have the members' attention on this for just a moment.

This is a special tribute to Private First Class Jason Michael Meyer who was born on March 14, 1980, and a lifelong resident of Livingston County. Jason Meyer graduated from Howell High School in 1999. Always upbeat and smiling, Pfc. Meyer enjoyed the outdoors, especially hunting and traveling with his family.

However, Jason Meyer's special love was his wife, Melissa Arnould, whom he married on March 30, 2002. The newlyweds made their home in Hindsville, Georgia, where they lived before his deployment to the Persian Gulf.

The Meyers were very active in the Masonic Youth Organization and the Demolay Foundation. His life epitomized the basic principles and virtues of love of God, love of parents, and love of country.

In August 2001, Jason Meyer fulfilled a lifelong dream of joining the Army. The two were an instant match, and after completing one station unit training, Pfc. Meyer was assigned to Bravo Company 11th Engineers, 3rd Infantry Division at Fort Stewart, Georgia. On January 23, 2003, his unit was deployed to the Persian Gulf in support of Operation Iraqi Freedom. His division was in the vanguard when hostilities broke out on March 20, 2003. Never one to shirk his duty, Pfc. Meyer was respected and loved by his fellow soldiers, the sergeants, and the officers of his company because of his competence and hard work.

Those who are familiar with history know that it is not the generals who win battles; it is the privates, the sergeants, and the junior officers who are at the point of the spear. They are the ones who supply the blood, sweat, and tears that ultimately bring victory. While no words, flags, or tributes can erase the pain felt by such a tremendous loss, we know that heroes come from all walks of life. It is young men like Pfc. Meyer, who value liberty more than life itself, who have made this country strong and prosperous.

In Special Tribute, Therefore, This document is signed and dedicated to offer the highest praise, and in remembrance of Pfc. Jason Michael Meyer, may his family accept this tribute as a symbol of the high regard in which his memory is held by the people of the state of Michigan and a grateful nation.

To the body, I just want to point out that I, for one, am thankful that we have young men like Pfc. Meyer who willingly went to do his duty and paid the price so that we could stand here and debate the issues on what's good for the state of Michigan and for the people of this state.

Senator George's statement is as follows:

I rise to make note of the fact that one of the resolutions we passed today was to designate today, April 22, as Scenic Michigan Day. To note that, on your desk my colleagues will find that small flowers have been placed as a reminder of the importance of keeping Michigan beautiful. These have been donated by the Metropolitan Detroit Flower Growers Association.

Scenic Michigan is an organization that was founded in 1995 to preserve, protect, and enhance the scenic character of Michigan's communities and roadsides. This group began as a billboard control task force of the Michigan United Conservation Clubs in 1989.

Scenic Michigan today is an educational resource to assist communities in protecting and enhancing their distinctive character. Contributions made by this statewide organization include: making Michigan roadways scenic, protecting our communities and landscapes, and making "smart growth" scenic growth. Their efforts have resulted in measures that outlaw destruction of trees and shrubs within a highway right-of-way. They've increased restrictions on billboards and have promoted the use of tourist oriented directional signs and logo signs to help promote Michigan businesses.

Today we're joined in the west Gallery by several board members and members of Scenic Michigan. They include Scenic Michigan's President Debbie Rohe, Treasurer Mary Lou Tanton, Diana Leipprandt, Jennifer Radcliffe, Gale Arent, and Abby Dart, who is their education and membership consultant. I'd like to ask my colleagues, if they would, to help me recognize the members of Scenic Michigan who are in the west Gallery.

I would also like to note that Scenic Michigan will be joined by myself, former Lieutenant Governor Dick Posthumus, and former Attorney General Frank Kelley following session in Rooms 402 and 403 for a press conference, where we will present them with our Senate resolution.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senator Birkholz introduced

#### **Senate Bill No. 379, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 9 and 9b (MCL 117.9 and 117.9b), section 9 as amended by 1984 PA 352 and section 9b as added by 1982 PA 465, and by adding sections 9c, 9d, and 9e.

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

Senators Toy, Birkholz and Barcia introduced

#### **Senate Bill No. 380, entitled**

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 4 and 5 (MCL 78.4 and 78.5) and by adding section 5b.

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

Senator Sanborn introduced

#### **Senate Bill No. 381, entitled**

A bill to amend 1968 PA 191, entitled "An act to create a state boundary commission; to prescribe its powers and duties; to provide for municipal incorporation, consolidation, and annexation; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11b (MCL 123.1011b), as added by 1982 PA 192.

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

Senators Gilbert, Birkholz and Barcia introduced

#### **Senate Bill No. 382, entitled**

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 104a.

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

Senator Basham introduced

#### **Senate Bill No. 383, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 6 of chapter XIV (MCL 74.6) and by adding section 6b to chapter XIV.

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

Senators Barcia and Birkholz introduced

**Senate Bill No. 384, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

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

Senators Sanborn, Johnson, Patterson, Bishop, Olshove, Switalski, Prusi, Barcia, Basham, McManus, Gilbert, Toy, Cropsey, Goschka and Allen introduced

**Senate Bill No. 385, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 37a.

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

Senators Bernero, Switalski and Leland introduced

**Senate Bill No. 386, entitled**

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123).

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

Senators Leland, Jacobs, Brater and Scott introduced

**Senate Bill No. 387, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 8 and 152 (MCL 207.1008 and 207.1152), section 8 as amended by 2002 PA 668.

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

Senator Thomas introduced

**Senate Bill No. 388, entitled**

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 4 (MCL 286.474), as amended by 1999 PA 261.

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

Senator Brater introduced

**Senate Bill No. 389, entitled**

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending section 8 (MCL 287.958).

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

Senator Brater introduced

**Senate Bill No. 390, entitled**

A bill to amend 1974 PA 93, entitled "An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty," by amending section 3 (MCL 287.113).

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

Senator Scott introduced

**Senate Bill No. 391, entitled**

A bill to amend 1964 PA 265, entitled "Uniform securities act," by amending sections 202 and 305 (MCL 451.602 and 451.705), as amended by 2000 PA 494.

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

Senator George introduced

**Senate Bill No. 392, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3103, 3104, and 3114 (MCL 500.3103, 500.3104, and 500.3114), section 3103 as amended by 1986 PA 173, section 3104 as amended by 2002 PA 662, and section 3114 as amended by 2002 PA 38.

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

**House Bill No. 4008, 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 House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**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.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**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 House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4081, entitled**

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending sections 139, 141, and 142 (MCL 125.539, 125.541, and 125.542), as amended by 1992 PA 144.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

**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.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4154, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 720 (MCL 257.719 and 257.720), section 719 as amended by 2002 PA 453 and section 720 as amended by 2002 PA 535.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4236, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139, section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4257, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 32501, and 32512 (MCL 324.30301, 324.30305, 324.32501, and 324.32512), sections 30301, 32501, and 32512 as added by 1995 PA 59 and section 30305 as amended by 1996 PA 550.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4356, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4390, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4392, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The House of Representatives has passed the bill.

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

**House Bill No. 4401, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 11, 11f, 11g, 18, 19, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 38, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 101, 105, 107, and 147 (MCL 388.1603, 388.1606, 388.1608b, 388.1611, 388.1611f, 388.1611g, 388.1618, 388.1619, 388.1620, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632c, 388.1632d, 388.1638, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1705, 388.1707, and 388.1747), section 3 as amended by 2000 PA 297, sections 6, 11, 11f, 11g, 20, 22a, 22b, 24, 26a, 31a, 31d, 32c, 32d, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 99, 107, and 147 as amended by 2002 PA 521, section 8b as added and sections 19, 38, and 105 as amended by 2002 PA 191, section 18 as amended by 1999 PA 119, and section 101 as amended by 2002 PA 476, and by adding sections 20k, 20l, 22d, 22e, 32j, and 98b; and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4432, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2834.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 4479, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10102a (MCL 333.10102a), as added by 1986 PA 186.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**Committee Reports**

The Committee on Appropriations reported

**Senate Bill No. 279, entitled**

A bill to make appropriations for the department of history, arts, and libraries 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 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, Scott, Cherry and Switalski

Nays: Senator Clarke

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 Wednesday, April 2, 2003, at 2:00 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 Local, Urban and State Affairs reported

**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.

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.

Laura Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**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).

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.

Laura Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

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



The Committee on Local, Urban and State Affairs reported

**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).

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.

Laura Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Goschka, Basham and Bernero

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 310, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 797 (MCL 168.797), as amended by 1992 PA 8.

With the recommendation that the bill be referred to the Committee on Government Operations.

Laura Toy  
Chairperson

To Report Out:

Yeas: Senators Toy, Birkholz, Basham and Bernero

Nays: None

The bill was referred to the Committee on Government Operations.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submitted the following:

Meeting held on Thursday, April 3, 2003, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Toy (C), Birkholz, Goschka, Basham and Bernero

The Committee on Agriculture, Forestry and Tourism reported

**Senate Resolution No. 49.**

A resolution to memorialize the Congress of the United States and the United States Department of Agriculture to provide assistance in the effort to deal with the infestation of the emerald ash borer.

(For text of the resolution, see Senate Journal No. 33, p. 376.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to memorialize the Congress of the United States and the United States Department of Agriculture to provide assistance in the effort to deal with the infestation of the emerald ash borer.

Whereas, With alarming swiftness, the emerald ash borer, an aggressive Asian insect, is threatening virtually all of the ash trees in this state and region. In spite of a quarantine in 6 southeastern Michigan counties, this beetle has killed 5 million of the 28 million ash trees in the quarantined area. Overall, the emerald ash borer, an invasive species that is causing similar devastation in Ontario and Ohio, threatens as many as 700 million trees in our state; and

Whereas, Ash trees are very important to the ecology of our state. They are also used for many products in several sectors of the economy. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan; and

Whereas, The Governor is working to secure quick help from the federal government to deal with this swiftly escalating problem. Michigan badly needs technical and financial assistance in the face of this emergency. The state has taken decisive actions to deal with this invasive species, but the magnitude of the problem and the immediacy of the issue make it clear that we need the swift assistance of Congress and the United States Department of Agriculture; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States and the United States Department of Agriculture to provide assistance, including financial assistance, in the effort to deal with the infestation of the emerald ash borer; 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.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Brater and Thomas

Nays: None

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Agriculture, Forestry and Tourism reported

**Senate Concurrent Resolution No. 16.**

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture to provide assistance in the effort to deal with the infestation of the emerald ash borer.

(For text of resolution, see Senate Journal No. 33, p. 377.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture to provide assistance in the effort to deal with the infestation of the emerald ash borer.

Whereas, With alarming swiftness, the emerald ash borer, an aggressive Asian insect, is threatening virtually all of the ash trees in this state and region. In spite of a quarantine in 6 southeastern Michigan counties, this beetle has killed 5 million of the 28 million ash trees in the quarantined area. Overall, the emerald ash borer, an invasive species that is causing similar devastation in Ontario and Ohio, threatens as many as 700 million trees in our state; and

Whereas, Ash trees are very important to the ecology of our state. They are also used for many products in several sectors of the economy. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan; and

Whereas, The Governor is working to secure quick help from the federal government to deal with this swiftly escalating problem. Michigan badly needs technical and financial assistance in the face of this emergency. The state has taken decisive actions to deal with this invasive species, but the magnitude of the problem and the immediacy of the issue make it clear that we need the swift assistance of Congress and the United States Department of Agriculture; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States and the United States Department of Agriculture to provide assistance, including financial assistance, in the effort to deal with the infestation of the emerald ash borer; 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.

Gerald Van Woerkom  
Chairperson

To Report Out:

Yeas: Senators Van Woerkom, Gilbert, Brater and Thomas

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, April 3, 2003, at 9:00 a.m., Room 110, Farnum Building

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

The Committee on Technology and Energy reported

**Senate Resolution No. 17.**

A resolution to memorialize the President and Congress of the United States to pursue and support fuel cell research projects in Michigan.

(For text of resolution, see Senate Journal No. 17, p. 183.)  
With the recommendation that the resolution be adopted.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Toy, Birkholz, Cassis, Olshove and Bernero  
Nays: None  
The resolution was placed on the order of Resolutions.

The Committee on Technology and Energy reported

**Senate Concurrent Resolution No. 14.**

A concurrent resolution to memorialize the President and Congress of the United States to pursue and support fuel cell research projects in Michigan.

(For text of resolution, see Senate Journal No. 28, p. 324.)

With the recommendation that the concurrent resolution be adopted.

Bruce Patterson  
Chairperson

To Report Out:

Yeas: Senators Patterson, Toy, Birkholz, Cassis, Olshove and Bernero  
Nays: None  
The concurrent resolution was placed on the order of Resolutions.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, April 2, 2003, at 3:00 p.m., Room 210, Farnum Building  
Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove and Bernero  
Excused: Senator Leland

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, April 2, 2003, at 1:00 p.m., Room 110, Farnum Building  
Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, April 2, 2003, at 1:00 p.m., Room 100, Farnum Building  
Present: Senators Toy (C), Stamas, Gilbert, Clark-Coleman and Olshove

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, April 3, 2003, at 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Johnson (C), George, Cropsey, Goschka, Prusi, Cherry and Clarke  
Excused: Senator Hardiman

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Thursday, April 3, 2003, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Brown (C), Jelinek and Barcia

## COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, April 3, 2003, at 2:00 p.m., Room 210, Farnum Building

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

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, April 24, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Tuesday, April 29, Wednesday, April 30, and Thursday, May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittees -**

**Agriculture** - Thursday, April 24, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

**Commerce, Labor and Economic Development** - Thursday, April 24, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

**Community Health Department** - Thursday, April 24, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower); and Tuesdays, May 6 and May 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7946)

**K-12, School Aid, Education** - Wednesday, April 23, 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Thursday, May 1, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-6960)

**Business Competitiveness Joint Select Committee (SCR 3)** - Monday, April 28, 2:00 p.m., Macomb Community College, John R. Dimitry Student Community Center, Room 137, 44575 Garfield Road, Clinton Township (373-7670)

**Education** - Thursday, April 24, 1:00 p.m., Room 210, Farnum Building (373-6920)

**Finance** - Wednesdays, April 23, 1:00 p.m., and April 30, 12:00 noon, Room 110, Farnum Building (373-1758)

**Natural Resources and Environmental Affairs and Natural Resources Department Appropriations Subcommittee** - Thursday, April 24, 11:30 a.m. or later immediately following session, Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3447)

**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 Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3447)

**Senior Citizens and Veterans Affairs** - Wednesday, April 23, 1:00 p.m., Room 100, Farnum Building (373-1707)

**Technology and Energy** - Wednesday, April 23, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:45 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, April 23, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate