

No. 91
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Friday, December 21, 2001.

11:45 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Bennett—absent
Bullard—absent
Byrum—absent
Cherry—absent
DeBeaussaert—present
DeGrow—absent
Dingell—absent
Dunaskiss—absent
Emerson—absent
Emmons—present
Garcia—absent
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—absent
Hart—absent
Hoffman—absent
Johnson—absent
Koivisto—absent
Leland—absent
McCotter—absent
McManus—absent
Miller—absent
Murphy—absent
North—present
Peters—present

Sanborn—present
Schuette—absent
Schwarz—absent
Scott—absent
Shugars—present
Sikkema—present
Smith—present
Steil—absent
Stille—present
Van Regenmorter—absent
Vaughn—absent
Young—absent

Senator Joanne G. Emmons of the 23rd District offered the following invocation:

Dear Lord, we thank You, "For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The Mighty God, The Everlasting Father, The Prince of Peace."

Of all times in this world we need the Prince of Peace. When evil has fallen upon our largest city, and it falls upon all of us, and sometimes we are even a part of it, we need the Prince of Peace.

Holy Father, we thank You for Your indescribable gift, and we turn to You because only You can bring joy, love, and peace to our earth, and we thank You. We seek Your love, and may we spread Your love. In Jesus' name. Amen.

Motions and Communications

The following communications were received:
Department of State

Administrative Rules Notices of Filing

December 6, 2001

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 11:50 a.m. this date, administrative rule (01-12-01) for the Department of Environmental Quality, Surface Water Quality Division, entitled "*General Rules*," effective 7 days hereafter.

December 6, 2001

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 11:52 a.m. this date, administrative rule (01-12-02) for the Department of Environmental Quality, Surface Water Quality Division, entitled "*Water Resources Protection-Part 1. General Provisions*," effective 7 days hereafter.

December 6, 2001

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 11:54 a.m. this date, administrative rule (01-12-03) for the Department of Environmental Quality, Surface Water Quality Division, entitled "*Water Resources Protection-Part 2. Organization, Operations, Procedures, and Hearings*," effective 7 days hereafter.

December 12, 2001

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 (01-12-04) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 11. Recording and Reporting of Occupational Injuries*," effective on January 2, 2002.

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 Secretary announced that the following House bills were received in the Senate and filed on Friday, December 14:
House Bill Nos. 4824 4869 5206 5457 5458 5459 5467 5468 5482 5483

The Secretary announced the enrollment printing and presentation to the Governor on Friday, December 14, for his approval the following bill:

Enrolled Senate Bill No. 494 at 1:52 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 19, for his approval the following bills:

Enrolled Senate Bill No. 105 at 3:02 p.m.
Enrolled Senate Bill No. 106 at 3:04 p.m.
Enrolled Senate Bill No. 109 at 3:06 p.m.
Enrolled Senate Bill No. 331 at 3:08 p.m.
Enrolled Senate Bill No. 490 at 3:10 p.m.
Enrolled Senate Bill No. 502 at 3:12 p.m.
Enrolled Senate Bill No. 677 at 3:14 p.m.
Enrolled Senate Bill No. 819 at 3:16 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, December 13, of:

Senate Bill Nos.	930	931	932	933	934	935	936	937	938	939	940	941	942	943
	944	945	946	947	948	949	950	951	952	953				
House Bill Nos.	5484	5485	5486	5487	5488	5489	5490	5491	5492					

The Secretary announced the printing and placement in the members' files on Friday, December 14, of:

House Bill Nos.	5493	5494	5495	5496	5497	5498	5499	5500	5501	5502	5503	5504	5505	5506
	5507	5508	5509	5510	5511	5512	5513	5514	5515	5516	5517	5518	5519	5520

The Secretary announced the printing and placement in the members' files on Tuesday, December 18, of:

Senate Bill Nos.	927	928	929	954	955	956	957	958	959	960	961	962	963	964
	965	966	967	968	969	970	971	972	973	974	975	976	977	978
	979	980	981	982	983	984	985	986	987	988	989	990		

The Secretary announced the printing and placement in the members' files on Wednesday, December 19, of:

House Bill Nos.	5521	5522	5523	5524	5525	5526	5527	5528	5529	5530	5531	5532	5533	5534
	5535	5536	5537	5538	5539									

Messages from the Governor

The following messages from the Governor were received and read:

December 14, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Michigan Employment Security Board of Review

Mr. Lester A. Owczarski, 5817 Glen Eagles Drive, Orchard Lake, Michigan 48323, county of Oakland, as a member representing employers, succeeding himself, for a term expiring on December 31, 2005.

Ms. Julie Ann Petrik, 13156 Winchester Avenue, Huntington Woods, Michigan 48070, county of Oakland, as a member representing employees, succeeding herself, for a term expiring on December 31, 2005.

December 14, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

Commission on Spanish-Speaking Affairs

Ms. Emily Martinez, 386 S. Monroe Street, Blissfield, Michigan 49228, county of Lenawee, as a member representing the general public, succeeding herself, for a term expiring on December 10, 2004.

Mr. Manuel Alfonso, 701 Sheffield Road, Auburn Hills, Michigan 48326, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on December 10, 2004.

Ms. Anna M. Rodriguez, 36257 Hammer Lane, Livonia, Michigan 48152, county of Wayne, as a member representing the general public, succeeding Mr. David Esparza of Detroit, whose term has expired, for a term expiring on December 10, 2003.

Mr. Carlos A. Hidalgo, 3332 Falcon Ridge Drive, Grand Rapids, Michigan 49525, county of Kent, as a member representing the general public, succeeding Mr. Jorge L. Cedeno of Grand Rapids, whose term has expired, for a term expiring on December 10, 2003.

Mr. Johnny M. Morales, 6800 Williams Road, Lansing, Michigan 48911, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on December 10, 2004.

Mr. Randall S. Fernandez, 3968 Jack Pine Lane, Port Huron, Michigan 48060, county of St. Clair, as a member representing the general public, succeeding himself, for a term expiring on December 10, 2004.

Mr. John D. Sanchez, 4915 S. Airport Road, Bridgeport, Michigan 48722, county of Saginaw, as a member representing the general public, succeeding Ms. Carmen Munoz of Northville, who has resigned, for a term expiring on December 10, 2004.

December 19, 2001

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Board of State Canvassers

Mr. Timothy R. Ward, 4436 Satinwood Drive, Okemos, Michigan 48864, county of Ingham, as a member representing Republicans, succeeding Mr. Alan L. Cropsey of DeWitt, who has resigned, for a term expiring on February 1, 2003.

December 20, 2001

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Commission of Agriculture

Mr. James E. Maitland, 4448 Maitland Road, Williamsburg, Michigan 49690, county of Grand Traverse, as a member representing Republicans, succeeding himself, for a term expiring on December 31, 2005.

December 20, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointment to office:

Michigan Asparagus Advisory Board

Ms. Bernice H. Shafer, 8560 120th Avenue, Hart, Michigan 49420, county of Oceana, as a member representing growers from the Central-Northern Region, succeeding herself, for a term expiring on November 13, 2004.

Mr. Mark C. Trommater, 547 E. Tyler Road, Hart, Michigan 49420, county of Oceana, as a member representing growers from the Central-Northern Region, succeeding Mr. Donald W. Walsworth of Mears, whose term has expired, for a term expiring on November 13, 2004.

December 20, 2001

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

State Boundary Commission

Mr. Jeffrey A. Ishbia, 1106 Charrington, Bloomfield Hills, Michigan 48301, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on November 15, 2004.

December 20, 2001

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Michigan Education Trust Board of Directors

Mr. Taylor C. Segue III, 1411 Joliet Place, Detroit, Michigan 48207, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on December 31, 2004.

December 20, 2001

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Natural Resources Commission

Mr. Keith J. Charters, 126 Spring Hill Road, Traverse City, Michigan 49684, county of Grand Traverse, as a member representing Republicans, succeeding himself, for a term expiring on December 31, 2005, and as Chair, for a term expiring at the pleasure of the Governor.

December 20, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Michigan Potato Industry Commission

Ms. Laurie Ann Jecha-Beard, 26W191 Klein Creek Drive, Unit D, Winfield, Illinois 60190, as a member representing processors, succeeding herself, for a term expiring on July 1, 2004.

Mr. Dale E. Johnson, W9662 M-69, Sagola, Michigan 49881, county of Dickinson, as a member representing growers from District 1, succeeding himself, for a term expiring on July 1, 2004.

Mr. Stephen C. Crooks, 2534 W. McBrides Road, Stanton, Michigan 48888, county of Montcalm, as a member representing growers at large, succeeding himself, for a term expiring on July 1, 2004.

Mr. Tim L. Young, 12950 Lake Montcalm, Coral, Michigan 49322, county of Montcalm, as a member representing growers at large, succeeding himself, for a term expiring on July 1, 2004.

December 20, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

State Transportation Commission

Ms. Betty Jean Awrey, 49420 Commons Boulevard, Plymouth Township, Michigan 48170, county of Wayne, as a member representing Independents, succeeding herself, for a term expiring on December 21, 2004.

Mr. John W. Garside, 4764 East Gull Lake Drive, Hickory Corners, Michigan 49060, county of Kalamazoo, as a member representing Republicans, succeeding himself, for a term expiring on December 21, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Recess

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

The motion prevailed, the time being 11:49 a.m.

11:59 a.m.

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

Messages from the House

The following message was received and read:

December 21, 2001

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

The hour of 12:00 noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the President, Lieutenant Governor Posthumus, declared the Senate adjourned without day.

CAROL MOREY VIVENTI
Secretary of the Senate.

